CHAPTER 1

CODE OF ORDINANCES

1.01 Title. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Woodward, Iowa, 2006.

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 Woodward, Iowa.

3. "Clerk" means the city clerk of Woodward, 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).


7. “County” means Dallas 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“Ordinances” means the ordinances of the City of Woodward, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.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])
CHAPTER 2

CHARTER

2.01 Title. This chapter may be cited as the charter of the City of Woodward, Iowa.

2.02 Form of Government. The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.03 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.

2.04 Number and Term of Council. The Council consists of five Council Members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 376.2)

2.05 Term of Mayor. The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 376.2)

2.06 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. 136 adopting a charter for the City was passed and approved by the Council on May 16, 1973.
CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 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])

3.02 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.

3.03 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.

3.04 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
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.


3.05 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])

3.06 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])
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 Woodward 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)
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 twenty-five hundred dollars ($2500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[11])

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.
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.

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.

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:

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.

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

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)
CHAPTER 6

CITY ELECTIONS

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 (10) 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))
CHAPTER 7

FISCAL MANAGEMENT

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 in the amount of twenty-five dollars ($25.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payments the 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 notify the Council of this fact.

   (Code of Iowa, Sec. 384.21, 12B.10, 12C.1)
4. Change Fund. The finance officer is authorized to draw a warrant/check on the Utility Fund for establishing a change fund in the amount of one hundred dollars ($100.00) for the purpose of making change without commingling other funds to meet the requirements of the office. Said change fund shall be in the custody of the finance officer, who shall maintain the integrity of the fund. (Ord. 09-341 – Mar. 10 Supp.)

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. Two signatures are required on all City checks. Checks shall be prenumbered and signed by the Clerk and another person authorized by the Council, following Council approval, except as provided by subsection 5 hereof.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program 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)

[The next page is 45]
CHAPTER 8
INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers.

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.

2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

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

4. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

8.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers is eligible to receive a partial exemption from taxation for a period of five (5) years.

(Code of Iowa, Sec. 427B.3)

8.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

(Code of Iowa, Sec. 427B.3)

1. For the first year, seventy-five percent (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%)

8.05 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

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8.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.

2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

8.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty (30) days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

8.08 EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

8.09 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.
CHAPTER 9

URBAN REVITALIZATION

<table>
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<th>ORDINANCE NO.</th>
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<th>NAME OF AREA</th>
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<tr>
<td>06-321</td>
<td>May 8, 2006</td>
<td>Woodward Tornado Revitalization Area</td>
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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.
CHAPTER 10

URBAN RENEWAL

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<tr>
<td>11-353</td>
<td>November 14, 2011</td>
<td>Woodward Urban Renewal Area</td>
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CHAPTER 15

MAYOR

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

15.04 COMPENSATION. The salary of the Mayor is two hundred dollars ($200.00) per month.
15.05 VOTING. The Mayor is not a member of the Council and shall not vote as a member of the Council.
CHAPTER 16

MAYOR PRO TEM

16.01 VICE PRESIDENT OF COUNCIL. The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as 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])
CHAPTER 17

COUNCIL

17.01  NUMBER AND TERM OF COUNCIL.  The Council consists of five Council members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 372.4 & 376.2)

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 approved by the Council.
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 time and place of the regular meetings of the Council shall be fixed by resolution of the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.

(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])


(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. Planning and Zoning Commission

4. Zoning Board of Adjustment

5. Zoning Administrator
17.06 COMPENSATION. The salary of each Council member is forty dollars ($40.00) for each meeting of the Council attended.

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

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CHAPTER 18

CITY CLERK

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])

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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, except that ordinances and amendments may be published by posting in the following places:

   A. J. Grocery

   Woodward Public Library

   Woodward Post Office

   Woodward City Hall

   The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

   *(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.
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.
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. The City seal is circular in form, in the center of which are the words “CORPORATE SEAL” and around the margin of which are the words “CITY OF WOODWARD, IOWA.”
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.

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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.
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

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

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])
CHAPTER 21

LIBRARY BOARD OF TRUSTEES

21.01  Public Library

21.02  Library Trustees

21.03  Qualifications of Trustees

21.04  Organization of the Board

21.05  Powers and Duties

21.06  Contracting with Other Libraries

21.07  Nonresident Use

21.08  Expenditures

21.09  Annual Report

21.10  Injury to Books or Property

21.11  Theft

21.12  Notice Posted

21.01  PUBLIC LIBRARY.  The public library for the City is known as the Woodward 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 five resident members and two nonresident members.  All resident members are to be appointed by the Mayor with the approval of the Council.  The nonresident members are to be appointed by the Mayor with the approval of the County Board of Supervisors.

21.03  QUALIFICATIONS OF TRUSTEES.  All resident members of the Board shall be bona fide citizens and residents of the City.  The nonresident members of the Board shall be bona fide citizens, one a resident of Des Moines Township and the other a resident from Beaver Township.  Members shall be over the age of eighteen (18) years.

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 resident Trustee shall be vacated if such member moves permanently from the City.  The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City.  The position of any Trustee 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 or County. 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 by action against the Council.

(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)
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 seven 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)
CHAPTER 30

POLICE DEPARTMENT

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

(Code of Iowa, Sec. 28E.30)
CHAPTER 35

FIRE PROTECTION AGREEMENT

35.01 FIRE PROTECTION AGREEMENT. Fire protection service for the City is provided in accordance with a 28E Agreement entered into on May 2, 1978, by and between the City Council for the City of Woodward; the Board of Trustees of Beaver Township, Dallas County, Iowa; the Board of Trustees of Des Moines Township, Dallas County, Iowa; the Board of Trustees of Peoples Township, Boone County, Iowa; and the Board of Trustees of Cass Township, Boone County, Iowa.
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, telegram, 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)*
CHAPTER 41

PUBLIC HEALTH AND SAFETY

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, paintballs, 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. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon
application in writing, grant a permit for the display of fireworks by a City agency, fair
associations, amusement parks and other organizations or groups of individuals
approved by City authorities when such fireworks display will be handled by a
competent operator. No permit shall be granted hereunder unless the operator or
sponsoring organization has filed with the City evidence of insurance in the following
amounts:

A. Personal Injury: ............................... $250,000 per person.

B. Property Damage: .......................... $50,000

C. Total Exposure: ............................... $1,000,000

(Code of Iowa, Sec. 727.2)

3. 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 theatre, 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.

(Code of Iowa, Sec. 727.2)

41.13 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

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 knowinglly 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.
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.
None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

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

42.02 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy 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 43

SEX OFFENDERS

43.01 Purpose. The purpose of this chapter is to provide for the safety and well being of all citizens of Woodward.

43.02 Definitions. For use in this chapter, the following terms are defined:

1. “Library” means a room or building owned by the City where a collection of books, periodicals, musical scores and similar materials are kept for reading or reference.

2. “Park” means any area of land owned by the City or any other governmental entity set apart for the recreation of the public.

3. “Playground” means any area of land owned by the City or any other governmental entity used for outdoor games and recreation.

4. “Pool” means any area of land owned by the City or any other governmental entity used for indoor or outdoor recreation.

5. “Recreational trail” means any area of land owned by the City or any other governmental entity set apart for the recreation of the public.

6. “School” means any room or building designated as a school or learning facility located in the City.

7. “Sex offender” means a person who has been convicted of a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor as set out in Chapter 692A of the Code of Iowa.
43.03 RESIDENCY RESTRICTED. A sex offender shall not reside within two thousand feet (2000') of the real property comprising a school, library, park, playground, pool or recreational trail.

43.04 EXCEPTIONS. A sex offender residing within two thousand feet (2000') of the real property comprising a school, library, park, playground, pool or recreational trail does not commit a violation of this chapter if any of the following apply:

1. The sex offender is required to serve at a jail, prison, juvenile facility or other correctional institution or facility;

2. The sex offender is subject to an order of commitment under Chapter 229A of the Code of Iowa;

3. The sex offender has established a residence prior to the effective date of the ordinance codified by this chapter (December 19, 2005); or

4. The sex offender is a minor or a ward under guardianship.

43.05 MUNICIPAL INFRACTION. A sex offender who resides within two thousand feet (2000') of the real property comprising a school, library, park, playground, pool or recreational trail commits a Municipal Infraction, subject to penalty as set out in Chapter 3 of this Code of Ordinances.
CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

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

The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:

A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.

B. "Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

C. "Minor" means any unemancipated person under the age of eighteen (18) years.

D. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed...
by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person’s parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

E. “Public place” includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

F. “Responsible adult” means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 11:00 p.m. and 5:00 a.m. of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of 12:00 p.m. and 5:00 a.m. on Friday and Saturday.

3. Exceptions. The following are exceptions to the curfew:

A. The minor is accompanied by a responsible adult.

B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

C. The minor is present at or is traveling between home and one of the following:
(1) Minor’s place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;

(2) Minor’s place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;

(3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;

(4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;

(5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.

D. The minor is on an emergency errand for a responsible adult;

E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.

4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor’s presence falls within one of the above exceptions.

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver’s license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.
B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person’s own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor’s parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult’s First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

B. Responsible Adult’s Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.
C. Minor’s First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer’s discretion, may issue the minor a citation for a first violation.

D. Minor’s Second Violation. For the minor’s second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

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)

46.04 MINORS IN TAVERNS. It is unlawful for any person under legal age to enter, remain in or frequent a business establishment holding a retail liquor or beer permit unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. The provisions of this section do not apply to premises having a Class “C” beer permit.

46.05 MINORS IN BILLIARD ROOMS. It is unlawful for any person who keeps a billiard hall where beer, liquor or wine is sold, or the agent, clerk or employee of any such person, or any person having charge or control of any such hall, to permit any minor to remain in such hall or to take part in any of the games known as billiards or pool.
CHAPTER 47

PARK REGULATIONS

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 10:30 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.
CHAPTER 48

HIGH TRESTLE TRAIL REGULATIONS

48.01 Purpose  48.08 Prohibited Areas
48.02 Scope of Use  48.09 Soliciting and Peddling
48.03 Safety  48.10 Minors and Curfew
48.04 Domestic Animals  48.11 Bicycle Defined
48.05 Animal Waste  48.12 Motorized Vehicles Forbidden
48.06 Trash Disposal  48.13 Law Enforcement
48.07 Removal of Flowers, Plants, and Vegetation  48.14 Emergency Powers

48.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of the High Trestle Trail by the general public by establishing rules and regulations governing the use of the trail and its facilities.

48.02 SCOPE OF USE. It is intended that the trail be used by people, equines (the rocked portion or grass adjacent to the paved trail), and domesticated (non-wild) pets. People may use the trail for bicycle, roller skate, roller blade, running, jogging or walking purposes. The equine trail may be used by equestrians and people walking domestic animals.

48.03 SAFETY. All persons using any portion of the High Trestle Trail or associated trailhead parks must do so in a safe manner with regard for the safety of themselves and others. All informational signage, trail use courtesy signs, and traffic control devices need to be adhered to as well.

48.04 DOMESTIC ANIMALS. No person shall allow any domestic or privately owned animal to run at large on the trail or within trailhead parks. Every such animal shall be deemed as running at large unless such animal is carried, under the control of a leash or chain not longer than six (6) feet in length, or kept confined in or attached to a bicycle or wagon. Horses shall not be ridden on the paved portion of the trail. No horse or other animal shall be hitched or tied to any tree or shrub, or any other object, in such a manner which could result in any damage to any trail property whatsoever.
48.05 ANIMAL WASTE. Animal waste must be removed from the trail pavement. It may be left on the non-paved trail right-of-way including the rocked horse path. It shall not be disposed of in any body of water along the trail.

48.06 TRASH DISPOSAL. Trash shall not be left on the trail, trail right-of-way, or trailhead parks. Food wrappers, beverage bottles, and all other man-made containers must be properly disposed of in recycling containers or trash receptacles (as may be the case) based on availability.

48.07 REMOVAL OF FLOWERS, PLANTS, AND VEGETATION. No person shall in any manner remove, destroy, injure or deface any tree, shrub, plant, or flower or disturb any natural attraction.

48.08 PROHIBITED AREAS. No person shall use or enter upon any portion of the trail or trailhead park in disregard of official signs, gates or barriers forbidding the same except by permission of the City Council, its custodian, or a designated representative.

48.09 SOLICITING AND PEDDLING. Peddling, soliciting, or commercial sales of any kind is prohibited on or along the trail or in the trailhead park without the official permission of the City of Woodward.

48.10 MINORS AND CURFEW. No minor, as defined by Chapter 46 “MINORS,” subsection .01 “CURFEW” subsection (1) “Definitions” of this code shall be allowed to be on the trail or in the trailhead park during the specified times from 11:00 p.m. and 5:00 a.m. of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of 12:00 a.m. and 5:00 a.m. on Friday and Saturday. The exceptions to this subsection are specified in Chapter 46 “MINORS,” subsection .01 “CURFEW,” subsection (3) “Exceptions.”

48.11 BICYCLE DEFINED. The generally accepted definition of what is deemed to be a “bicycle” shall be the definition provided in the Iowa Code and any amendments thereto:

“Bicycle means either of the following:

(1) A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
(2) A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horse power), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.”

48.12 MOTORIZED VEHICLES FORBIDDEN. No motorized vehicles shall be operated on the trail, trail right-of-way, or in the trailhead parks within the City limits of Woodward except within the circumstances listed below:

1. The vehicle is being operated in said forbidden areas for the purposes of construction, inspection, maintenance or cleanup by an operator duly authorized by the City of Woodward, its custodian, or a designated representative.

2. The device is a manually operated or power driven wheelchair as defined in ADA Part 35 (Title II) USC, which would make such a device allowable on the trail.

3. The vehicle is an “other power driven device” that is being used by an individual with a mobility disability and that meets the following criteria:

   A. The vehicle is 50 inches wide or less.

   B. The vehicle is not capable of operating at a speed of greater than 20 miles an hour.

   C. The vehicle weighs less than 700 pounds - including the fuel and fluids.

   D. An “other power driven device” may not carry passengers who do not require the use of a mobility device.

48.13 LAW ENFORCEMENT. The Woodward Police Department, the Dallas County Sheriffs Department, and Dallas County Conservation (in strictly authorized collaboration with the Woodward Police Department) may issue citations and fines for violation of the regulations stipulated within this chapter, or if in violation of any other City, County or State regulation or law. Said law enforcement officers also reserve the right to require suspected violators to leave any trail property.

48.14 EMERGENCY POWERS. The City of Woodward shall reserve the right to enact at its discretion whatever emergency rules and/or regulations necessary to ensure the safe and
efficient utilization of the trail, trail right-of-way and trailhead parks in times of emergency or natural disaster.

(Ch. 48 – Ord. 11-350 – Mar. 12 Supp.)
CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance

50.02 Nuisances Enumerated

50.03 Other Conditions

50.04 Nuisances Prohibited

50.05 Nuisance Abatement

50.06 Notice to Abate: Contents

50.07 Method of Service

50.08 Request for Hearing

50.09 Abatement in Emergency

50.10 Abatement by City

50.11 Collection of Costs

50.12 Installment Payment of Cost of Abatement

50.13 Failure to Abate

50.01 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 or noisome substance to be collected or to remain in any place to the prejudice of others.

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.
CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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. Storage and Disposal of Solid Waste (See Chapter 105)

3. Trees (See Chapter 151)

4. Property Maintenance Code (See Chapter 155)

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.

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.
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 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.

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CHAPTER 51

JUNK AND JUNK VEHICLES

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 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions

55.02 Animal Neglect

55.03 Livestock Neglect

55.04 Abandonment of Cats and Dogs

55.05 Livestock

55.06 At Large Prohibited

55.07 Damage or Interference

55.08 Annoyance or Disturbance

55.09 Vicious Dogs

55.10 Rabies Vaccination

55.11 Owner’s Duty

55.12 Confinement

55.13 At Large: Impoundment

55.14 Impounding Costs

55.15 Pet Awards Prohibited

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

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

2. “Animal” means a nonhuman vertebrate.

   (Code of Iowa, Sec. 717B.1)

3. “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.

4. “Business” means any enterprise relating to any of the following:

   A. The sale or offer for sale of goods or services.

   B. A recruitment for employment or membership in an organization.

   C. A solicitation to make an investment.

   D. An amusement or entertainment activity.
5. “Fair” means any of the following:

A. 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.

B. An exhibition of agricultural or manufactured products.

C. An event for operation of amusement rides or devices or concession booths.

6. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.

7. “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)

8. “Owner” means any person owning, keeping, sheltering or harboring an animal.

9. “Pet” means a living 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.

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 by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

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 facility 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 IMPOUNDING COSTS. Impounding costs are $25.00 for impoundment fee plus boarding costs as established by the impoundment facility.

(Code of Iowa, Sec. 351.37)

55.15 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. 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.

2. 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.
CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Woodward Traffic Code."

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including the following designated streets:

   A. First Street from Main Street to Cedar Avenue.

   B. Second Street from the alley between Walnut Avenue and Maple Avenue to Cedar Avenue.

   C. Third Street from the alley between Walnut Avenue and Maple Avenue to Cedar Avenue.

   D. Cedar Avenue from First Street to Third Street.

   E. Main Street from First Street to Third Street.

   F. Walnut Avenue from First Street to Third Street.
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 Chief.
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. 372.13[4])

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 Mayor or Police Chief. 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.
CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation. The Police Chief 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 Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

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


61.03 Traffic Lanes. The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of 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. 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

62.07 Open Containers in Motor Vehicles

62.08 Obstructing View at Intersections

62.09 Reckless Driving

62.10 Careless Driving

62.11 Milling

62.06 Tampering with Vehicle

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.


5. Section 321.79 – Intent to injure.

6. Section 321.91 – Penalty for abandonment.

7. Section 321.98 – Operation without registration.


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.


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.


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.
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.


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.


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.


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.


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.


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.


145. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Police Chief shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences...
are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

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

62.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person 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 MILLING. It is unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.
CHAPTER 63

SPEED REGULATIONS

63.01 General
63.02 State Code Speed Limits
63.03 Parks, Cemeteries and Parking Lots
63.04 Special Speed Zones
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 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

63.04 SPECIAL SPEED ZONES. 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 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.
   
   A. South Main Street from Third Street to Ninth Street.
   
   B. North Main Street from North Third Street to First Street.

2. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. North Third Street from west of North Cherry Avenue to the west City limits.
   
   B. S Avenue from West Ninth Street northerly 4,025 feet to the intersection with North Third Street.

3. Special 40 MPH Speed Zones. A speed in excess of forty (40) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. North Main Street from North Third Street to the north City limits.

4. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. South Main Street from Ninth Street to just south of the Casey’s General Store.

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)
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CHAPTER 64

TURNING REGULATIONS

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 Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified 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, however, U-turns are prohibited within the business district, at the following designated intersections and at intersections where there are automatic traffic signals.

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

1. At the intersection of South Main Street and Second Street.
2. At the intersection of South Main Street and Third Street.
CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets – Stop

65.02 Stop Required

65.03 Four-Way Stop Intersections

65.04 Yield Required

65.05 School Stops

65.06 Stop Before Crossing Sidewalk

65.07 Stop When Traffic Is Obstructed

65.08 Yield to Pedestrians in Crosswalks

65.09 Official Traffic Controls

65.01 THROUGH STREETS – STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. Main Street (Iowa Highway 210) from the south corporate limits to the north corporate limits.

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

(Code of Iowa, Sec. 321.345)

1. Cherry Avenue. Vehicles traveling on Cherry Avenue shall stop at North Third Street, Second Street, Fourth Street, Fifth Street and Ninth Street.

2. Elm Avenue. Vehicles traveling south on Elm Avenue shall stop at Third Street.

3. Maple Avenue. Vehicles traveling on Maple Avenue shall stop at North Third Street, North Second Street, West Fifth Street, West Ninth Street, West Second Street, West Third Street and West Fourth Street.

4. Walnut Avenue. Vehicles traveling on Walnut Avenue shall stop at North Third Street, North Second Street, West Third Street, West Fifth Street, West Ninth Street and West Second Street.
5. Cedar Avenue. Vehicles traveling on Cedar Avenue shall stop at First Street, Second Street and Ninth Street.

6. Birch Avenue. Vehicles traveling on Birch Avenue shall stop at First Street and Second Street.

7. Oak Avenue. Vehicles traveling on Oak Avenue shall stop at Second Street.

8. Locust Avenue. Vehicles traveling on Locust Avenue shall stop at Second Street.


10. Third Street. Vehicles traveling on Third Street shall stop at Birch Avenue and Maple Avenue.

11. Eighth Street. Vehicles traveling on Eighth Street shall stop at Cedar Avenue, Maple Avenue, Walnut Avenue and Cherry Avenue.

12. West Fifth Street. Vehicles traveling on West Fifth Street shall stop at Cherry Avenue and County Road “S”.

13. West Fourth Street. Vehicles traveling on West Fourth Street shall stop at Maple Avenue and Walnut Avenue.

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

*(Code of Iowa, Sec. 321.345)*

- NONE -

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

*(Code of Iowa, Sec. 321.345)*
1. Alley between Second and Third Streets. Vehicles traveling on the alley between Second and Third Streets shall yield at Second Street and Third Street.

2. Third Street. Vehicles traveling on Third Street shall yield at Cedar Avenue.

3. Fourth Street. Vehicles traveling east on Fourth Street shall yield at Cedar Avenue and Birch Avenue.

4. Fifth Street. Vehicles traveling on Fifth Street shall yield at Cedar Avenue.

5. Sixth Street. Vehicles traveling on Sixth Street shall yield at Maple Avenue, Walnut Avenue and Cedar Avenue.

6. Sixth Street. Vehicles traveling west on Sixth Street shall yield at Cherry Avenue.

7. Seventh Street. Vehicles traveling on Seventh Street shall yield at Maple Avenue, Walnut Avenue and Cedar Avenue.

8. Seventh Street. Vehicles traveling west on Seventh Street shall yield at Cherry Avenue.

9. Eighth Street. Vehicles traveling on Eighth Street shall yield at Maple Avenue.


13. Elm Avenue. Vehicles traveling on Elm Avenue shall yield at West Fourth Street.

14. Elm Avenue. Vehicles traveling on Elm Avenue shall yield at West Fifth Street.
65.05 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. Intersection of Third Street and Main Street.

65.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.07 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

65.08 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

65.09 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

- NONE -
CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

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)

- NONE -

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)
[The next page is 345]
CHAPTER 67

PEDESTRIANS

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.
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. Pine Avenue shall be northbound only from West Third Street to West Second Street.

2. West Third Street shall be eastbound only from Elm Avenue to Pine Avenue.

3. East Third Street, also known as Hawk Drive, shall be eastbound only from Birch Avenue to Oak Avenue.

4. Oak Avenue shall be northbound only from East Third Street, also known as Hawk Drive, to East Second Street.

(#3-4 Added by Ord. 07-327 – Aug. 07 Supp.)
# PARKING REGULATIONS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>69.01</td>
<td>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.</td>
</tr>
<tr>
<td>69.02</td>
<td>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.</td>
</tr>
<tr>
<td>69.03</td>
<td>ANGLE PARKING. 1. Angle parking only shall be permitted in the locations specifically designated in this section at a forty-five (45) degree angle:</td>
</tr>
<tr>
<td></td>
<td>A. Fifth Street. Fifth Street, on the north side, from the east line of Main Street to the west line of the alley running parallel with Main Street.</td>
</tr>
</tbody>
</table>

(Code of Iowa, Sec. 321.361)
B. Cherry Street. Cherry Street, on the east side, from the north line of West Eighth Street to a point one hundred (100) feet north of the north line of West Eighth Street.

C. Walnut Street. Walnut Street, on the east side of Walnut, from the north line of West Fifth Street to a point one hundred and fifty (150) feet north of the north line of West Fifth Street.

D. Fifth Street. Fifth Street, on the north side, from the east line of Walnut Street to the west line of the alley running parallel with Walnut Street.

E. Fifth Street. Fifth Street, on the north side, from the east line of Maple Street to the west line of the alley running parallel with Maple Street.

F. Maple Street. Maple Street, on the east side, from the north line of Fifth Street to a point one hundred (100) feet north of the north line of Fifth Street.

G. West Fifth Street. West Fifth Street, on the south side, from a point fourteen (14) feet west of the west line of Elm Street to a point two hundred and twenty (220) feet west of the east line of Elm Street.

H. Hawk Drive. Hawk Drive, on the north side, from the west line of Main Street to the east line of the alley running parallel with Main Street.

I. Walnut Street. Walnut Street, on the west side, from the north line of Fourth Street north to a point one hundred and thirty (130) feet north of the north line of Fourth Street.

J. Hawk Drive. Hawk Drive, on the south side, from the east line of Main Street to the west line of the alley running parallel with Main Street.

2. Angle Parking—Restrictions. Where angle parking is permitted it shall be lawful to park vehicles which do not exceed twenty (20) feet in length within the parallel lines hereinafter required, provided, however, that the wheel of such vehicle closest to the curb shall stand within eight (8) inches thereof.

3. Erection of Signs. The Streets Department shall mark the permitted angle parking zones designated herein at each extremity thereof with signs with the words
“Angle Parking” thereon. The Streets Department shall also paint parallel lines upon the paved portion of the roadway in said zones at a minimum distance of eight (8) feet and a maximum distance of ten (10) feet from each other at the angles designated herein.

(Ord. 06-323 – Aug. 07 Supp.)

69.04 ANGLE PARKING – MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours, 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.

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

4. Sidewalks. On or across a sidewalk.

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

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

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

6. Intersection. Within an intersection 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.

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. North Second Street, on the north side, from North Maple Avenue to North Cherry Avenue.

2. East Third Street, on the north side, east of Locust Avenue.

3. East Fourth Street, on the north side, east of Locust Avenue.

4. East Fifth Street, on the north side, east of Locust Avenue.

5. East Second Street, on both sides, from Cedar Avenue to Oak Avenue.

6. Pine Avenue, on the east side, from West Second Street to West Third Street, with the exception of school buses.

7. West Third Street, on the south side, from Maple Avenue to school property.

8. Maple Avenue, on the west side, from Second Street to Third Street.

9. West Third Street, on the north side, at the school property line and continuing east approximately 72 feet.

10. East Third Street, on the north side, from Birch Avenue to Oak Avenue.

11. East Second Street, on the south side, along the north side of McColls Park.

12. West Third Street, on both sides, from Elm Street to the alley west of Elm Street.

(#11-12 Added by Ord. 07-328 – Aug. 07 Supp.)
13. Locust Street, on the east side of Locust Street south of 407 East Third Street to the south end of Locust Street. *(Ord. 12-356 – Apr. 13 Supp.)*

69.09 TRUCK PARKING LIMITED. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the Woodward City limits, no person shall park or leave unattended a farm tractor, road tractor, truck tractor, trailer, trailer coach, farm machinery, implement of husbandry, motor truck, semi-trailer, or other motor vehicle with trailer attached in any public parking lot, City of Woodward owned property, or on any street or right-of-way. 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. The provisions of this section do not apply to pick-up, light delivery or panel delivery trucks.

*(Ord. 11-347 – Mar. 12 Supp.)*

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

69.10 PARKING LIMITED TO TWO HOURS. It is unlawful to park any vehicle for a continuous period of more than two hours between the hours of 8:00 a.m. and 6:00 p.m., on any day except Sunday, upon the following designated streets:

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

1. Main Street, from First Street to Third Street.

2. Second Street East, from South Main Street to the alley on the north side of the street.

69.11 PARKING LIMITED TO FIVE MINUTES. It is unlawful to park any vehicle for a continuous period of more than five minutes, on any day, upon the following designated streets:

1. South Main Street, on the west side in front of the post office, from Second Street to Third Street.

69.12 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.
69.13 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[1])

69.14 LOADING ZONE. It is unlawful for any person to park any vehicle except while loading and unloading in any special parking spaces designated by the Council for the loading and unloading of vehicles only.

(Code of Iowa, 321.236[12])
CHAPTER 70
TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or

2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

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 at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifty dollars ($50.00) for snow route parking violations and twenty-five dollars ($25.00) for all other 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 fine shall be grounds for the filing of a complaint in District Court.

(Ord. 10-334 – Mar. 10 Supp.)
(Code of Iowa, Sec. 321.236[1a] & 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.
4. Parked Over 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])
CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than eight hundred fifty (850) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321I.24 and 321I.25 of the Code of Iowa.

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

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.

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

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 shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

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

2. **Exceptions.** Snowmobiles may be operated on prohibited streets only under the following circumstances:

   A. **Emergencies.** Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

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

   B. **Direct Crossing.** Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

      (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

      (2) The snowmobile is brought to a complete stop before crossing the street;

      (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

      (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

   *(Code of Iowa, Sec. 321G.9[2])*
3. Railroad Right-of-way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the sport of driving ATVs.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if
necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking."

75.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or
snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars ($1000.00) 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)
CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations

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76.04 Two Abreast Limit

76.05 Bicycle Paths

76.06 Speed

76.07 Emerging from Alley or Driveway

76.08 Carrying Articles

76.09 Riding on Sidewalks

76.10 Towing

76.11 Improper Riding

76.12 Parking

76.13 Equipment Requirements

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.
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.
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.

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.

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.

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.
CHAPTER 77

GOLF CARTS

77.01 Purpose

The purpose of this chapter is to permit the operation of golf carts on the streets of the City as authorized by Section 321.247 of the Code of Iowa. This chapter applies whenever a golf cart is operated on any street or alley.

77.02 Operation of Golf Carts Permitted

Golf carts may be operated upon the streets of the City by persons possessing a valid driver’s license, except as prohibited in Section 77.03 of this chapter.

77.03 Prohibited Streets

Golf carts shall not be operated upon any City street which is a primary road extension through the City. However, golf carts may cross such a primary road extension.

77.04 Equipment

Golf carts operated upon City streets shall be equipped with a slow moving vehicle sign and a bicycle safety flag at all times during operation and shall be equipped with adequate brakes.

77.05 Hours

Golf carts may be operated on City streets only between sunrise and sunset.
CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:

A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.

B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.

C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.

E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the
2. “Demolisher” means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. “Police authority” means the Iowa state patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties’ last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or
CHAPTER 80

ABANDONED VEHICLES

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80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay ten dollars ($10.00) if claimed within five (5) days of impounding, plus five dollars ($5.00) for each additional 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])

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])
80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions  
90.02 Superintendent's Duties  
90.03 Mandatory Connections  
90.04 Abandoned Connections  
90.05 Permit  
90.06 Fee for Permit  
90.07 Compliance with Plumbing Code  
90.08 Plumber Required  
90.09 Excavations  
90.10 Tapping Mains  
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 Superintendent of the City water system 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.

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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 by the Superintendent, with the property owner responsible for all the cost for materials.

**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 FEE FOR PERMIT.**

*(Code of Iowa, Sec. 384.84)*
1. New Water Lines. Before any permit is issued, the person who makes the application shall pay three hundred dollars ($300.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the installation, and a two hundred dollar ($200.00) charge for activation of water service. The City will furnish the corporation stop and do the tapping of the main.

2. Repairs or Replacement of Existing Water Lines. Before any permit is issued, the person who makes the application shall pay fifty dollars ($50.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the installation.

(#1-2 Amended by Ord. 07-324 – Aug. 07 Supp.)

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 the State Plumbing Code.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber.

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. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least
eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

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.

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 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 in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. All inspections shall be made during regular working hours; otherwise, the contractor will be responsible for paying overtime wages for inspections during off hours. 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. 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 CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb 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 PETTY CASH FUND. The Superintendent shall be the custodian of a petty cash fund not to exceed fifty dollars ($50.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payment the Superintendent shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. When the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures. 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.
CHAPTER 91

WATER METERS

91.01  Purpose

91.02  Water Use Metered

91.03  Fire Sprinkler Systems – Exception

91.04  Location of Meters

91.05  Meter Setting

91.06  Meter Costs

91.07  Meter Repairs

91.08  Right of Entry

91.09  Accuracy Test

91.10  Meter Replacement

91.11  Separate Meter for Outside Watering

91.12  Inoperative Meters

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 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 inlet side of the meter and a check 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 the water meter shall be paid to the City by the property owner or customer prior to the installation of the 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 ACCURACY TEST. The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing. Such request shall be accompanied by a refundable deposit of twenty-five dollars ($25.00) guaranteeing payment of costs if found due. If the meter is found to overrun to the extent of two percent (2%) or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than twenty-four (24) months, plus the meter test deposit. If the meter is found to be accurate or slow, or less than two percent (2%) fast, the customer deposit shall be forfeited as the reasonable costs of the test, and the customer shall be liable for any deficiency over two percent (2%) up to twenty-four (24) months.

91.10 METER REPLACEMENT. At the sole discretion of the City, any existing water meter may be removed and replaced by the Superintendent with a new or reconditioned meter. If, at the time of such replacement, the valves required by Section 91.05 are not in place and operable, such valves shall be installed at the expense of the property owner.

91.11 SEPARATE METER FOR OUTSIDE WATERING. A customer may purchase an additional water meter from the City for the purpose of measuring water used for outside watering that does go into the sanitary sewer system. The customer shall be responsible for the installation and maintenance of the meter and must bring the meter to City Hall on or before October 15 of each year for reading to receive credit for sewer service charges.

91.12 INOPERATIVE METERS. In case any meter is broken or not registering, water bills will be adjusted to the average bills of the two preceding quarters.
CHAPTER 92

WATER RATES

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

Each customer shall pay a water user charge for the use and for the service supplied by the municipal water system and upon the amount of water consumed, as follows:

(Code of Iowa, Sec. 384.84)

1. First 2,000 gallons or lesser amount per month at $16.00. In no case shall the minimum charge be less than $16.00 per month.

2. All over 2,000 gallons per month at $8.00 per 1,000 gallons.

3. (Repealed by Ord. 11-348 – Mar. 12 Supp.)

(Ord. 09-338 – Mar. 09 Supp.)

92.02A Water Availability Charge

The water availability charge is $22.00 per month per service line or service account. Even if the water is turned off, the water availability charge is still billed per month per service line or service account. The water availability

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charge is necessary to retire indebtedness on capital improvement projects and provide reserve necessary for maintaining the water system and the water treatment facility. The water availability charge applies to each user having a separate service line or service account.

(Ord. 11-348 – Mar. 12 Supp.)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the same rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

92.04 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 or before the first 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 15th day of each month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of fifteen percent (15%) of the amount due shall be added to each delinquent bill.

92.05 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 28th of the month. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

(Ord. 09-339 – Mar. 10 Supp.)

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2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off the Clerk or Superintendent shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the decision of the Clerk or Superintendent to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. The Superintendent shall hang a tag at the premises twenty-four (24) hours prior to discontinuance of service as final notice of shutoff and a ten dollar ($10.00) administrative fee shall be charged for issuance of the tag.

5. Fees. A fee of twenty-five dollars ($25.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

**92.06 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)*

**92.07 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 thirty (30) 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.  

(Ord. 09-339 – Mar. 10 Supp.)

(Code of Iowa, Sec. 384.84)

92.08 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 in whose name the delinquent charges were incurred. 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.  

(Ord. 09-339 – Mar. 10 Supp.)

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every new first time property owner customer a one hundred dollar ($100.00) deposit intended to guarantee the payment of bills for service. A new first time property owner customer is defined as a property owner who has not had any prior water service with the City, has not had any water service with the City within the previous year, or who has not completed twelve (12) months of timely payment history to the City. The City Clerk or Finance Officer shall keep deposit records to show:

- The name and address of each depositor.
- The amount and date of the deposit.
- Each transaction concerning the deposit.

1. Property Owner Customer Deposit Refunds. The deposit shall be refunded after 12 consecutive months of prompt payment. (Prompt payment is defined as 12 consecutive monthly payments made on or before the due date.) The City will automatically waive one late payment during the 12 month deposit time, provided that the payment is received within 10 days of the due date. For refund purposes, the account shall be reviewed for prompt payment after 12 months of service following the making of the deposit and for each 12 month interval terminating on the anniversary of the deposit.

2. Tenant Deposits. There shall be required from every tenant customer a two hundred ($200.00) deposit intended to guarantee the payment of bills for service. A tenant customer is defined as a customer who is not the property owner, but is
renting the said property from the owner. A tenant customer is also the person or persons responsible for payment of bills as identified and subject to the lien exemption as identified in Section 92.07 of this code listed above. Deposits received from tenant customers and any customers subject to the exemption provided by 92.07 will be retained by the City until final billing. Upon termination of service, the deposit, less any unpaid utility bills of the tenant customer, shall be reimbursed to the person who made the deposit.

3. Deposit Exceptions. Provided that a property owner customer has established good payment history with the City by completing the twelve (12) months of prompt payments as established above, a deposit will not be required in the following conditions:

A. The property owner customer moves and transfers service from one property to another property.

B. The property owner customer purchases an additional property or starts service at an additional property.

C. The property owner customer stops service but starts it again within 12 months at either the original property or a new property.

D. The property owner customer is a landlord of a property subject to Section 92.07 above, and is continuing service during a time when the property is not rented and/or there is no person identified as responsible per Section 92.07 above.

Notwithstanding the above exceptions, at no time shall the City require more than one deposit for any one service location.

(Ord. 13-357 – Apr. 13 Supp.)

92.10 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. There shall be a twenty-five dollar ($25.00) fee collected for restoring service. 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.
92.11 CONSTRUCTION DEPOSITS. Contractors shall not be required to pay the monthly minimum bill for water and sewer service during new construction or during remodeling if no one is residing on the premises. In lieu of the monthly minimum bill, all contractors shall pay a seventy-five dollar ($75.00) deposit at the time water is turned on and the meter installed. Contractors will pay one bill of twenty-five dollars ($25.00) plus the cost for usage of the total gallons of water used as the end of the construction period or at the end of six (6) months, whichever comes first.

92.12 LEAKAGE OF WATER. No reduction in billing will be made in the event of leakage after the water has passed through the meter. It is the owner’s responsibility to maintain plumbing to prevent leaks.
CHAPTER 93

PRIVATE WATER WELLS

93.01 SCOPE. The provisions of this chapter apply to all private water wells located or to be constructed within the City including, but not limited to, new construction and modification of existing wells.

93.02 PERMIT REQUIRED. No person shall construct a private well in the City, or own/use a well constructed after the effective date of the ordinance codified in this chapter, unless the Water Superintendent has issued a permit for the well. This permit shall be in addition to any other permits required by the state or county. This permit requirement shall not apply to monitoring wells used for soil and water investigation.

93.03 REGISTRATION OF PRE-EXISTING WELLS. Any person who owns property in the City which has a well, other than monitoring wells, which was constructed prior to the effective date of the ordinance codified in this chapter, shall register said well with the City. Registration forms may be obtained in the Clerk’s office. There is no fee for the registration of a pre-existing well.

93.04 PERMIT PROCESS.

1. Any person desiring a well permit shall make application to the Water Superintendent on the form prescribed by the Superintendent. The Superintendent shall determine the necessary information, data and testing required for the issuance of the permit.

2. In determining whether to issue a permit or not, the Superintendent shall consider the availability of public water to serve the real property, building or facility; the estimated amount of water to be consumed; possible contamination of the water; and the purpose for which the water will be used. The applicant shall be required to have an environmental statement completed to determine if there are any known sources of contamination within 500 feet of the proposed site.
3. If the property, building or facility to be served is located within 500 feet of the public water system, the Superintendent shall automatically deny the permit and the applicant shall be required to use the public water system.

4. If the Superintendent determines that the water is in an area of contamination or is otherwise unfit, the Superintendent may deny the permit or make such limitations as to the use of the water from said private well as are necessary to protect life and property. In determining what the actual area of contamination is, the Superintendent shall consider current levels and areas of contamination as well as where the contamination might reasonably be expected to expand to in the foreseeable future.

5. The application shall not be deemed complete until all information, data and testing results required by the Superintendent have been submitted for consideration and the required fee paid in full.

6. The Superintendent shall rule upon the permit application within 30 working days of submission of the completed application. The Superintendent may, upon good cause, extend said period for approval of the application an additional 30 working days by issuing a written notice to the applicant. Any application which is not acted upon in a timely manner by the Superintendent or applicant shall be deemed to have been denied upon the expiration of time provided by this subsection.

7. The applicant may appeal the decision of the Superintendent by filing a written notice of appeal with the Clerk within 10 business days of the decision. The Council shall meet to determine the appeal within 45 days of the date the appeal is filed.

8. The applicant shall pay an application fee in the amount of $25.00.

9. All required testing and collection of information and data shall be at the applicant’s expense.
CHAPTER 95
SANITARY SEWER SYSTEM

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 degrees (20º) 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 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 Superintendent of sewage works and/or of water pollution control 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 thirty (30) 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.
CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

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 thirty (30) 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 Permit Fee.

1. New Sewer Lines. If the property to be connected to the public sewer has not been assessed for any part of the cost of construction of the public sewers, or wastewater facility, or has been assessed only as an unimproved lot, the owner shall pay a special fee to the City in the amount of five hundred dollars ($500.00). If there is no six-inch stub serving the property, the property owner shall be required to pay for the installation of the stub; thereafter, the City will assume responsibility for the maintenance of the stub. Any person showing due cause for special consideration should make special report to the City.

2. Repairs or Replacement of Existing Sewer Lines. Before any permit is issued, the person who makes the application shall pay fifty dollars ($50.00) to the Clerk to
cover the cost of issuing the permit and supervising, regulating and inspecting the installation.

(#1-2 Amended by Ord. 07-325 – Aug. 07 Supp.)
CHAPTER 96

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a competent plumber with experience in laying drain and sewer pipes.

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 installation and connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing 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 (¼) inch per foot.

   B. Minimum grade of one-eighth (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 the State Plumbing 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. Clay sewer pipe – A.S.T.M. C-700 (extra strength).


   C. Ductile iron water pipe – A.W.W.A. C-151.


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.

**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 specified in the State Plumbing Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

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 public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. 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. All inspections shall be made during regular working hours; otherwise, the contractor will be responsible for paying overtime wages for inspection during off hours. 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, however, is not responsible for the six-inch stub on the sewer main if the sewer is dug up and inspected by the City and it is determined that the problem is in the stub. 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  97.05 Restricted Discharges – Powers
97.02 Surface Waters Exception  97.06 Special Facilities
97.03 Prohibited Discharges  97.07 Control Manholes
97.04 Restricted Discharges  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-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent 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 300 parts per million by weight, or (b) reduce the suspended solids to 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 degrees (150º) F (65º C).
2. **Fat, Oil, Grease.** Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 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 32º F and 150º F (0º to 65º 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 (½) 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 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 24-hour composites of all outfalls whereas pH’s are determined from periodic grab samples).
CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

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])

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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 USER CHARGE

99.01 Purpose

The purpose of this chapter is to establish the procedures and regulations to be followed in the calculation, establishment and collection of charges from customers so that the City can pay for the operation, maintenance and replacement (OM&R), as herein defined, of the wastewater treatment system and for the sewer bond debt retirement for financing the sewage system improvements.

99.02 Definitions. Unless the context indicates otherwise, the meaning of terms used in this chapter are as follows:

1. “EPA” means the United States Environmental Protection Agency.

2. “Normal domestic wastewater” means wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 300 mg/l.

3. “Operation and maintenance” means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for the management and maintenance of said treatment facilities to achieve the capacity and performance for which such works were designed and constructed.

4. “Replacement” means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the
sewer treatment works to maintain the capacity and performance for which such facilities were designed and constructed. The term “operation and maintenance” includes replacement.

5. “Residential customer” means any customer whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

6. “Useful life” means the estimated period during which the wastewater treatment works will be operated.

7. “User charge” means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

8. “Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present. Wastewater is also commonly known as “sanitary sewage.”

9. “Wastewater treatment works” means the devices and systems used for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include the collecting lateral, trunk, interceptor and outfall sewer systems, individual systems, pumping, power and other equipment and appurtenances, extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treatment, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

10. “Water meter” means a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

99.03 REQUIREMENTS. The user charge system shall generate adequate annual revenues to pay costs of (i) annual operation and maintenance including replacement, and (ii) costs associated with the sewer bond debt retirement for financing the wastewater treatment works.
works which the City may, by resolution, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this chapter.

99.04 ESTABLISHMENT OF FUNDS. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 99.07 shall be deposited in two separate non-lapsing funds, as follows:

1. A fund designated as the “Wastewater Treatment Works Operation and Maintenance Fund” for the specific purpose of defraying operation and maintenance costs, excluding replacement, of the wastewater treatment works.

2. A fund designated as the “Wastewater Treatment Works Replacement Fund” for the specific purpose of ensuring replacement needs over the useful life of the wastewater treatment works.

While sewer revenue bonds of the City are outstanding, the provision of the resolution authorizing the issuance of the bonds shall, in the event of conflict, prevail on the provisions of this section and Section 99.05.

99.05 MAINTENANCE OF FUNDS. Fiscal year-end balances in the Wastewater Treatment Works Operation and Maintenance Fund and the Wastewater Treatment Works Replacement Fund shall be carried over to the same fund in the subsequent fiscal year, and shall be used for no other purposes than those designated for these funds. If moneys are transferred from other funds of the City to meet temporary shortages in the Wastewater Treatment Works Operation and Maintenance Fund and/or Wastewater Treatment Works Replacement Fund, such transferred moneys shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

99.06 BASIS OF USE DETERMINATION. The use of the wastewater treatment works shall be determined on the following basis:

1. Each user shall pay for the services provided by the City based on use of the wastewater treatment works as determined by water meters acceptable to the City.
2. If a commercial or industrial customer has a consumptive use of water or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the expense of the customer and in a manner acceptable to the City.

3. In case of privately owned or unmetered water supplies, all or any part of which is discharged into the public sanitary sewer system of the City, the quantity of water discharged into said sewer system shall be determined, to the satisfaction of the Council, 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 rentals shall be subject to the approval of the Council.

4. It is the intent of this chapter to ensure that each user will pay its proportionate share of the costs for operation, maintenance, including replacement for the system.

99.07 SEWER USER CHARGE. Each customer shall pay a sewer user charge for the use and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed, as follows:

1. First 2,000 gallons or lesser amount per month @ $16.00. In no case shall the minimum charge be less than $16.00 per month.

2. All over 2,000 gallons per month @ $8.00 per 1,000 gallons.

3. (Repealed by Ord. 11-349 – Mar. 12 Supp.)

(Ord. 08-337 – Mar. 09 Supp.)

99.07A SEWER AVAILABILITY CHARGE. The sewer availability charge is $8.00 per month per service line or service account. Even if the water is turned off, the sewer availability charge is still billed per month per service line or service account. The sewer availability charge is necessary to retire indebtedness on capital improvement projects and provide a reserve necessary for maintaining the sanitary sewer facility. The sewer availability charge applies to each user having a separate service line or service account.

(Ord. 11-349 – Mar. 12 Supp.)
99.08 **SURCHARGES.** For those customers who contribute wastewater of strength greater than normal domestic sewage, a surcharge will be collected in addition to the sewer user charge. The surcharge for operation and maintenance including replacement is:

- $0.40 per pound BOD
- $0.34 per pound SS

99.09 **ADDITIONAL CHARGES.** Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the wastewater treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the wastewater treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the Council.

99.10 **APPLICATION.** The user charge rates established in this chapter apply to all users, regardless of their location, of the wastewater treatment works.

99.11 **BILLINGS.** All sewer user charges are due and payable under the same terms and conditions as provided for water service 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.

99.12 **LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer user charges to the premises. Sewer user 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.

99.13 **CHARGE REVIEW.** The City shall review the user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users.

99.14 **USER NOTIFICATION.** The City shall notify each user at least annually, in conjunction with a regular billing, of the rate being charged for operation and maintenance including
replacement and the rate being charged for sewer bond debt service for the wastewater
treatment works.

99.15 INCONSISTENT AGREEMENTS. The provisions of this chapter shall take precedence
over the terms and conditions of any separate agreements or contracts between the City and
users which are inconsistent with the requirements of the Clean Water Act, Section
204(b)(1)A and 40 CFR 35.2140, dated February 17, 1984. The provisions of this section shall
not prohibit the treatment agreements and special rates as set forth in Section 99.08 which
shall set forth rates for wastewater strength greater than normal domestic sewage, provided
those rates are consistent with the rates under Section 99.07.
CHAPTER 100

STORMWATER DRAINAGE UTILITY

100.01 Purpose. The purpose of this chapter is to establish a Stormwater Drainage Utility, authorize charges, rates and fees for use of the storm sewer and surface water drainage system, to provide a process for appeals relating to such charges, and to provide for collection of delinquent charges.

100.02 Definitions. For use in this chapter the following terms are defined:

1. “City” means the City of Woodward, Dallas County, Iowa, and shall include any representative or employee of the City authorized to act in its behalf.

2. “Council” means the City Council of Woodward, Iowa.

3. “Improved parcel” means a parcel on which a structure or impervious area has been placed or constructed, thus increasing the amount of rainwater or surface water runoff from such parcel.

4. “Occupant” means the person residing or doing business on the property.

5. “Owner” means the legal owner(s) of record as shown on the tax rolls of Dallas County, or where there is a recorded land sale contract, the purchaser thereunder.

6. “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.
7. “Storm sewer and surface water drainage system” means any combination of publicly owned facilities for the collection, conveyance, treatment and disposal of storm and/or surface water system within the City, including storm sewers, drain tiles, culverts, open channels, ditches, creeks, rivers, roadways, manholes, intakes, pumping facilities, maintenance facilities and equipment, to which sanitary sewage flows are not intentionally admitted.

100.03 STORM WATER DRAINAGE UTILITY ESTABLISHED. Pursuant to the authority of Section 384.84 of the Code of Iowa, as amended, the Council hereby establishes a stormwater drainage utility in the City. It is found and determined to be necessary and conducive to the protection of the public health, safety, welfare and convenience that all of the City shall be declared a stormwater drainage system district. The entire City corporate limits, as increased from time to time, shall constitute a single stormwater drainage district.

100.04 RATES ESTABLISHED.

1. Water Meter. With respect to each City water utility service (water meter) a monthly rate of three dollars ($3.00) shall be charged to the owner of the property associated with such utility service, paid and collected as a rate for a Stormwater Drainage Utility.

2. Improved Parcel With No Water Meter. With respect to each improved parcel within the City, an annual rate of thirty-six dollars ($36.00) shall be charged to the owner of the property, paid and collected as a rate for a Stormwater Drainage Utility.

100.05 BILLING FOR STORMWATER DRAINAGE UTILITY SERVICE. Stormwater Drainage Utility service shall be billed as part of a combined service account, payable in accordance with Section 92.04. Billing for Stormwater Drainage Utility service to owners with no existing combined service account shall be billed on a separate account, payable in accordance with the following:

1. Bills Issued. The Clerk shall prepare and issue bills for Stormwater Drainage Utility service accounts on or before the 1st day of October of each year.

2. Bills Payable. Bills for Stormwater Drainage Utility service accounts shall be due and payable at the office of the Clerk by the 31st day of December of the billing year.
3. **Reminder/Notice of Lien.** The Clerk shall prepare and issue a bill reminder and 30-day notice of lien on the 1st day of December of the billing year for all Stormwater Drainage Utility service accounts not yet paid in full.

4. **Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A one-time late payment penalty of fifteen percent (15%) of the amount due shall be added to each delinquent bill.
100.06 LIEN FOR NONPAYMENT. The owner of the parcel served shall be liable for Stormwater Drainage Utility service charges to the parcel. Stormwater Drainage Utility 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)

100.07 SERVICE DISCONTINUED. If the Stormwater Drainage Utility service account for a customer, which is part of a combined service account, becomes delinquent, water service to the customer shall be discontinued in accordance with Section 92.05.

(Code of Iowa, Sec. 384.84)

100.08 APPEALS.

1. The following may be appealed to the Council:
   
   A. A determination that the person is obligated to pay the service charge imposed herein.
   
   B. A dispute as to the proper calculation for the amount due from the person. This shall not include, however, an objection to the overall establishment of the Stormwater Drainage Utility and the rates established pursuant to Section 100.04.

2. The appeal process shall be as follows:

   A. The appeal shall be initiated with the Street Committee in writing with oral support for the appellant’s position. The Street Committee will consider the appeal and make recommendation to the Council.
   
   B. If the appellant is not satisfied with the Street committee recommendation, then the appellant shall request to be included on the Council Agenda for the next Council meeting.
   
   C. The appeal to the Council shall be filed in writing with oral support for the appellant’s position presented to the Council. The Council shall issue a written decision within 30 days of the receipt of appeal.
100.09 **USE OF FUNDS.** The money paid and collected pursuant to Section 100.04 shall be held by the City in a special Stormwater Drainage Utility fund to be expended on for the purpose of planning, designing, constructing, operating, repairing, and maintaining stormwater management facilities including labor, equipment and materials for storm sewers, drainage ditches, waterways, culverts, manholes, intakes, pumping facilities, erosion control devices and miscellaneous improvements associated with the stormwater improvements and other uses as allowed by the Code of Iowa.

*(Ch. 100 – Ord. 08-336 – Mar. 09 Supp.)*

[The next page is 495]
CHAPTER 105

SOLID WASTE CONTROL

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 up to and including four separate dwelling units.

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 is 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 dry landscape waste originating on the premises during October and November in the fall and May in the spring. Such burning shall be only from noon to sundown with all burning to be extinguished at sundown. In the event of a natural disaster, during a proclaimed emergency open burning may be allowed by Mayoral Proclamation for no more than 3 consecutive days with any extension as designated by Council Resolution. At no time, open burning of landscape waste originating on the premises shall be allowed when the State Fire Marshal or the County has imposed a burning ban. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (¼) 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.  

(Ord. 07-326 – Aug. 07 Supp.)

(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.

(IAC, 567-23.2[3e])

6. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less.

(IAC, 567-23.2[3f])

7. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in fire fighting methods, provided that the training
fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

8. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) 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])

9. 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])

10. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

11. 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, deposited at the City’s yard waste disposal site, or placed in specially marked containers and set out for special collection by the collector. 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, 567-102.13[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 of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

   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 at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

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.

105.12 RECYCLING PROGRAM. The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations as established by the collector. Recyclable items shall be collected twice a month.
CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except special collections 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 twice each week.

106.05 SPECIAL COLLECTIONS. Yard waste, waste tires, waste oil, lead acid batteries, remodeling materials, appliances, furniture and other large bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste shall be collected by the
collector during special collections in accordance with the procedures and fees therefor established by the collector. Special collections shall be offered at least four (4) times a year.

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 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 fifteen dollars ($15.00) 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.

**106.08 COLLECTION FEES.** The collection and disposal of solid waste and recyclable materials 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:
1. Schedule of Fees. The fees for solid waste collection and disposal service and curbside recycling, used or available, shall be set by resolution of the Woodward City Council. *(Ord. 07-334 – Mar. 09 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.

106.09 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)*

[The next page is 525]
CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted

The City of Woodward, Iowa (hereinafter referred to as "Grantor"), hereby grants a non-exclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

110.02 Term

110.03 Franchise Fees or Taxes

110.04 Governing Rules and Regulations

110.05 Provision for Inadequate Energy Supplies

110.06 Construction and Maintenance of Grantee's Facilities

110.07 Extension of Grantee's Facilities

110.08 Relocation of Grantee's Facilities

110.09 Confidential Information

110.10 Force Majeure

110.11 Hold Harmless

110.12 Successors and Assigns

110.13 No Third Party Beneficiaries

110.14 Non-Waiver

110.15 Effective Date and Acceptance

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110.02 **TERM.** The rights and privileges granted hereunder shall remain in effect for a period of twenty-five (25) years from the effective date of the ordinance codified by this chapter. 

110.03 **FRANCHISE FEES OR TAXES.** Grantor may, during the term of this franchise, in its discretion, in compliance with and as authorized by state law, after public hearing and upon a majority vote of a majority of the members of the Grantor's City Council then present, pass an ordinance imposing a franchise fee on Grantee's customers located within Grantor's corporate limits; provided, however, that the franchise fee shall not be effective, and Grantee shall not be obligated to collect and pay same, unless and until: (1) it is satisfactory to Grantee with respect to its compatibility with Grantee's billing system; (2) the form of assessment and collection of the franchise fee is based on either: (a) a percentage of Grantee's gross receipts of regulated sales or transportation revenues collected from Grantee's customers within Grantor's corporate limits; (b) a volumetric fee based upon Grantee's delivery of energy within Grantor's corporate limits; or (c) a flat fee collected on a nondiscriminatory basis from each of Grantee's customers within Grantor's corporate limits; and (3) Grantor has imposed a franchise fee on all other parties supplying energy within Grantor's corporate limits, calculated in the same manner as the franchise fee imposed on Grantee's customers.

110.04 **GOVERNING RULES AND REGULATIONS.** The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this Ordinance shall take

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1 **EDITOR'S NOTE:** Ordinance No. 11-352, adopting a natural gas franchise for the City, was passed and adopted on November 14, 2011.
precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

110.05 PROVISION FOR INADEQUATE ENERGY SUPPLIES. If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

110.06 CONSTRUCTION AND MAINTENANCE OF GRANTEE’S FACILITIES. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation. Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permits or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation. Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee’s facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.
110.07 EXTENSION OF GRANTEE'S FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

110.08 RELOCATION OF GRANTEE'S FACILITIES. If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of-way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

110.09 CONFIDENTIAL INFORMATION. Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such
request or requirement so that Grantee may seek an appropriate protective order or other relief.

**110.10 FORCE MAJEURE.** It shall not be a breach or default under this Ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

**110.11 HOLD HARMLESS.** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that Grantee need not save Grantor harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

**110.12 SUCCESSORS AND ASSIGNS.** All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

**110.13 NO THIRD PARTY BENEFICIARIES.** This Ordinance constitutes a franchise agreement between the Grantor and Grantee. No provision of this Ordinance shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.
110.14 NON-WAIVER. Any waiver of any obligation or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

110.15 EFFECTIVE DATE AND ACCEPTANCE. This Ordinance shall become effective and be a binding contract between the Grantor and Grantee upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon Grantee's acceptance by written instrument, within sixty (60) days of passage by the City Council, and filing with the Clerk of the City of Woodward, Iowa. The Clerk of the City of Woodward, Iowa shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance, either express in writing its objections to any terms or provisions contained therein, or reject this Ordinance in its entirety, Grantee shall be deemed to have accepted this Ordinance and all of its terms and conditions.

(Ch. 110 – Ord. 11-352 – Mar. 12 Supp.)
CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted
111.05 Nonexclusive Franchise
111.02 Placement of Facilities
111.06 No Interruption of Service
111.03 Installation of Meters
111.07 Term of Franchise
111.04 Quality of System
111.08 Entire Agreement

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

111.02 PLACEMENT OF FACILITIES. The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

111.03 INSTALLATION OF METERS. The Company, its successors and assigns, shall furnish and install all meters at their own expense, and shall provide the service wire to buildings as set forth in the Company’s tariff filed with the Iowa Utilities Board.

EDITOR’S NOTE: Ordinance No. 300, adopting an electric franchise for the City, was passed and adopted on August 11, 2003.
111.04 QUALITY OF SYSTEM. The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and its inhabitants and shall be kept in a modern and up-to-date condition.

111.05 NONEXCLUSIVE FRANCHISE. The franchise granted by this chapter shall not be exclusive.

111.06 NO INTERRUPTION OF SERVICE. Service to be rendered by the Company under this chapter shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company’s equipment, and in such event service shall be resumed as quickly as is reasonably possible.

111.07 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights granted hereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company.

111.08 ENTIRE AGREEMENT. This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superceded, modified or otherwise amended without approval by qualified electors at a special election. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.
CHAPTER 112

TELEPHONE FRANCHISE

112.01 Franchise Granted

Permission and authority are hereby granted for the period of twenty-five (25) years from and after June 18, 1990, to Minburn Telecommunications, Inc. (successor to Schuyler Telephone Company), its successors or assigns (hereinafter called the grantee), it being expressly understood that said permission and authority are nonexclusive, to acquire, construct and maintain in the incorporated City of Woodward, Iowa, as the same are now or may hereafter be extended or located, the necessary facilities, for the receiving and transmitting of messages by telephone, using wires, cables, carrier, microwave and/or electronic and/or other methods, for public and private use, and to sell and furnish telephone service to the City and its inhabitants, for all purposes, and to construct and maintain along, upon or under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures, apparatus and equipment for such purposes, which shall be located, arranged and maintained so as not to endanger persons or unnecessarily hinder or obstruct the free use of streets, alleys, or private property. Wires and cables erected over streets, highways, avenues, alleys and other public traveled places shall have a clearance above the surface to safely permit ordinary travel and in no event shall said clearance be less than the clearance prescribed by the Iowa State Utilities Board by statute now or hereafter enacted or by any regulatory body of the State hereafter created by statute. Said lines shall be constructed in accordance with the specifications of the National Electrical Safety Code, as issued by the United States Department of Commerce, Bureau of Standards, in force at the time of said construction, insofar as the same are applicable to the construction of telephone lines and systems.

112.02 Excavations

Subject to the provisions of existing or subsequently enacted ordinances of the City, the grantee may take up pavement or make excavations in the streets, alleys, avenues or other public places in the City, provided that the grantee restores the same to as good condition as they were prior to the excavation.

112.03 Successors and Assigns

All of the provisions of this chapter apply to the successors or assigns of the grantee, with the same force and effect as they do the grantee itself.
CHAPTER 113

CABLE TELEVISION FRANCHISE

113.01 Grant of Franchise

113.02 Effective Date of Franchise

113.01 GRANT OF FRANCHISE. A nonexclusive right is hereby granted to Cablevision Associates VI, an Iowa limited partnership, the general partner of which is Cablevision VI, Inc., a wholly owned subsidiary of Heritage Communications, Inc., its successors and assigns, to establish, construct, erect, operate, maintain, repair, replace, renew, reconstruct and remove a cable television system across public property in the City limits for a term of twenty-five (25) years, in accordance with the laws and regulations of the United States of America and the State of Iowa and the ordinances and regulations of the City, including the nonexclusive right, privilege and authority:

1. To sell and supply audio and video communication service to persons within the City;

2. To use public property within the City;

3. To engage in such further activities within the City as may now or hereafter be consistent with the generally accepted principles applicable to the operation of a cable television system.

113.02 EFFECTIVE DATE OF FRANCHISE. The franchise shall become effective from and after the effective date of the ordinance codified in this chapter and compliance by Woodward Cablevision, a division of Perry Cablevision, a partnership, with Federal Communications Commission rules and regulations.\(^1\)

\(^1\) EDITOR’S NOTE: Ordinance No. 181, granting a cable television franchise to Woodward Cablevision, was adopted by the Council July 13, 1981. Ordinance No. 182 amending Ordinance No. 181 and granting franchise to Cablevision Associates VI was adopted on November 11, 1982.
113.02 ASSIGNMENT OR TRANSFER. Any right granted under the franchise shall not be assigned or transferred to any other person, company or corporation without prior consent of the Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the franchise to a corporation wholly owned by the Grantee or to a limited partnership of which the Grantee or other wholly owned subsidiary of Heritage Communications, Inc., is a general partner without prior consent of the City.
113A.01 GRANT OF FRANCHISE. A nonexclusive franchise (the “franchise”) is hereby granted to Minburn Cablevision Inc., an Iowa corporation (together with its successors and assigns, the “Company”) to establish, construct, erect, operate, maintain, repair, replace, renew, reconstruct and remove a cable video system across public property in the City limits for a term of twenty-five (25) years, in accordance with the laws and regulations of the United States, the State of Iowa, and the ordinances and regulations of the City, including the nonexclusive right, privilege and authority:

1. To sell and supply audio and video communication services to persons within the City;

2. To use public property within the City; and

3. To engage in such further activities within the City as may now or hereafter be consistent with the generally accepted principles applicable to the operation of a cable video system.

113A.02 EFFECTIVE DATE OF FRANCHISE. The franchise shall become effective from and after the effective date of the ordinance codified in this chapter† and after the Company has filed an acceptance of the franchise in writing. The franchise shall terminate twenty-five (25) years from the effective date, subject to renewal for periods of reasonable duration on the same terms and conditions, or on such different or additional terms and conditions as may be mutually agreed by the City and the Company, consistent with Federal and State law and regulations. The Company’s application for a renewal of the franchise shall be granted provided: (i) the Company shows that its video service during the preceding term has reflected a good faith effort to serve the needs and interests of the service area and (ii) the

†EDITOR’S NOTE: Ordinance No. 331, granting a cable television franchise to Minburn Cablevision, was adopted by the Council August 13, 2007.
Company has not demonstrated a willful and wanton disregard of applicable Federal and State law and regulations.
113A.03 ASSIGNMENT OR TRANSFER. Any right granted under the franchise shall not be assigned to any other person without prior consent of the City, which consent shall not be unreasonably withheld or delayed. Notwithstanding the preceding, the Company shall have an unrestricted and unlimited right to assign the franchise to a wholly owned subsidiary or an affiliate under common control with the Company without prior consent of the City.

113A.04 OTHER SERVICES. Nothing in this chapter shall impose any requirement that has the purpose or effect of prohibiting, limiting, restricting or conditioning the provision of any telecommunications or advanced communications services by the Company.
CHAPTER 114

CABLE TELEVISION REGULATIONS

114.01 Definitions

114.02 Grant of Authority

114.03 Franchise Term

114.04 Compliance with Applicable Laws

114.05 Liability and Indemnification

114.06 Application For Permit

114.07 System Construction, Maintenance and Procedures

114.08 Construction Schedule

114.09 Line Extensions

114.10 Compliance with Standards

114.11 Grantee Rules and Regulations

114.12 Procedures

114.13 Approval of Transfer

114.14 Compliance With FCC Rules and Regulations

114.15 Modification of FCC Rules

114.16 Publication Costs

114.17 City Rules

114.18 Use of System By City

114.19 Emergency or Disaster

114.20 Liability

114.21 No Property Right

114.22 Construction Approval By City

114.23 Correction of Defects

114.24 Activities Prohibited

114.25 Records and Reports

114.26 Subscriber Rates and Charges

114.27 Change of Subscriber Rates and Charges

114.28 Payments To City

114.29 Local Office: Complaint Procedures

114.30 City Clerk’s Responsibilities

114.31 Protection of Privacy

114.32 Unlawful Reception

114.33 Additional Regulations

114.34 Penalties

114.35 Bankruptcy or Receivership

114.36 Program Content Restrictions

114.37 Employment Requirement

114.38 City Clerk’s Responsibilities

114.39 Protection of Privacy

114.40 Unlawful Reception

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Communications, Inc. Any other firm granted a cable television franchise in the City would also be governed by this chapter.

3. “Gross subscriber revenues” means only those revenues derived from the monthly service charges paid by subscribers located within the City for regular cable television reception service, which service includes only the transmission of broadcast signals and the programming presented on the required access and origination channels, if any. “Gross subscriber revenues” does not include any revenues received (i) as reimbursement of expense in the operation of any access channels; (ii) as advertising payments; (iii) from the leasing of cable channels; (iv) from programs for which a per-channel or per-program charge is made; and (v) from furnishing other communications and non-broadcast services either directly or as a carrier for another party or any other income derived from the system. “Gross subscriber revenues” also does not include revenues received as installation charges and fees for reconnections, inspection, repairs or modifications of any installments.

4. “System” means the lines, fixtures, equipment, attachments, and all appurtenances thereto which are used in the construction, operation and maintenance of the community antenna television system herein authorized.

114.02 GRANT OF AUTHORITY. The ordinance codified in this chapter, which grants to the Grantee the nonexclusive right to construct, operate and maintain a cable television system in the City, was passed and adopted by the Council after a full, open and public proceeding. Said proceeding was held after public notice was given and afforded all interested parties the opportunity to comment upon the legal, character, financial, technical and other qualifications of the company. Having received at said proceeding all comments regarding the qualifications of the company, the City hereby finds that the Grantee possesses the necessary legal, technical, character, financial and other qualifications and that the Grantee’s construction arrangements are adequate and feasible. Therefore, the City hereby grants to the Grantee a nonexclusive franchise, right and privilege to construct, erect, operate, modify and maintain, in, upon, along, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the City, poles, wires, cables, necessary for the maintenance and operation in the City of a cable television system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth.
114.03 **FRANCHISE TERM.** The franchise granted the Grantee herein shall terminate twenty-five (25) years from date of grant, subject to renewal for periods of reasonable duration on the same terms and conditions as contained herein, or on such different or additional terms and conditions as may be lawfully specified by the Council and as are consistent with the requirements of Rule 76.31 of the FCC. The Grantee’s application for franchise renewal shall be granted provided: (i) Grantee shows that its cable television service during the preceding franchise period has reflected a good-faith effort to serve the needs and interests of its service area, and (ii) Grantee has not demonstrated a callous disregard of the law and all pertinent regulations.

114.04 **COMPLIANCE WITH APPLICABLE LAWS.** The Grantee shall, at all times during the life of the franchise, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter by resolution or ordinance provide. The construction, operation and maintenance of the system by the Grantee shall be in full compliance with such portions of the National Building and Electric Code as may be applicable and as the same may be amended and revised from time to time, and in full compliance with all other applicable rules and regulations now in effect or hereinafter adopted by the Federal Communications Commission, the City, or any other agency of the State of Iowa or the United States, which may hereafter acquire jurisdiction of the operations of the Grantee authorized herein. The Grantee will provide a minimum of ten (10) channels.

114.05 **LIABILITY AND INDEMNIFICATION.** The Grantee shall indemnify the City for, and hold it harmless from, all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaking pursuant to this chapter. The City shall notify the Grantee’s representative within fifteen (15) days after the presentation of any claim or demand to the City, either by suit, or otherwise, made against the City on account of any negligence or contract as aforesaid on the part of the Grantee. The Grantee further agrees as follows:

1. **Liability Insurance.** Grantee shall carry insurance in such forms and in such companies as shall be approved by the City to all claim, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, equipment or appliance. The amount of such insurance shall be not less than $100,000 as to any one person, $300,000 as to any one occurrence for injury or death to persons, and $100,000 for damages to property, with so-called umbrella coverage of at least $5,000,000.

2. **Worker’s Compensation.** Grantee shall carry Worker’s Compensation Insurance as provided by the laws of the State of Iowa as amended.

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3. Automobile. Grantee shall carry Automobile Insurance with limits of not less than $100,000/$300,000 of public liability coverage and automobile property damage insurance with a limit of not less than $100,000 covering all automotive equipment, with so-called umbrella coverage of at least $5,000,000.

4. Notice of Cancellation. All of said insurance coverage shall provide a ten-day notice to the City in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective.

5. Copies Filed With City. Copies of all insurance policies required hereunder shall be furnished to and filed with the City prior to the commencement of operations or the expiration of prior policies, as the case may be.

114.06 APPLICATION FOR PERMIT. Within sixty (60) days after the effective date of this chapter, the Grantee shall file with the Federal Communications Commission such request, petition, or other application as is then proper to secure from said Federal Communications Commission any and all necessary permits, licenses, waivers, or the like as may be necessary to be secured from said Federal Communications Commission to fully comply with the terms of this chapter. The Grantee shall thereafter diligently pursue such application with the Federal Communications Commission and shall do all reasonable things necessary and proper to secure any such permit, license, waiver, approval or the like from it. The Grantee shall keep the City advised, from time to time, of the progress of such application.

114.07 SYSTEM CONSTRUCTION, MAINTENANCE AND PROCEDURES. The following system construction, maintenance and procedures shall be required:

1. Construction and Maintenance. Upon grant of this chapter to construct and maintain a cable television system in the City, and in furtherance of the Grantee’s execution of contracts with public utility or without the City to whatever extent such contract or contracts may be expedient and of advantage to the Grantee for use of poles and posts necessary for property installation of the system, the Grantee may obtain right-of-way permits from appropriate State, County, and Federal officials necessary to cross highways or roads under their respective jurisdictions to supply main trunk lines from the Grantee’s receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a City, County, State, or Federal Agency may require. The Grantee shall construct its cable system using material of good and durable quality and all work involved in the construction, installation, maintenance and repair of the cable system shall be performed in a safe,
thorough, and reliable manner. Any municipal property damaged or destroyed shall be promptly repaired or replaced by the Grantee and restored to serviceable condition.

2. Location Restrictions. The Company’s system, poles, wires, and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of persons, or interfere with any improvements the City may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.

3. Annexed Areas. However, in the event that the City shall annex further territory as authorized by law, the Grantee shall extend energized trunk cable to the remaining portions of the City so annexed within an acceptable time thereafter, unless additional time is granted by the City Council upon request of the Company for good cause shown. Extension of service shall not be required into an area which does not meet the requirements set forth in Section 114.08 of this chapter.

4. Interference With Property. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places.

5. Restoration of Public Ways. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before said work was commenced.

6. Grade Changes. In the event that at any time during the period of this chapter the City shall lawfully elect to alter, or change the grade of any street, alley or other public way, the Company, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

7. Interference With Utilities and Travel. The Grantee shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixture, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and
those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys, and public ways.

8. Moving Buildings. 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 buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Grantee shall be given not less than forty-eight (48) hours’ advance notice to arrange for such temporary wire changes.

9. Trees. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense of the Grantee.

10. The Grantee shall provide, upon request and without charge, service to any municipal buildings owned and operated by the City and to any public or parochial elementary or secondary school. This means only an energized cable to such building. The cost of any internal wiring shall be borne by the institution. The fee for the use of more than one TV set by an institution shall be negotiated pursuant to Section 114.26, subsection 1.

114.08 CONSTRUCTION SCHEDULE. Grantee shall accomplish significant construction (at least 20 percent) within eighteen (18) months of approval by the voters of the grant of the franchise to Grantee, and shall thereafter reasonably make cable service available to all residents of the City, subject to the line extension provisions of Section 114.09, within three (3) years after the approval of the grant of the franchise.

114.09 LINE EXTENSIONS. Lines shall be extended pursuant to the following:

1. Density Criteria. It is the obligation of Grantee to serve all residents of the City except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically unfeasible or economically non-compensatory. For purposes of determining compliance with the provisions of this section, and to provide for a reasonable and non-discriminatory policy governing extensions of cable service within the City, Grantee shall extend service to new subscribers, at the normal installation charge and monthly rate for customers of that
classification where there is an average of thirty-five (35) homes per each linear mile of new cable construction.

2. Reasonable and Compensatory. In the event the requirements of subsection 1 above are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

114.10 COMPLIANCE WITH STANDARDS. All facilities and equipment of Grantee shall be constructed and maintained in accordance with the requirements and specifications of the National Electrical Safety Code and such applicable ordinances and regulations set forth by the City and/or any other local, State or Federal agencies.

114.11 GRANTEE RULES AND REGULATIONS. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under this chapter, and to assure an uninterrupted service to each and all of its customers. Provided, however, such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of Federal and State laws.

114.12 PROCEDURES. No renewal of this chapter shall be effective except pursuant to a public proceeding affording due process. The Grantee shall be a party to any such proceedings and any other proceedings in which its rights, privileges or interests would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules and regulations.

114.13 APPROVAL OF TRANSFER. Grantee shall not sell or transfer its system to another or transfer any rights under this chapter to another without prior written approval, which approval shall not be unreasonably withheld, provided that the Grantee shall have the right to sell or transfer its system or any rights under this chapter to a corporation wholly owned by the Grantee or to a limited partnership of which the Grantee or other wholly owned subsidiary of Heritage Communications, Inc., is a general partner without prior consent of the City. For any sale or transfer requiring prior approval, the vendee, assignee or lessee shall file with the appropriate official of the City an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this chapter and agreeing to perform all conditions thereof.

114.14 COMPLIANCE WITH FCC RULES AND REGULATIONS. The Grantee shall, at all times, comply with the rules and regulations governing CATV operations promulgated by the FCC,
specifically those set out in Section 76.31 of the FCC Rules and Regulations. This shall include adherence by the Grantee to FCC rules regarding technical and engineering specifications involved in the construction of the CATV system and signal carriage therein.

114.15 MODIFICATION OF FCC RULES. Consistent with the requirements of Rule 76.31(l)(6) of the FCC, any modification of Rule 76.31 resulting from amendment thereto by the FCC shall be incorporated in this chapter by specific amendments thereto by the lawful action of the City Council within one (1) year after the effective date of the FCC’s amendment or at the time or renewal of this chapter, whichever occurs first.

114.16 PUBLICATION COSTS. The Grantee shall assume the costs of the publication of the franchise ordinance as such publication is required by law. A bill for publication costs shall be presented to the Grantee by the appropriate City officials upon the Grantee’s filing of its acceptance of the ordinance and the said publication costs shall be paid at that time by the Grantee.

114.17 CITY RULES. The right is hereby reserved to the City to adopt, in addition to the provisions herein contained and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted, and shall not be in conflict with the applicable laws of the State of Iowa or the United States.

114.18 USE OF SYSTEM BY CITY. The City shall have the right, during the life of the franchise, of maintaining upon the poles or in the underground conduits of the Grantee within the City limits wire and fixtures necessary for a traffic signal control system and/or a police and fire alarm system. Such wires and fixtures shall be installed and maintained at the sole expense of the City and shall at all times comply with all the reasonable rules and regulations of the Grantee so that there may be a minimum danger of contact or conflict between the wires and fixtures of the company and wires and fixtures used by the City.

114.19 EMERGENCY OR DISASTER. In the case of any emergency or disaster, the Grantee shall, upon request of the City Clerk, make available its facilities to the City for emergency use during the emergency or disaster period.

114.20 LIABILITY. The City shall not be liable for any damage occurring to the property of the Grantee caused by employees of the City in the performance of their duties, except for damage caused to the Grantee’s facilities by the negligence of the City’s employees. The City
shall not be liable for the interruption of service by actions of City employees in the performance of their duties, nor shall the City be held liable for the failure of the Grantee to be able to perform normal services due to acts of God or other factors beyond the control of the City.

114.21 NO PROPERTY RIGHT. Nothing in this chapter shall grant to the Grantee any right of property in the City-owned property, nor shall the City be compelled to maintain any of its property any longer than, or in any fashion other than in the City's judgment its own business or needs may require.

114.22 CONSTRUCTION APPROVAL BY CITY. Except for individual service drops, the Grantee shall not erect any pole, install any underground lines or conduits, run any line, make any attachment, nor shall any construction of any kind be commenced without the prior approval of the Director of Engineering or appropriate department of the City, which approval shall not be unreasonably withheld, and the City shall have and maintain the right to inspect the construction, operation and maintenance of the system by the Company to insure the proper performance of the terms of this chapter.

114.23 CORRECTION OF DEFECTS. In the event the Grantee should violate any of the terms of this chapter, or any of the rules and regulations as may be from time to time lawfully adopted, the City shall immediately give to the Grantee thirty (30) days' written notice to correct such violation, and in the event the Grantee does not make such correction within thirty (30) days from the receipt of such written notice, the City may make such correction itself and charge the cost of the same to the Grantee, and the Grantee shall pay such charges within thirty (30) days after the receipt of a statement for such charge from the City.

114.24 ACTIVITIES PROHIBITED. The following activities are prohibited:

1. Sale or Service of Receivers. The Grantee, any and all of its officers, agents, and employees, are specifically prohibited from engaging in the sale, service, rental, or leasing of television receivers, radio receivers, or television or radio receiver related parts and accessories with any person anywhere in the City, whether for a fee or charge or not. The Grantee shall prohibit any of its officers, agents, and employees from violating the terms of this section at all times, whether in the performance of duties of the Grantee or otherwise.

2. TV Interference. The Grantee shall not allow its cable or other operations to interfere with television reception of persons not served by the Company, nor shall
the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the City.

3. Discrimination. The Grantee shall not, as to rates, charges, service facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

114.25 RECORDS AND REPORTS. The Grantee shall keep full, true, accurate and current books of account, which books and records, and all other pertinent books, records, maps, plans, financial statements and other like materials, shall be made available for inspection and copying by the City upon reasonable notice and during normal business hours.

114.26 SUBSCRIBER RATES AND CHARGES. The Grantee shall have the right, privilege, and authority to charge reasonable, compensatory and nondiscriminatory rates and charges to its subscribers for its services. Multi-user rates and charges may be negotiated between the Grantee and the subscriber, but in no event shall the multi-user rates and charges for any subscriber exceed the aggregate rates and charges which would be charged to the multi-user if computed on the basis of single-user rates and charges. In addition to the monthly service rate, the Grantee may add to that rate, taxes or fees imposed upon the Grantee’s gross subscriber revenues by City, State of Federal governmental or legislative bodies and fees or charges imposed upon the Grantee for the use and distribution of copyrighted program material. Grantee may, at its own discretion, waive, reduce or suspend connection fees for specific or indeterminate periods and/or monthly service fees for periods not to exceed thirty (30) days for promotional purposes.

114.27 CHANGE OF SUBSCRIBER RATES AND CHARGES. Subscriber rates and charges may be changed pursuant to the following:

1. Charges Excepted From Control. For the purpose of this section, “basic monthly cable television service” is the provision of television broadcast signals and access and origination channels, if any, and does not include advertising services, rental of studios or equipment, provision of program production services, per-channel or per-program charges to subscribers (“pay cable”), rental of channels, sale of channel time, provision of commercial services such as security systems, or any other services of the system, the rates and charges for which shall not require approval by the City.
2. Basic Monthly Service. Grantee shall have the right to change the rates for basic monthly cable television service, provided any increase does not exceed the increase in the Consumer Price Index for the period of time since the last rate increase as determined by the Bureau of Labor Statistics. Should Grantee wish to increase rates beyond the Consumer Price Index increase, approval shall rest with the City Council. Such approval shall not be unreasonably withheld.

3. Public Hearing Required. Before approving such increase, the City shall hold a public hearing thereon, and shall cause to be published for two consecutive weeks in a newspaper of general circulation in the City a public notice setting forth the proposed rates and charges and the date, time and place of the public hearing. At such public hearing, any interested party shall have the right to give testimony and present evidence on the rates and charges proposed.

4. Information Provided to City. Before instituting any increase, Grantee will furnish to the City Council a copy of the new rates and charges, as well as information regarding Bureau of Labor Statistics figures on the Consumer Price Index. Such notification shall precede any increase by not less than thirty (30) days and not more than sixty (60) days.

5. Moratorium. In no event shall rates be increased for a period of two (2) years following award of franchise.

The Grantee shall pay all costs and expenses incurred by the City in connection with said application and said hearing.

114.28 PAYMENTS TO CITY. Grantee shall pay to the City one percent (1%) of its annual basic monthly cable television service revenue for services rendered to customers located within the City. All payments as required from Grantee to the City shall be due forty-five (45) days after the close of the year.

114.29 LOCAL OFFICE: COMPLAINT PROCEDURES. The Grantee shall by appropriate means, such as a card or brochure, as subscribers are connected or reconnected to the system, furnish information concerning the procedures for making inquiries and/or complaints, including the name, address and toll-free telephone numbers of the employee or employees or agent to whom such inquiries or complaints are to be addressed.

114.30 CITY CLERK’S RESPONSIBILITIES. The City appoints its City Clerk as responsible for implementation of the complaint procedures and continuing administration of this chapter.
114.31 **PROTECTION OF PRIVACY.** The right of privacy shall be protected as follows:

1. **Unlawful Transmission.** Grantee shall not permit the transmission of any signal, aural, visual or digital, including “polling” the channel selection, from any subscriber’s premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of transmission of signals useful only for the control or measurement of system performance.

2. **Special Equipment.** Grantee shall not permit the installation of any special terminal equipment in any subscriber’s premises that will permit transmission from subscriber’s premises of two-way services utilizing aural, visual or digital signals without first obtaining written permission of the subscriber.

114.32 **UNLAWFUL RECEPTION.** It is unlawful for any person to attach or affix or to cause to be attached or affixed any equipment or device which allows access or use of the cable television service without payment to the Grantee for same. Such action shall be a simple misdemeanor.

114.33 **ADDITIONAL REGULATIONS.** The City reserves the right to adopt, in addition to the provisions contained in this chapter, such additional regulations as it shall find necessary in the exercise of its police power, provided, however, that such regulations are reasonable and not materially in conflict with the privileges granted in this chapter.

114.34 **PENALTIES.** Should the Grantee, its successors or assigns, violate any of the provisions of this chapter or any reasonable rules and regulations established by the City pursuant hereto, and should such violation continue for more than thirty (30) days after the City has given the Grantee written notice of such violation, failure or default, the same shall be cause for the forfeiture or revocation of this chapter and the termination of all rights hereunder; provided, however, any delay in correcting such violation which is caused by factors beyond the control of the Grantee, shall not be included in computing the length of the continuance of such violation.

114.35 **BANKRUPTCY OR RECEIVERSHIP.** In the event of the bankruptcy or receivership of the Grantee, all rights herein given to the Grantee shall at the option of the City, be forfeited and terminated.

114.36 **PROGRAM CONTENT RESTRICTIONS.** In addition to providing basic cable television service consisting of broadcast, locally originated, access, and automated signals, the
Grantee may offer subscribers optional services on a per-program or per-channel basis (pay cable). The Grantee shall not, however, program or in any way display pornographic material such as X-rated motion pictures as part of its basic cable or pay cable services.

114.37 EMPLOYMENT REQUIREMENT. The Grantee shall not refuse to hire any person, or discharge any person from employment, or discriminate against any person regarding compensation, terms, conditions, or privileges of employment because of sex, race, color, creed, or national origin. The Grantee shall take affirmative action to ensure that employees are treated, during employment, without regard to their sex, race, color, creed or national origin.

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### CHAPTER 114A

#### CABLE TELEVISION REGULATIONS

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**114A.01 DEFINITIONS.** For the purpose of this chapter, the following terms are defined:

1. “Company” means Minburn Cablevision, Inc., an Iowa corporation, together with its successors and assigns.


3. “Franchise” means the franchise granted to the Company pursuant to Chapter 113A of the City Code of Ordinances.

4. “Gross subscriber revenues” means only those revenues derived from the monthly service charges paid by subscribers located within the City for basic video.
programming service, which service includes only the transmission of broadcast
signals and the programming presented on the required access and origination
channels, if any. “Gross subscriber revenues” does not include any revenues
received: (i) as reimbursement of expense in the operation of any access channels;
(ii) as advertising payments; (iii) from the leasing of cable channels; (iv) from
programs for which a per-channel or per-program charge is made; and (v) from
furnishing other communications and non-broadcast services either directly or as a
carrier for another party or (vi) any other income derived from the system. “Gross
subscriber revenues” also does not include revenues received as installation charges
and fees for connection, reconnection, inspection, repairs or modifications of any
service or equipment.

5. “Public way” means all highways, streets, alleys, sidewalks, and public places,
and all manner of easements and public rights of way now laid out or dedicated, and
all extensions thereof and additions thereto in the City.

6. “System” means the Company’s lines, fixtures, equipment, attachments, and
all appurtenances thereto they are used for the provision of video service.

114A.02 GRANT OF AUTHORITY. The franchise, which grants to the Company the
nonexclusive right to construct, operate and maintain the system in the City, was passed and
adopted by the Council after a full, open and public proceeding. Said proceeding was held
after public notice was given and afforded all interested parties the opportunity to comment
upon the legal, character, financial, technical and other qualifications of the Company.
Having received at said proceeding all comments regarding the qualifications of the
Company, the City hereby finds that the Company possesses the necessary legal, technical,
character, financial and other qualifications to hold the franchise. Therefore, the City has
granted to the Company under the franchise a nonexclusive right to construct, erect,
operate, modify and maintain, in, upon, along, across, above and over and under the public
ways all facilities and equipment necessary or useful to the Company’s operation of the
system for providing video programming service. The rights granted under this franchise
include the right to use and occupy the public ways for such purposes. With respect to the
Company and its video service, the franchise and this chapter shall supersede any existing
cable franchise or cable regulatory ordinances.

114A.03 FRANCHISE TERM. The term of the franchise shall be twenty-five (25) years, as
provided in Chapter 113A. This chapter shall remain in effect for the term of the franchise.
114A.04 COMPLIANCE WITH APPLICABLE LAWS. The Company shall, at all times during the life of the franchise, be subject to all lawful exercise of the City’s police power and to such reasonable regulation as the City shall hereafter by resolution or ordinance provide. The construction, operation and maintenance of the system shall be in full compliance with such portions of the National Building and Electric Code as may be applicable and as the same may be amended and revised from time to time, and in full compliance with all other applicable rules and regulations now in effect or hereinafter adopted by the FCC, the IUB, the City, or any other agency of the United States or State of Iowa, which may hereafter acquire jurisdiction of the operations of the Company under the franchise. Notwithstanding the preceding, noting in this chapter or the franchise shall impose any requirement that has the purpose or effect of prohibiting, limiting, restricting or conditioning the provision of any telecommunications or advanced communications services by the Company.

114A.05 LIABILITY AND INDEMNIFICATION. Nothing in this chapter shall be deemed to create any liability by one party for action, omissions or negligence of the other party, or of the other party’s agents, employees, officers or assigns, and this chapter shall not be interpreted or construed to provide any third parties (including but not limited to the Company’s customers) with any remedy, claim, liability, reimbursement, cause of action or any other right as against the Company or the City. Consistent with the preceding, the Company shall indemnify the City for, and hold it harmless from, all liability, damage, cost or expense arising from claims of injury to persons or damage to property arising from any action, omissions or negligence of the Company, or of the Company’s agents, employees, officers or assigns. The City shall notify the Company within ten (10) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City and subject to indemnification as provided herein. The Company further agrees as follows:

1. Liability Insurance. Company shall carry insurance in such forms and with such companies as shall be approved by the City covering all claim, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, facilities or equipment. The amount of insurance shall be not less than $100,000.00 as to any one person, $300,000.00 as to any one occurrence for injury or death to persons, and $100,000.00 for damages to property, with so-called umbrella coverage of at least $2,000,000.00.

2. Worker’s Compensation. Company shall carry Worker’s Compensation Insurance as required by applicable laws of the State of Iowa.

3. Automobile. Company shall carry Automobile Insurance with limits of not less than $100,000.00/$300,000.00 of public liability coverage and automobile
property damage insurance with a limit of not less than $100,000.00 covering all automotive equipment, with so-called umbrella coverage of at least $2,000,000.00.

4. Notice of Cancellation. All of said insurance coverage shall provide a ten-day notice to the City in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation becomes effective.

5. Copies Filed With City. Copies of all required insurance policies or certificates of coverage shall be furnished to and filed with the City prior to the Company’s commencement of operations and shall be updated on or prior to the date such policies expire.

114A.06 SYSTEM CONSTRUCTION, MAINTENANCE AND PROCEDURES. The following system construction, maintenance and procedures shall be required:

1. Construction and Maintenance. All work involved in the construction, installation, maintenance and repair of the system shall be performed in a safe, thorough, and reliable manner. Any municipal property damaged or destroyed shall be promptly repaired or replaced by the Company and restored to as good a condition as before said work was commenced.

2. Location Restrictions. The system shall be located, erected and maintained so that none of its facilities or equipment shall endanger or interfere with the lives of persons, or interfere with any improvements the City may deem proper to make, or unnecessarily hinder or obstruct the free use of the public ways.

3. Annexed Areas. In the event that the City shall annex further territory as authorized by law, the Company shall extend service to the portions of the City so annexed within a commercially reasonable time thereafter. Notwithstanding the preceding, extension of service is not required into an area that does not meet the service density requirements set forth in Section 114A.07 of this chapter.

4. Interference With Property. All equipment and facilities erected by the Company within the City shall be so located as to cause minimum interference with the proper use of public ways, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any public ways.

5. Restoration of Public Ways. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the Company shall, at its own cost and
expense and in a commercially reasonable manner approved by the City, replace and restore all paving, sidewalk, driveway or surface of any public way so disturbed, in as good a condition as before the work was commenced.

6. Grade Changes. In the event that any time during the term of this franchise the City shall lawfully elect to change the grade of any public way, the Company, upon commercially reasonable notice by the City, shall remove, relay and relocate its equipment and facilities at its own expense.

7. Interference With Utilities and Travel. The Company shall not place any facilities or equipment where the same will interfere with any gas, electric or telephone fixture, water hydrant or main, and all such facilities and equipment placed in any public way shall be placed in such manner as not to interfere with the usual travel on said public way.

8. Moving Buildings. The Company, on the request of any person holding a building moving permit issued by the City, shall temporarily remove, raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than forty-eight (48) hours’ advance notice to arrange for such temporary changes.

9. Trees. The Company shall have the authority to trim trees upon and overhanging the public ways so as to prevent the branches of such trees from coming in contact with the facilities and equipment of the Company, all trimming to be done under the supervision and direction of the City and at the expense of the Company.

10. Municipal Buildings. The Company shall, upon request and without charge, provide service to one television set to any municipal buildings owned and operated by the City and to any public or parochial elementary or secondary school, provided that the cost of any internal wiring and customer premises equipment shall be borne by the institution.

**114A.07 SERVICE EXTENSIONS.** Service shall be extended pursuant to the following:

1. Density Criteria. It is the obligation of Company to serve all residents of the City except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically unfeasible or economically non-
compensatory. For purposes of determining compliance with the provisions of this section, and to provide for a commercially reasonable and non-discriminatory policy governing extensions of video service within the City, Company shall extend service to new subscribers at the normal installation charge and monthly rate for customers of that classification taking the same services, where there is an average of thirty-five (35) homes per each linear mile of new facilities construction.

2. Reasonable and Compensatory. In the event the requirements of subsection 1 above are not met, extensions of service shall be required only on a basis which is commercially reasonable and compensatory.

114A.08 COMPLIANCE WITH STANDARDS. All facilities and equipment of Company shall be constructed and maintained in accordance with the requirements and specifications of the National Electrical Safety Code and such applicable ordinances and regulations hereafter adopted by the FCC, the IUB, the City or any other agency of the United States or State of Iowa which may hereafter acquire jurisdiction over the operations of the Company under the franchise.

114A.09 COMPANY RULES AND REGULATIONS. The Company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under the franchise and this chapter, and to ensure an uninterrupted service to its customers. Provided, however, such rules, regulations, terms and conditions shall not be in conflict with the provisions of this chapter or applicable State or Federal laws.

114A.10 PROCEDURES. No renewal or non-renewal of this chapter shall be effective except pursuant to a public proceeding affording due process. The Company shall be a party to any such proceedings and to any other proceedings in which its rights, privileges or interests would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules and regulations.

114A.11 APPROVAL OF TRANSFER. The Company shall not sell, assign or transfer the system, or assign or transfer any of its rights under the franchise or this chapter, to any other party without the prior written approval of the City, which approval shall not be unreasonably withheld or delayed. Notwithstanding the preceding, the Company shall have an unrestricted and unlimited right to sell, assign or transfer the system and to assign or transfer its rights under the franchise and this chapter, to a wholly owned subsidiary or an affiliate under common control with the Company without prior consent of the City. For any sale, assignment or transfer requiring the City’s prior consent, the buyer, assignee or
transferee shall file with the City an instrument duly executed, reciting the fact of such sale, assignment or transfer, accepting the terms of the franchise and this chapter, and assuming and agreeing to perform all conditions thereof and hereof.

114A.12 COMPLIANCE WITH FCC RULES AND REGULATIONS. The Company shall at all times comply with the rules and regulations of the FCC applicable to the system and to video service provided by the Company.

114A.13 PUBLICATION COSTS. The Company shall assume the costs of the publication of the franchise ordinance as such publication is required by law. A bill for publication costs shall be presented to the Company by the City upon the Company’s filing of its acceptance of the franchise and the publication costs shall be paid by the Company at that time.

114A.14 EMERGENCY OR DISASTER. In the case of any emergency or disaster, the Company shall, upon request of the City Clerk, make available its equipment and facilities to the City for emergency use during the emergency or disaster period. The City shall indemnify and hold the Company harmless from the City’s use of the system pursuant to this section.

114A.15 LIABILITY. The City shall not be liable for any damage occurring to the property of the Company caused by employees of the City in the performance of their duties, except for damage to the Company’s equipment or facilities caused by the negligence or misconduct of the City’s employees. The City shall not be liable for the interruption of service caused by the actions of City employees in the performance of their duties, nor shall the City be held liable for the failure of the Company to be able to perform normal services due to acts of God or other factors beyond the control of the City.

114A.16 NO PROPERTY RIGHT. Nothing in this chapter shall grant to the Company any right of property in the City-owned property, nor shall the City be compelled to maintain any of its property any longer than, or in any fashion other than, in the City’s judgment its own business or needs may require.

114A.17 CONSTRUCTION APPROVAL BY CITY. No major construction of any kind shall be commenced without the prior approval of the Director of Engineering or appropriate department of the City, which approval shall not be unreasonably withheld or delayed, and the City shall have and retain the right to inspect the construction, operation and maintenance of the system in a commercially reasonable manner to insure the Company’s proper performance of the terms of this chapter.
114A.18 CORRECTION OF DEFECTS. In the event the Company violates any of the terms of this chapter, or any of the rules and regulations as may be from time to time lawfully adopted, the City shall immediately give to the Company thirty (30) days’ written notice to correct such violation, and in the event the Company does not make such correction within thirty (30) days from its actual receipt of such written notice, the City may make such correction itself and charge the cost of the same to the Company, and the Company shall pay such charges within thirty (30) days after its actual receipt of a statement reflecting such charge.
114A.19 ACTIVITIES PROHIBITED. The following activities are prohibited:

1. TV Interference. The Company shall not allow its video or other operations to interfere with television reception of persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the City.

2. Discrimination. The Company shall not, as to rates, charges, service facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

114A.20 RECORDS AND REPORTS. The Company shall keep full, true, accurate and current books of account, which books and records, and all other pertinent books, records, maps, plans, financial statements and other like materials, shall be made available for inspection and copying by the City upon reasonable notice and during normal business hours, provided that the Company shall not be required to make available any information of a confidential and proprietary nature except pursuant to a nondisclosure agreement acceptable in form to the Company, the City and their respective legal counsel.

114A.21 PAYMENTS TO CITY. Company shall pay to the City, on an annual basis, one percent (1%) of its annual gross subscriber revenues. The payment required by this section shall be made within forty-five (45) days of the close of the calendar year.

114A.22 LOCAL OFFICE; COMPLAINT PROCEDURES. The Company shall by appropriate means (such as a card or brochure) as subscribers are connected or reconnected for service, furnish information concerning the procedures for making inquiries and/or complaints, including the name, address and toll-free telephone numbers of the employee or employees or agent to whom such inquiries or complaints are to be addressed.

114A.23 CITY CLERK’S RESPONSIBILITIES. The City appoints its City Clerk as responsible for implementation of the complaint procedures and continuing administration of this chapter.

114A.24 PROTECTION OF PRIVACY. The right of privacy shall be protected as follows: Unlawful Transmission. Company shall not permit the transmission of any signal, aural, visual or digital, including “polling” the channel selection, from any subscriber’s premises.
without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of transmission signals useful only for the control or measurement of system performance.

114A.25 UNLAWFUL RECEPTION. It is unlawful for any person to attach or affix or to cause to be attached or affixed any equipment or device which allows access to or use of the Company’s video service without payment to the Company. In addition to any rights or remedies of the Company at law or in equity, such action shall be a simple misdemeanor.

114A.26 ADDITIONAL REGULATIONS. The City reserves the right to adopt, in addition to the provisions contained in this chapter, such additional regulations as it shall find necessary in the exercise of its police power, provided, however, that such regulations are reasonable and not materially in conflict with the Company’s rights under the franchise and this chapter or applicable State or Federal laws or regulations.

114A.27 PENALTIES. Should the Company violate any of the provisions of this chapter or any reasonable rules and regulations established by the City pursuant hereto, and should such violation continue for more than thirty (30) days after the City has given the Company written notice of such violation, failure or default, the same shall be the cause for the forfeiture or revocation of this chapter and, following a hearing as provided herein, the termination of all rights hereunder; provided, however, any delay in correcting such violation which is caused by acts of God or other factors beyond the control of the Company shall not be included in computing the length or continuance of such violation.

114A.28 BANKRUPTCY OR RECEIVERSHIP. In the event of the bankruptcy or receivership of the Company, all rights herein given to the Company shall, at the option of the City, be forfeited and terminated.

114A.29 PROGRAM CONTENT RESTRICTIONS. The Company shall comply with applicable Federal law and FCC rules regarding program content restrictions.

114A.30 EMPLOYMENT REQUIREMENT. The Company shall not refuse to hire any person, or discharge any person from employment, or discriminate against any person regarding compensation, terms, conditions, or privileges of employment because of sex, race, color, creed, or national origin. The Company shall take affirmative action to ensure that employees are treated, during employment, without regard to their sex, race, color, creed or national origin.
(Ch. 114A – Ord. 07-332 – Mar. 09 Supp.)

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required

120.02 General Prohibition

120.03 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.
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.

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.

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

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.
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])

11. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class “C” beer permit only.
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) 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 21 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 21.
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)

<table>
<thead>
<tr>
<th>FOR PERMITS GRANTED DURING:</th>
<th>FEE:</th>
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<tbody>
<tr>
<td>July, August or September</td>
<td>$75.00</td>
</tr>
<tr>
<td>October, November or December</td>
<td>$56.25</td>
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<tr>
<td>January, February or March</td>
<td>$37.50</td>
</tr>
<tr>
<td>April, May or June</td>
<td>$18.75</td>
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</table>

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.
CHAPTER 121
CIGARETTE AND TOBACCO PERMITS

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)
CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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. An application fee of two dollars ($2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars ($10.00) per year.

2. Peddlers or Transient Merchants.
   A. For one day.................................. $ 5.00
   B. For one week.................................. $ 25.00
   C. For up to six (6) months ...................... $ 100.00
   D. For one year or major part thereof......... $ 175.00

122.06 BOND REQUIRED. Before a license under this chapter is issued 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.

122.07 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.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.
122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m.

122.11 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.

122.12 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.

122.13 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.14 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.

122.15 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.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 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 Woodward-Granger 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.

122.18 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.

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CHAPTER 123

HOUSE MOVERS

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 method other than upon a properly licensed motor vehicle.

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.

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 Police Chief, 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 ten dollars ($10.00) 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.
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

   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.

CODE OF ORDINANCES, WOODWARD, IOWA
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. Insurance Required. Each applicant shall file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

   A. Bodily Injury - $50,000.00 per person; $100,000.00 per accident.

   B. Property Damage - $50,000.00 per accident.

5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

6. Backfilling and Resurfacing. All backfilling and resurfacing of any street or alley shall be done by the contractor at the expense of the permit holder/property owner, except for the resurfacing of a hard surfaced street which shall be done by the City. When it is necessary to excavate in the hard surface area of a street, the contractor shall pay a three hundred dollar ($300.00) fee to the Clerk to cover the cost of resurfacing such street. The contractor shall be responsible for backfilling and compacting the excavation with sand to within one (1) foot of the surface of the street. The last one (1) foot shall be compacted in two 6 inch lifts of one and one-half inch white rock.

7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed 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 the Statewide Notification Center 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, filing of the insurance certificate, and payment of any required fees, a permit shall be issued. A separate permit shall be required for each excavation.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon 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. However, snow on the sidewalks in the business district will be allowed to be pushed into the
street without the requirement of subsequent removal by the owner.

*(Ord. 10-343 – Mar. 10 Supp.)*

*(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.

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CHAPTER 136

SIDEWALK REGULATIONS

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 (¾) inch or more.

   B. Horizontal separations equal to one (1) inch or more.

   C. Holes or depressions equal to three-fourths (¾) 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 (½) 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 (¾) 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 (¾) 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.


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 a reasonable time,
the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa, 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.

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-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. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.

   C. Driveway areas shall be not less than six (6) inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from 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 (½) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-quarter (¼) 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.
CHAPTER 137

VACATION AND DISPOSAL OF STREETS

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.

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<td>12-355</td>
<td>July 9, 2012</td>
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CHAPTER 138

STREET GRADES

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.

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
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</table>
CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets

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 Woodward, 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 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

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 two and one-half (2½) 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.
CHAPTER 151

TREES

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>151.01</td>
<td>Definition</td>
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<tr>
<td>151.02</td>
<td>Planting Restrictions</td>
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<tr>
<td>151.03</td>
<td>Duty to Trim Trees</td>
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<tr>
<td>151.04</td>
<td>Trimming Trees to be Supervised</td>
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<td>151.05</td>
<td>Disease Control</td>
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<tr>
<td>151.06</td>
<td>Inspection and Removal</td>
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</table>

**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 RESTRICTIONS.** No tree shall be planted in any parking or street except in accordance with the following:

1. **Alignment.** All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2. **Spacing.** Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3. **Prohibited Trees.** No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

**151.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on or overhanging the streets and alleys trimmed so that all branches will be at least fifteen (15) feet above the surface of the street or alley 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 fourteen (14) 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.

(Ord. 10-345 – Mar. 12 Supp.)

(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 155

PROPERTY MAINTENANCE CODE

155.01 Purpose. The purpose of this chapter is to protect the public health, safety, and welfare, esthetics, and property values, by establishing minimum standards for maintenance, appearance, condition and occupancy, and for essential utilities, facilities and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this chapter; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this chapter.

155.02 Interpretation. The provisions of this chapter shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the Code of Iowa. Nothing in this chapter shall be construed to abrogate the Federal or State Constitutions, or to grant powers to the City that are otherwise reserved by and for Federal and State government.

155.03 Abrogation and Greater Restrictions. It is not the intent of this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or
issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.

155.04 DEFINITIONS. Words used in this chapter have the same meanings as defined by the Zoning Ordinance, unless otherwise defined by this chapter.

1. “Abandoned building” means any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured.

2. “Board of Appeals” means the Zoning Board of Adjustment, referred to herein as “the Board.”

3. “Deterioration” means a state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.

4. “Enforcement officer” means the person designated by the Council to enforce the provisions of this chapter.

5. “Exposed to public view” refers to any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.


7. “Extermination” means the control and elimination of insects, rodents and vermin.

8. “Farm” means a tract of land having an area of ten or more acres devoted to raising of feed grains or domestic livestock.

9. “Infestation” means the presence of insects, rodents, vermin or other pests on the premises to the extent that they constitute a health hazard, are deemed by the enforcement officer to be in threat of spreading to adjoining premises, or are exposed to public view.

10. “Junk” means any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.
11. “Nuisance” means physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises, where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

12. “Owner” means any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

13. “Premises” means a lot, plot or parcel of land together with the structures thereon.

14. “Public authority” means any officer of any department or branch of the City, County or State charged with regulating health, fire, zoning or building regulations, or other activities concerning property in the City.

15. “Refuse” means any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard; plastic; metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food; crockery, bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

16. “Responsible party” means any person having possession, charge, care, or control of real personal property, whether with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

17. “Vehicle” means any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, snowmobiles, or any combination thereof, except bicycles.
18. “Vehicle, inoperable” means any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: cannot legally travel on a public street due to broken, damaged, or missing windshield or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel, or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.

155.05 MAINTENANCE STANDARDS GENERALLY. The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon will be preserved, adjoining properties protected from blighting influences, and safety and fire hazards eliminated.

155.06 MAINTENANCE OF PREMISES. Each and every premises shall be kept free of all nuisances, health, safety and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

1. Weeds or grasses allowed to grow to a height greater than twelve (12) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property which is not within the jurisdiction of the County Weed Commissioner. This provision shall not apply to prairies, wetlands, or similar areas of naturalized perennial vegetation which are certified by the enforcement officer to not constitute a nuisance.

2. Accumulation of refuse to the prejudice of others. No person shall discard any litter onto or in any water or land within the City, 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. Provided further, however, newspapers, flyers, bulletins, notices, sale bills, and other printed matter may be deposited in receptacles provided for such purpose. If a person places or distributes newspapers, flyers, bulletins, notices, sale bills, or other printed matter on the property of another outside receptacles provided for such purposes, after a written request has been sent to the last known address of such person by the property owner not to do so, such person shall be guilty of a violation of this section.
Persons causing such distribution of litter by their agents, servants or employees, shall be guilty of a violation of this section.

3. Any structure which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; any structure defined as a dangerous building by the most current edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials; or any building that is defined as abandoned or a public nuisance by Chapter 657A of the Code of Iowa.

4. Any inoperable vehicle which is exposed to public view, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.

5. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon public property in a quantity adjudged by the enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal regulations.

6. Failure to establish a permanent cover of perennial grasses or ornamental ground cover on any non-farm property as soon as practical after any construction, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water.

7. Any nuisance as defined herein or described as such by Chapter 657 of the Code of Iowa.

8. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises; or any alteration or modification which changes any elevation or flow within a surface water flowage easement or impounding area.

9. Conditions which are conducive to the harborage or breeding of vermin.

10. Facilities for the storage or processing of sewage, such as vaults, privies, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or
11. Vehicles parked on any un-surfaced portion of a yard exposed to public view.

12. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.

13. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety or building; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety or buildings on adjoining premises.

14. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

15. Any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children.

155.07 BUILDING MAINTENANCE. Every building shall be maintained to be weather and water tight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish which admit rain, cold air dampness, rodents, insects, or vermin. Basements, cellars, and crawl spaces shall be free of standing water and hazards. All wood, including floorboards, sub-floors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of cracks affecting structural integrity, termite damage, infestation, or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards.

155.08 REFUSE AND INOPERABLE VEHICLES. Inoperable vehicles shall be stored within a fully enclosed building or other location not exposed to public view, or shall be removed from the premises. All refuse shall be contained in suitable collection containers; kept free from infestation; and shall be removed weekly.
155.09 RESIDING AND RECONSTRUCTION. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of other properties in the vicinity of the premises. Their appearance, as judged under prevailing appraisal practices and standards, shall not depreciate the value of adjoining premises or the neighborhood.

155.10 EXCEPTION FOR FARMS. Farms, whose principal activity is the production of feed grains or livestock, having an area of more than ten acres on January 1, 1997, shall be exempted from this chapter for such time that the area of the farm exceeds ten acres.

155.11 ENFORCEMENT. The creation or maintenance of a violation of this chapter is prohibited and shall constitute a violation of this Code of Ordinances. Each day that a violation is permitted to continue constitutes a separate offense.

1. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of the enforcement officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this chapter, including inspections and holding of hearings. The enforcement officer is hereby authorized to abate such violations in accordance with the procedures of this chapter and to serve notice to abate same, whether upon the owner or other responsible party for a premises upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation.

2. The objective of this chapter being the abatement of violations, persons violating this chapter shall be allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for a violation is undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.

3. Violations which are not voluntarily remedied may be abated by an administrative abatement process; the municipal infraction process; by court proceedings; or by City abatement and assessment of costs therefore against the responsible party, at the discretion of the City.

4. The enforcement officer may, but shall not be required, to give notice to abate prior to issuance of a civil citation for a repeat offense involving the same property and occurring within a year of a prior violation and notice to abate.
155.12 NOTICE. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

1. By personal service upon the owner or other responsible party of the property upon which the nuisance exists, or upon the person or persons causing or maintaining the violation.

2. If, after reasonable effort, personal service cannot be made, any two of the following methods of service shall be considered adequate: (i) sending the notice by certified mail, return receipt requested to the last known address; (ii) publishing the notice once a week for two consecutive weeks in a newspaper of general circulation in the City; or (iii) by posting the notice in a conspicuous place on the property or building deemed a nuisance.

155.13 APPEAL. Any person affected by any notice to abate a violation of this chapter may request a hearing on the matter before the Board of Appeals, provided that a written appeal shall be filed with the enforcement officer within ten days after the notice to abate was served. The appeal shall be filed on a form provided by the City for that purpose, and shall state the particular section of this chapter or interpretation thereof being appealed, and a brief statement of the grounds upon which such appeal is taken. Failure to file a timely appeal as prescribed herein shall constitute a waiver of the right to a hearing, and the notice shall become final. The Board’s determination and order may be appealed to the County District Court by writ of certiorari. Such appeal shall be filed within thirty (30) days from the date of the Board’s decision. The Board’s order shall not be carried out until the time for filing the writ of certiorari has expired.

155.14 ABATEMENT REMEDIES AND PENALTIES. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by any of the following means:

1. By undertaking such abatement and assessing the costs thereof against the property.

2. By issuance of a civil citation charging the owner or responsible party with a municipal infraction.

Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of
nuisances. Abatement costs may include the cost of removing or eliminating the violation; the costs of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage, and sale of said inoperable or obsolete vehicle, the cost of abatement, storage, and sale of said inoperable or obsolete vehicle or the balance of such cost may be assessed against the premises in the same manner as a property tax. Before the assessment of any charges for work done or caused to be done by the City, the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the Council. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.

155.15 COURT ORDER. The court may order any one or more of the following:

1. Place a judgment against the person and/or property of defendant for the costs of abatement.

2. Levy a civil penalty against the defendant of up to $750.00 for the first offense and up to $1,000.00 for repeat offenses.

3. Order abatement of the violation in any manner.

4. Assess costs of abatement against the premises.

155.16 EMERGENCY ABATEMENT PROCEDURE. If the enforcement officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give a property owner notice and the opportunity for a hearing before the City Council in accordance with Section 155.14.

155.17 BOARD OF APPEALS.

1. Authority. The Board of Appeals is hereby empowered to hold hearings on appeals from the regulations of this chapter.
2. Procedure. Upon receipt of a timely-filed appeal, the enforcement officer shall set a time and place for the Board to hear such appeal and shall publish notice thereof.

   A. The hearing shall be open to the public and shall be recorded either electronically or manually. All parties shall be afforded an opportunity to respond and present evidence and argument. If the appellant fails to appear at such hearing, the Board may proceed with the hearing and make a decision in the absence of the appellant.

   B. The Board’s finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, even if such evidence would be inadmissible in a court of law. The Board’s experience, technical competence, and specialized knowledge will be utilized in the evaluation of the evidence. The presiding officer of the Board shall conduct the hearing.

3. Decision of the Board. No hearing shall be valid unless a majority of the Board is present, and no appeal shall be granted unless reached by a majority of all members of the Board. The Board shall render a decision based upon the record, at the conclusion of the hearing or within a reasonable time thereafter. The Board may affirm, modify or reverse any action, interpretation, notice or order which has been issued in connection with the enforcement of this chapter. Following the decision of the Board, all parties shall be notified of the decision personally or by return receipt mail service delivered to the address provided by the party. Any party to the hearing, including the City, may seek judicial review by filing a petition in the County District Court within thirty (30) days after the issuance of the decision by the Board.

[The next page is 709]
CHAPTER 156

BUILDING CODE

156.01 Adoption of the 2006 International Residential Code

156.02 Amendments, Modifications, Additions and
Deletions

156.03 Adoption of the 2006 International Building Code
Deletions

156.04 Amendments, Modifications, Additions and
Deletions

156.05 Adoption of the 2006 International Existing
Building Code
Deletions

156.06 Amendments, Modifications, Additions and
Deletions

156.07 Adoption of the 2006 International Mechanical
Code
Deletions

156.08 Amendments, Modifications, Additions and
Deletions

156.09 Adoption of the 2006 International Plumbing Code

156.10 Amendments, Modifications, Additions and
Deletions

156.11 Adoption of the 2005 National Electrical Code

156.12 Amendments, Modifications, Additions and
Deletions

156.13 Adoption of the 2006 International Fuel Gas Code

156.14 Adoption of the 2006 International Property
Maintenance Code

156.15 Amendments, Modifications, Additions and
Deletions

156.16 Adoption of the 2006 International Fire Code.

156.01 ADOPTION OF THE 2006 INTERNATIONAL RESIDENTIAL CODE. Pursuant to published notice and public hearing, as required by law, the International Residential Code, 2006 Edition, published by the International Code Council, is hereby adopted in full, including Appendix Chapters E and J, except for such portions as may hereinafter be deleted, modified or amended.

156.02 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The following amendments, modifications, additions and deletions to the International Residential Code, 2006 Edition, are hereby made:

1. Add the following to Section R108.3: “The Building Valuation will be derived from the most current Building Valuation Data Schedule published in the Building Safety Journal. Furthermore, the good column will be used, nothing will be added for air-conditioning and the Regional Modifier for Iowa will be used.
The method for determining the value of the additional listed residential items will be as follows: The square foot of the listed structure, times the Dwelling – Type V – Wood Frame value, times the % multiplier assigned to each listed item.

1. Open Decks – 8%.

2. Screened Porches – 15%.

3. In-ground Pools – 17%.

4. Above-ground pools – 8%.

5. 3 Season Porches – 50%.

Crawl spaces or garage foundations are not included in basement charges.”

2. In Section R110.1 under Exception, add the following: “On all new construction, all necessary walks, drives and approaches, and all seeding and sodding are to be installed before a final Certificate of Occupancy is issued.”

3. Add the following to Section R108.2 Schedule of Permit Fees:

<table>
<thead>
<tr>
<th>TOTAL VALUATION</th>
<th>FEE*</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $500</td>
<td>$15.00</td>
</tr>
<tr>
<td>$501 to $2,000</td>
<td>$15 for the first $500 plus $2 for each additional $100 or fraction thereof, to and including $2,000</td>
</tr>
<tr>
<td>$2,001 to $25,000</td>
<td>$45 for the first $2,000 plus $8 for each additional $1,000 or fraction thereof, to and including $25,000</td>
</tr>
<tr>
<td>$25,001 to $50,000</td>
<td>$229.00 for the first $25,000 plus $7.00 for each additional $1,000 or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$404 for the first $50,000 plus $5 for each additional $1,000 or fraction thereof, to and including $100,000</td>
</tr>
<tr>
<td>$100,001 to $1,000,000</td>
<td>$654 for the first $100,000 plus $3 for each additional $1,000 or portion thereof, to and including $1,000,000</td>
</tr>
</tbody>
</table>
$1,000,001 and up | $3,354 for the first $1,000,000 plus $2.50 for each additional $1,000 or fraction thereof

**Other Inspections and Fees**

1. Fences | $20.00
2. Signs (0-100 sq. ft.) | $15.00 base plus $0.25 per sq. ft.
3. Signs (101 sq. ft. and up) | $40.00 base plus $0.15 per sq. ft.
4. Storage Tanks | $25.00 each for installation or removal
5. Temporary Structures (including tents, canopies, membrane structures and similar structures) | $25.00
6. For use of outside consultants for plan checking and inspections, or both | Actual costs*

* Actual costs include administrative and overhead costs.

1. All permit fee changes after adoption of this ordinance shall be adopted by City Council by resolution and posted at City Hall.

4. Amend Section R105.2(1) to read as follows: “One-story detached accessory structures, provided the floor area does not exceed 120 square feet.”

5. Delete Section R105.2(2).
6. Amend Section R105.2(7) to read as follows: “Prefabricated swimming pools that are less than 18 inches deep.”

7. Amend Section R108.5 to read as follows: “Fee Refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.”

8. In Section R301.2.1.3 add the following: “For purposes of determining wind loads, the minimum basic wind speed shall be considered as 90 miles per hour; except when referenced documents are based on fastest mile wind velocities, Table R301.2.1.3 shall be used.”

9. In Section R301.2.3 add the following: “For purposes of determining snow loads, the minimum ground snow load for design purposes shall be 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in this code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.”

10. In Section R309.1 add “and shall have self-closing devices required on doors” so the second sentence of the paragraph reads as follows: “Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors; and shall have self-closing devices required on doors.”

11. In Section R319.1 add the following: “8. Fences. Residential fences shall be chain link or approved wood not more than 6’ higher than grade at the fence line. Wood fences shall be constructed so that both sides are finished; using alternating

CODE OF ORDINANCES, WOODWARD, IOWA

- 712 -
vertical boards no more than 5-1/2" wide. Wood used in fences shall be treated wood, or approved wood of natural resistance to decay.”
12. Replace Table R403.1 with the following:

<table>
<thead>
<tr>
<th>Number of Stories</th>
<th>Thickness of Foundation Walls (inches)</th>
<th>Minimum Width of Footing (inches)</th>
<th>Thickness of Footing (inches)</th>
<th>Minimum Depth of Foundation Below Natural</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>8</td>
<td>16</td>
<td>8</td>
<td>42</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>16</td>
<td>8</td>
<td>42</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
<td>18</td>
<td>12</td>
<td>42</td>
</tr>
</tbody>
</table>

13. In Section R404 add the following:

1. "Scope. Notwithstanding other design requirements of Sections R404.1 – R404.1.5.1 of the International Residential Code, foundation retaining walls for one and two family dwelling occupancies of Type V construction may be constructed in accordance with this section, provided that use or building site conditions affecting such walls are within the limitations specified in this section.

2. Specifications. General specifications for such foundation retaining walls shall be as follows:


      1. The maximum height of the foundation wall for eight-foot walls shall be seven feet eight inches (7’8”), for nine-foot walls shall be eight feet eight inches (8’8”), and for
ten-foot walls shall be nine feet eight inches (9'8'"), measured between foundation plate and a concrete floor slab having a minimum thickness of four inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.

2. The foundation plate shall be attached to the wall with one-half inch steel bolts as prescribed in Section R403.1.6 of the International Residential Code.

3. Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section R405.1 of the International Residential Code.

4. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.

3. Hollow Concrete Masonry Foundation Walls.

a. Hollow concrete masonry units shall be set in Type M or Type S mortar.

b. All footings shall be of cast-in-place concrete having a minimum compressive strength of 3,000 pounds per square inch at 28 days, and shall be reinforced longitudinally with not less than two one-half inch diameter steel bars placed continuously throughout. Footing reinforcement shall be symmetrically placed and so located as to ensure no less than three inches of concrete cover on all sides.

c. Foundation walls having a nominal thickness of not less than 12 inches may be un-reinforced. Other foundation walls shall comply with the following requirements:

1. The nominal thickness of concrete masonry units shall not be less than eight inches.
2. When a foundation wall has a horizontal clear span of more than 12 feet between supporting cross walls or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount of 0.075 square inches of ASTM A615 grade 40 steel per lineal foot of wall. All reinforcing steel shall be deformed bars spaced no more than 8 foot on center. All grout shall comply with Section 607 and 609 of the International Residential Code.
4. Cast-in-place Plain Concrete Foundation Walls.

a. Cast-in-place concrete foundation walls constructed under the provisions of this subsection shall be concrete having a minimum compressive strength of 28 days of not less than 3,000 pounds per square inch. All materials, proportioning, and placing shall conform to the requirements of Chapter 4 of the International Residential Code. In addition:

1. The minimum thickness of wall shall be seven and one-half inches for eight-foot high walls.

2. Walls shall be reinforced with no less than three 1/2-inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near mid-height of the wall for eight-foot high walls.

3. Nine- and ten-foot high walls shall have a minimum thickness of 8 inches. Walls shall be reinforced with ASTM A615 grade 40 deformed steel bars. Steel bars of 1/2-inch diameter shall be placed in the center of the wall horizontally at 2 feet on center and 20 inches on center vertically. Steel bars of 5/8-inch diameter shall be placed in the center of the wall horizontally at 2 feet on center and 30 inches on center vertically. (The use of 5/8-inch steel bars is optional.)

14. In Section R403.1.4.1 add the following: “R403.1.4.3 Frost Protection for Accessory Structures. Accessory structures 400 square feet or less can be erected on a slab at least 4 inches in thickness with no footings. Any structures over 400 square feet and not exceeding 720 square feet may be provided with a floating slab which shall include a thickened edge of a minimum of 12 inches in depth, of which 6 inches shall be below grade and 6 inches above grade. The thickened edge shall be at least 8 inches in width and tapered to at least 4 inches in depth throughout. Sod shall be removed to a depth of 6 inches and replaced with a minimum of 3 inches of sand backfill. Any structure over 720 square feet shall have frost footings.”

15. Delete Chapter 11 Energy Efficiency in its entirety.
156.03 **ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE.** Pursuant to published notice and public hearing, as required by law, the International Building Code, 2006 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

156.04 **AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the International Building Code, 2006 Edition, are hereby made:

1. Delete Section 105.2(2).

2. Amend Section 105.2(9) to read as follows: “Prefabricated swimming pools that are less than 18 inches deep.”

3. Add the following to Section 108.2 Schedule of Permit Fees:

<table>
<thead>
<tr>
<th>TOTAL VALUATION</th>
<th>FEE*</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $500</td>
<td>$15.00</td>
</tr>
<tr>
<td>$501 to $2,000</td>
<td>$15 for the first $500 plus $2 for each additional $100 or fraction thereof, to and including $2,000</td>
</tr>
<tr>
<td>$2,001 to $25,000</td>
<td>$45 for the first $2,000 plus $8 for each additional $1,000 or fraction thereof, to and including $25,000</td>
</tr>
<tr>
<td>$25,001 to $50,000</td>
<td>$229.00 for the first $25,000 plus $7.00 for each additional $1,000 or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$404 for the first $50,000 plus $5 for each additional $1,000 or fraction thereof, to and including $100,000</td>
</tr>
<tr>
<td>$100,001 to $1,000,000</td>
<td>$654 for the first $100,000 plus $3 for each additional $1,000 or portion thereof, to and including $1,000,000</td>
</tr>
<tr>
<td>$1,000,001 and up</td>
<td>$3,354 for the first $1,000,000 plus $2.50 for each additional $1,000 or fraction thereof</td>
</tr>
<tr>
<td>Other Inspections and Fees</td>
<td>$20.00</td>
</tr>
<tr>
<td>2. Signs (0-100 sq. ft.)</td>
<td>$15.00 base plus $0.25 per sq. ft.</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>3. Signs (101 sq. ft. and up)</td>
<td>$40.00 base plus $0.15 per sq. ft.</td>
</tr>
<tr>
<td>4. Storage Tanks</td>
<td>$25.00 each for installation or removal</td>
</tr>
<tr>
<td>5. Temporary Structures (including tents, canopies, membrane structures and similar structures)</td>
<td>$25.00</td>
</tr>
<tr>
<td>6. For use of outside consultants for plan checking and inspections, or both</td>
<td>Actual costs*</td>
</tr>
</tbody>
</table>

* Actual costs include administrative and overhead costs.

1. All permit fee changes after adoption of this ordinance shall be adopted by City Council resolution and posted at City Hall.
4. In Section 1608.2 add the following: “For purposes of determining snow loads, the minimum ground snow load for design purposes shall be 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in this code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.”

5. In Section 1609.3 add the following: “For purposes of determining wind loads, the minimum basic wind speed shall be considered as 90 miles per hour; except when referenced documents are based on fastest mile wind velocities, Table 1609.3.1 shall be used.”

6. Replace Table 1805.4.2 with the following:

**TABLE 1805.4.2**

<table>
<thead>
<tr>
<th>Number of Stories</th>
<th>Thickness of Foundation Walls (inches)</th>
<th>Minimum Width of Footing (inches)</th>
<th>Thickness of Footing (inches)</th>
<th>Minimum Depth of Foundation Below Natural</th>
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</tr>
<tr>
<td>3</td>
<td>10</td>
<td>18</td>
<td>12</td>
<td>42</td>
</tr>
</tbody>
</table>

7. Add the following as Section 1806.2 Foundation Retaining Walls for Group R Occupancies:

1. “Scope. Notwithstanding other design requirements of Chapters 18, 19 and 21 of the International Building Code, foundation retaining walls for
Group R occupancies of Type V construction may be constructed in accordance with this section, provided that use or building site conditions affecting such walls are within the limitations specified in this section.

2. Specifications. General specifications for such foundation retaining walls shall be as follows:

   a. Eight-, Nine- and Ten-foot High Walls:

      1. The maximum height of the foundation wall for eight-foot walls shall be seven feet eight inches (7' 8"), for nine-foot walls shall be eight feet eight inches (8' 8"), and for ten-foot walls shall be nine feet eight inches (9' 8"), measured between foundation plate and a concrete floor slab having a minimum thickness of four inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.

      2. The foundation plate shall be attached to the wall with one-half inch steel bolts as prescribed in Section R403.1.3 of the International Residential Code.

      3. Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section R405.1 of the International Residential Code.

      4. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.

   3. Hollow Concrete Masonry Foundation Walls:

      a. Hollow concrete masonry units shall be set in Type M or Type S mortar.
b. All footings shall be of cast-in-place concrete having a minimum compressive strength of 3,000 pounds per square inch at 28 days, and shall be reinforced longitudinally with not less than two one-half inch diameter steel bars placed continuously throughout. Footing reinforcement shall be symmetrically placed and so located as to ensure no less than three inches of concrete cover on all sides.

c. Foundation walls having a nominal thickness of not less than 12 inches may be un-reinforced. Other foundation walls shall comply with the following requirements:

1. The nominal thickness of concrete masonry units shall not be less than eight inches.

2. When a foundation wall has a horizontal clear span of more than 12 feet between supporting cross walls or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount of 0.075 square inches of ASTM A615 grade 40 steel per lineal foot of wall. All reinforcing steel shall be deformed bars spaced no more than 8 foot on center. All grout shall comply with Section 607 and 609 of the International Residential Code.

4. Cast-in-place Plain Concrete Foundation Walls:

a. Cast-in-place concrete foundation walls constructed under the provisions of this subsection shall be concrete having a minimum compressive strength of 28 days of not less than 3,000 pounds per square inch. All materials, proportioning, and placing shall conform to the requirements of Chapter 4 of the International Residential Code. In addition:

1. The minimum thickness of wall shall be seven and one-half inches for eight-foot high walls.

2. Walls shall be reinforced with no less than three 1/2-inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and
one bar located near mid-height of the wall for eight-foot high walls.

3. Nine- and ten-foot high walls shall have a minimum thickness of 8 inches. Walls shall be reinforced with ASTM A615 grade 40 deformed steel bars. Steel bars of 1/2-inch diameter shall be placed in the center of the wall horizontally at 2 feet on center and 20 inches on center vertically. Steel bars of 5/8-inch diameter shall be placed in the center of the wall horizontally at 2 feet on center and 30 inches on center vertically. (The use of 5/8-inch steel bars is optional.)

8. Delete Chapter 13 Energy Efficiency in its entirety.
156.05 ADOPTION OF THE 2006 INTERNATIONAL EXISTING BUILDING CODE. Pursuant to published notice and public hearing, as required by law, the International Existing Building Code, 2006 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

156.06 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The following amendments, modifications, additions and deletions to the International Existing Building Code, 2006 Edition, are hereby made:

1. Add the following to Section 108.2 Schedule of Permit Fees:

<table>
<thead>
<tr>
<th>TOTAL VALUATION</th>
<th>FEE*</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $500</td>
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<td>$501 to $2,000</td>
<td>$15 for the first $500 plus $2 for each additional $100 or fraction thereof, to and including $2,000</td>
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<td>$2,001 to $25,000</td>
<td>$45 for the first $2,000 plus $8 for each additional $1,000 or fraction thereof, to and including $25,000</td>
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<tr>
<td>$25,001 to $50,000</td>
<td>$229.00 for the first $25,000 plus $7.00 for each additional $1,000 or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$404 for the first $50,000 plus $5 for each additional $1,000 or fraction thereof, to and including $100,000</td>
</tr>
<tr>
<td>$100,001 to $1,000,000</td>
<td>$654 for the first $100,000 plus $3 for each additional $1,000 or portion thereof, to and including $1,000,000</td>
</tr>
<tr>
<td>$1,000,001 and up</td>
<td>$3,354 for the first $1,000,000 plus $2.50 for each additional $1,000 or fraction thereof</td>
</tr>
</tbody>
</table>

**Other Inspections and Fees**

1. Fences $20.00
2. Signs (0-100 sq. ft.) $15.00 base plus $0.25 per sq. ft.
3. Signs (101 sq. ft. and up) $40.00 base plus $0.15 per sq. ft.
4. Storage Tanks $25.00 each for installation or removal
<table>
<thead>
<tr>
<th>5. Temporary Structures (including tents, canopies, membrane structures and similar structures)</th>
<th>$25.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. For use of outside consultants for plan checking and inspections, or both</td>
<td>Actual costs*</td>
</tr>
</tbody>
</table>

* Actual costs include administrative and overhead costs.

1. All permit changes after adoption of this ordinance shall be adopted by City Council and posted at City Hall. October 17, 2005 – Ordinance 2542.
156.07 ADOPTION OF THE 2006 INTERNATIONAL MECHANICAL CODE. Pursuant to published notice and public hearing, as required by law, the International Mechanical Code, 2006 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

156.08 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The following amendments, modifications, additions and deletions to the International Mechanical Code, 2006 Edition, are hereby made:

1. In Section 106.5.2 add the following: “The mechanical permit for new construction shall be deemed included in the general building permit issued to the builder/general contractor.”

156.09 ADOPTION OF THE 2006 INTERNATIONAL PLUMBING CODE. Pursuant to published notice and public hearing, as required by law, the International Plumbing Code, 2006 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

156.10 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The following amendments, modifications, additions and deletions to the International Plumbing Code, 2006 Edition, are hereby made:

1. In Section 106.5 delete the period at the end of the paragraph and add the following: “Except new construction where the plumbing permit will be deemed as included in the general building permit issued to the builder/general contractor.”

2. Drainage Piping to Sanitary Sewer. All draining piping at its connection to sanitary sewer drain in the City of Woodward shall be protected from backflow of sewage by installation of an approved type backwater or swing check valve.

3. PEX cross-link polyethylene is approved for water distribution within the City of Woodward with the following restrictions:

A. PEX is not approved for water service lines, so from the main to the meter the material is required to be copper, when it is 2” diameter or smaller.
B. The material is listed to be in conformance with ASTM F 876-97, ASTM F 877-96a, or ASTM F 1281-98 and properly identified to demonstrate the appropriate listing.

C. All fittings shall be the metal insert or metal compression style manufactured for use with ASTM F 1961-99d or ASTM F 1974-99 and properly identified to demonstrate the appropriate listing.

D. PEX tubing shall not be installed within the first eighteen (18) inches of piping connecting to a water heater and/or water meter.

156.11 ADOPTION OF THE 2005 NATIONAL ELECTRICAL CODE. Pursuant to published notice and public hearing, as required by law, the National Electrical Code, 2005 Edition, published by the National Fire Protection Association, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

156.12 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The following amendments, modifications, additions and deletions to the National Electrical Code, 2005 Edition, are hereby made:

1. In Section 90.4 add the following: Exception: “(A) The electrical permit for new construction shall be deemed included in the general building permit issued to the builder/general contractor.”

156.13 ADOPTION OF THE 2006 INTERNATIONAL FUEL GAS CODE. Pursuant to published notice and public hearing, as required by law, the International Fuel Gas Code, 2006 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

156.14 ADOPTION OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE. Pursuant to published notice and public hearing, as required by law, the International Property Maintenance Code, 2006 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

156.15 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The following amendments, modifications, additions and deletions to the International Property Maintenance Code, 2006 Edition, are hereby made:
1. Amend Section 303.2 by replacing “24 inches” with “18 inches” to read as follows: “Private swimming pools, hot tubs and spas, containing water more that 18 inches in depth shall be completely surrounded by a non-climbable fence or barrier at least 60 inches in height above the finished ground level measured on the side of the barriers away from the pool.”

   A. The fence must be located at least 4 feet from the water’s edge.

   B. Access gates shall be equipped to accommodate a locking device.

   C. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device.

   D. Release mechanism of the self-latching device must be at least 54 inches above the bottom of the gate.

   E. Where a wall of the dwelling unit serves as part of the barrier, doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen are opened.

   F. In lieu of the alarm, all doors which provide access to the pool area shall be equipped with self-closing and self-latching features. The self-latching mechanism shall be located at least 54 inches above the floor.

2. Amend Section 304.14 to read as follows: “During the period from April 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.”

156.16 ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE. Pursuant to published notice and public hearing, as required by law, the International Fire Code, 2006 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended.

(Ch. 156 Added by Ord. 07-329 – Aug. 07 Supp.)

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Editor's Note

Ordinance No. 269 entitled Zoning Ordinance, adopted January 11, 1999, and amendments thereto are a part of this Code of Ordinances, contained in a separate volume and are in full force and effect. The following ordinances have been adopted amending the Official Zoning Map of the City and have not been codified herein, but are specifically saved from repeal and are in full force and effect.

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<th>ORDINANCE</th>
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<td>302</td>
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<td>January 11, 2010</td>
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<td>August 8, 2011</td>
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<tr>
<td>12-354</td>
<td>February 13, 2012</td>
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# CHAPTER 166

## SUBDIVISION CONTROL

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<tr>
<td>Ordinance No. 271 entitled Subdivision Ordinance, adopted June 14, 1999, and amendments thereto are a part of this Code of Ordinances, contained in a separate volume and are in full force and effect.</td>
</tr>
</tbody>
</table>
## TABLE OF CONTENTS

### GENERAL CODE PROVISIONS

<table>
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<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
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<td>1</td>
<td>CODE OF ORDINANCES</td>
<td>1</td>
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<tr>
<td>2</td>
<td>CHARTER</td>
<td>9</td>
</tr>
<tr>
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