

CITY OF OLDS

Code of Ordinances

December 2025

Prepared by: Southeast Iowa Regional Planning Commission

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-6	Severability
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1-1-1 DEFINITIONS. The following words and phrases whenever used in the Ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Building" means any man-made structure permanently affixed to the ground.
2. "City" means the City of Olds, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. "Clerk" means Clerk-Treasurer.
4. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. "County" means the County of Henry, Iowa;
7. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
(Amended in 2010)
8. "Fiscal Year" means July 1 to June 30.

9. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

10. "May" confers a power;

11. "Month" means a calendar month;

12. "Must" states a requirement;

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

14. "Or" may be read "and" and "and" may be read "or" if the context requires it;

15. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;

16. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;

17. "Person" means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;

18. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

19. "Preceding" and "following" mean next before and next after, respectively;

20. "Property" includes real and personal property;

21. "Real property" includes any interest in land;

22. "Shall" imposes a duty;

23. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;

24. "State" means the State of Iowa;

25. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

26. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

27. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;

28. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;

29. "Year" means a calendar year;

30. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

31. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the Ordinances of the City;

1. Gender. Any gender includes the other gender;

2. Singular and Plural. The singular number includes the plural and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-4 CONSTRUCTION. The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Olds Municipal Code of 2025 constituting this Municipal Code

and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code or any subsequent ordinance is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(Amended in 2010)

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section _____ of the Code of Ordinances, City of Olds, Iowa is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of Ordinances, City of Olds, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows:..." The new section shall then be set out in full as desired.

(Amended in 2010)

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

1-2-1 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if such person can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1 General Penalty
1-3-2 Civil Penalty -Municipal
Infraction

1-3-3 Scheduled Fines

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

Code of Iowa, Sec. 903.1(1)(a)
(Amended in 2008)
(Amended in 2009)
(Amended in 2010)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.
(Code of Iowa, Sec. 364.22)

1. Definitions.

a. Municipal Infraction. Except 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 Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Olds, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Olds, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.

b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Olds.

c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.

2. Violations, Penalties, and Alternative Relief.

a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

First offense: Not more than seven hundred fifty dollars (\$750.00).

Repeat Offense: Not more than one thousand dollars (\$1,000.00)
(Amended during 2010)

b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

c. 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.

3. Civil Citations

a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.

c. The original of the citation shall be sent to the Clerk of the District Court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.

d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- (1) The name and address of the defendant.
- (2) The name or description of the infraction attested to by the officer issuing the citation.
- (3) The location and time of the infraction.
- (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
- (5) The manner, location, and time in which the penalty may be paid.
- (6) The time and place of court appearance.
- (7) The penalty for failure to appear in court.
- (8) The legal description of the affected property, if applicable.

4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, such violation will be subject to a contempt of court action.

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code 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 the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with Chapter 805, Code of Iowa unless another scheduled amount is provided in the City Code of Ordinances or the Iowa Code.

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

1-4-1	Purpose and Intent	1-4-4	Subpoenas
1-4-2	General	1-4-5	Conduct of Hearing
1-4-3	Form of Notice of Hearing	1-4-6	Method and Form of Decision

1-4-1 PURPOSE AND INTENT.

1. It is the purpose of this article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.

2. The provisions of this article shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.

2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.

3. Continuances. The City Council may grant continuances for good cause shown.

4. Oaths, Certification. The City Council or any member thereof has the power to administer oaths and affirmations.

5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

"You are hereby notified that an evidentiary hearing will be held before the _____ City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

1-4-4 SUBPOENAS. Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness's possession or under the witness's control. A subpoena need not be issued when the affidavit is defective in any particular.

1-4-5 CONDUCT OF HEARING.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.

3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.

6. Rights of parties. Each party shall have these rights, among others:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called the witness to testify;
- e. To rebut the evidence against the party; and

f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official notice.

a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.

b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.

8. Inspection of the premises. The City Council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:

a. Notice of such inspection shall be given to the parties before the inspection is made;

b. The parties are given an opportunity to be present during the inspection; and

c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.

3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE I GENERAL PROVISIONS

CHAPTER 5 URBAN REVITALIZATION

1-5-1	Purpose	1-5-5	Tax Exemption Schedule
1-5-2	Area	1-5-6	Prior Approval of Eligibility
1-5-3	Designated Property	1-5-7	Physical View of Property by
1-5-4	Relocation of Qualified Tenants		Assessor

1-5-1 **PURPOSE.** The purpose of this ordinance is to spur revitalization and development in the City of Olds by designating the city as an urban renewal area and by offering exemption from taxation to certain properties based upon the actual value added by improvements to said properties. The City Council specifically finds that the rehabilitation, conservation, redevelopment, or combination thereof of the area is necessary in the interest of the public health, safety, and welfare of the residents of Olds. Furthermore, the City Council specifically finds this ordinance shall relate to all buildings or structures, whether residential or non-residential, and including any new construction. The City Council further finds that such buildings or improvements by reason of dilapidation, deterioration, obsolescence, inadequate provisions for ventilation, light, area, sanitation, or open spaces, high density of population and overcrowding can endanger life or property and otherwise be detrimental to the public health, safety or welfare; or which otherwise contribute to deterioration, predominance of defective or inadequate street layout, incompatible land use relationships, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property and substantially impairs or arrests the sound growth of the city, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.

1-5-2 **AREA.** The legal description of the real estate forming the boundaries of the urban revitalization district are the corporate boundaries of the City of Olds, Henry County, Iowa. The existing assessed valuation of the real estate within the corporate city limits and a list of names and addresses of the owners of record of said real estate shall be kept on file at the County Assessor's office as part of the plan for revitalization of the area. All existing zoning classifications and district boundaries shall also be kept on file at City Hall.

1-5-3 **DESIGNATED PROPERTY.** The revitalization tax exemption is applicable to all qualified property within the urban revitalization district in which a structure has been constructed or rehabilitated not prior to February 1, 1990. Applications for tax exemption shall be due for presentation to the City Council of Olds on February 1 of the exemption year. Applications for tax exemption will request tax abatement for any properties constructed or rehabilitated within the twelve (12) month period immediately prior to the February 1 application deadline, or any properties constructed or rehabilitated within the twelve (12) month period immediately following the February 1 application deadline; except for the first-year deadline of February 1 when applications for tax

exemption submitted February 1, 1993 may grant tax exemption on properties constructed or rehabilitated after February 1, 1990.

The tax exemption is applicable to all property assessed as residential, commercial, industrial or agricultural. The area shall continue to remain designated an urban revitalization area until such time as this Ordinance is modified or repealed by the City Council.

1-5-4 RELOCATION OF QUALIFIED TENANTS. There is no anticipated dislocation of qualified tenants as defined by Section 404.6 of the Code of Iowa as a result of the improvements within the designated area. If, however, any such qualified tenants are in fact displaced, the tenants shall be compensated at least one month's rent, such compensation to be paid by the persons seeking the tax exemption and to cause the tenants to be displaced, all pursuant to Section 404.6 of the Code of Iowa.

1-5-5 TAX EXEMPTION SCHEDULE. All qualified real estate in which the project is the rehabilitation of an existing structure or new construction of a structure completed after February 1, 1990 is eligible to receive a one hundred percent (100%) exemption from taxation on the value added by the improvements for a period of three years. "Qualified real estate" as used in this ordinance means real property, other than land, which is located in the designated area and to which improvements have been added, during the time so designated, which have increased the actual value by at least fifteen percent (15%). "Qualified real estate" also means land upon which no structure existed at the start of the new construction, which is located in the designated revitalization area and upon which new construction has been added during the time so designated. "Improvements" includes rehabilitation and additions to existing structures as well as new construction on vacant land, or on land with existing structures.

1-5-6 PRIOR APPROVAL ELIGIBILITY. A property owner may submit a proposal for an improvement project to the City Council to receive prior approval for eligibility for a tax exemption on the project. The City Council, by resolution, shall give its prior approval for an improvement project if the project is in conformance with the plan for revitalization developed by the city. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate. If the proposal is not approved, the owner may submit an amended proposal for the City Council to approve or reject. The proposal shall contain, but not be limited to, the following information: The nature of the improvement, its cost, the estimated or actual date of completion, the tenants that occupied the owner's building on the date the city adopted this ordinance, and the exemption schedule elected. An application shall be filed for each new exemption claimed. The City Council shall approve the application subject to review by the local assessor pursuant to this ordinance, if the project is in conformance with the plan for revitalization developed by the city, is located within the area so designated, and the improvements were made during the time the area was so designated. The City council shall forward all approved applications to the appropriate local assessor by February 1 of each year with a statement indicating the tax exemption schedule.

1-5-7 **PHYSICAL VIEW OF PROPERTY BY ASSESSOR.** The local assessor shall review each first-year application by making a physical review of the property to determine if the improvements made increased the actual value of the qualified real estate by at least fifteen percent (15%). If the assessor determines the actual value of the real estate has increased by at least fifteen percent (15%), the assessor shall proceed to determine the actual value of the property and certify the valuation determined to the County Auditor at the time of transmitting the assessment rolls. If a new structure is erected on land upon which no structure existed at the start of the new construction, the assessor shall proceed to determine the actual value of the property and certify the valuation pursuant to Section 404.3 of the Code of Iowa to the County Auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's determination. The assessor's determination may be appealed to the local board of review at the time specified in Section 441.37 of the Code of Iowa. If an application for exemption is denied as a result of failure to sufficiently increase the value of the real estate, the owner may file a first annual application in a subsequent year when the additional improvements are made to satisfy the fifteen percent (15%) requirements. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the period for which the exemption has been granted. The tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

2-1-1	Charter	2-1-5	Number and Term of City
2-1-2	Name of City		Council
2-1-3	Form of Government	2-1-6	Term of Mayor
2-1-4	Powers and Duties	2-1-7	Copies on File

2-1-1 CHARTER. This chapter may be cited as the Charter of the City of Olds, Iowa.

2-1-2 NAME OF CITY. The corporate name of the municipal corporation first named the Town of Olds, Iowa, is hereby confirmed and established as the City of Olds, Iowa and shall be designated and known in law by the corporate name of the City of Olds, Iowa and shall possess and exercise all the powers and privileges conferred upon a municipal corporation and city by the laws of Iowa.

2-1-3 FORM OF GOVERNMENT. The form of government of the City of Olds, Iowa, is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2-1-4 POWERS AND DUTIES. The City 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 of Olds, Iowa.

2-1-5 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large, elected for terms of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 TERM OF MAYOR. The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-7 COPIES ON FILE. The City Clerk shall keep an official copy of the charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-6	Surety
2-2-2	Appointment of Officers	2-2-7	Blanket Position Bond
2-2-3	Terms of Appointive Officers	2-2-8	Bonds Filed
2-2-4	Vacancies in Offices	2-2-9	Boards and Commissions
2-2-5	Bonds Required		

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: City Clerk and City Attorney.

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint at the first regular meeting in January of each even numbered year a council member to serve as Mayor Pro-Tem.

The Council shall at the first meeting in January after each biennial election, appoint a Clerk-Treasurer who shall hold their office indefinitely at the discretion of the Council, unless sooner removed for cause.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 372.4(2))

2-2-3 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.

2-2-4 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled in accordance with State law.

2-2-5 BONDS REQUIRED. Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

2-2-6 SURETY. Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-2-7 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A Code of Iowa.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-7	Powers and Duties of the City Attorney
2-3-2	Books and Records	2-3-8	Powers and Duties of the Treasurer
2-3-3	Deposits of Municipal Funds	2-3-9	Powers and Duties of the Police Chief
2-3-4	Transfer of Records and Property To Successor	2-3-10	Powers and Duties of the Fire Chief
2-3-5	Powers and Duties of the Mayor		
2-3-6	Powers and Duties of the Clerk		

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall report such funds to the City Clerk, together with receipts indicating the sources of the funds.

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-5 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.

(Code of Iowa, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. 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 City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by an affirmative vote of not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City 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.

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

(Code of Iowa. Sec. 380.6)
(Amended during 2008)

4. The Mayor shall 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 or Ordinance.

5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.

6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.

7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.

8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when the terms of such permits or licenses, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.

12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing.

2-3-6 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

(Code of Iowa, Sec. 372.13(4) and (6))

2. The Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.

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

3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when such maps or charts contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

(Code of Iowa, Sec. 380.7(1) and (2))

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

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

5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

7. The Clerk shall be the chief accounting officer of the City.

8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year by sending two copies each of the detailed budget as adopted, and of the tax certificate to the County Auditor and Iowa Department of Management.

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

10. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.

11. The Clerk shall balance and reconcile all funds with the bank statement at the end of each month.

12. The Clerk shall prepare the annual financial report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.

(Code of Iowa, Sec. 384.22)

13. The Clerk shall maintain all City records as required by law.

(Code of Iowa, Sec. 372.13(3) and (5))

14. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.

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

15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper or public document under the control of the Clerk, which is not a "confidential record" as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

17. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

19. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a 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))

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

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

21. The Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.

(Code of Iowa, Sec. 376.4)

22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.

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

23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

24. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

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

25. The Clerk shall collect receipts from the water and utility departments for bills and all charges, rents or fees collected due the City for utility and other services.

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

26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

27. The Clerk shall keep the record of each fund separate.

(Code of Iowa, Sec. 372.13(4) and 384.85)

28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, if requested, and retain the duplicate.

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

30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.

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

31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

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

2-3-7 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

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

3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the City Attorney accompanied by all proceedings relating to said actions.

4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage of such Ordinances by the City Council and publication.

6. 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 City Council.

7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of such office or employment.

8. 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.

9. The City Attorney shall make a written report to the City Council and interested department heads of the deficiencies in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before such contracts become binding upon the City or are published.

2-3-8 POWERS AND DUTIES OF THE TREASURER .

1. The treasurer shall keep the record of each fund.

2. The treasurer shall keep an accurate record of all money or securities received by them on behalf of the municipality and specify date, from whom, and for what purpose received.

3. The treasurer shall prepare a receipt in duplicate for all funds received. They shall give the original to the party delivering the funds, send the duplicate to the clerk, and retain the triplicate.

4. The treasurer shall keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.

5. The treasurer shall keep a separate account of all money received by them from special assessments.

6. The treasurer shall, immediately upon receipt of monies to be held in their custody and belonging to the city, deposit the same in banks selected by the city council in amounts not exceeding monetary limits authorized by the city council.

7. The treasurer shall make monthly reports to the city council, including a full and detailed statement of the receipts and expenditures after the date of the last report, and at the expiration of their term of office they shall deliver all official books and papers to their successor in office.

8. The Clerk-Treasurer shall prepare the annual report as required by law.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member
2-4-2 Mayor

2-4-3 Mayor Pro Tem
2-4-4 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$45.00, paid quarterly, for each meeting of the City Council. Said compensation is paid from the city General Fund.

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

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$650.00 in addition to \$45.00 for each meeting the council attended, to be paid quarterly, from the city General Fund.

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

2-4-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen days or more, the Mayor Pro Tem may be paid for that period the compensation determined by the City 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))

2-4-4 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-8	Budget Officer
2-5-2	Budget Amendment	2-5-9	Expenditures
2-5-3	Budget Protest	2-5-10	Authorizations to Expend
2-5-4	Accounts and Programs	2-5-11	Accounting
2-5-5	Annual Report	2-5-12	Budget Accounts
2-5-6	Council Transfers	2-5-13	Contingency Accounts
2-5-7	Administrative Transfers		

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes in accordance with Section 384.16.

(Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:

- a. Expenditures for each program.
- b. Income from sources other than property taxation.
- c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have such copies of the budget available for distribution at the offices of the Mayor and Clerk and the City Hall, if any, or at three places designated by Ordinance for posting notices.

(Amended in 2012) [Code of Iowa, Sec. 384.16(2)]

3. The City Council shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.

4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the Iowa Department of Management. The tax levy certified may be less than but not more than the amount estimated in the proposed budget submitted at the final hearing, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

2-5-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.

4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in Section 2-5-3 of this chapter, except that the City Finance Committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

2-5-3 BUDGET PROTEST. Within a period of ten days after the final date that a budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor specifying their objections to the budget or any part of it. A protest must be signed by registered voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the city, but the number shall not be less than ten persons and the number need not be more than one hundred persons. (Code of Iowa, Sec. 384.19)

2-5-4 ACCOUNTS AND PROGRAMS. The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-5-5 ANNUAL REPORT. Not later than December 1st of each year, the City shall publish 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 this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-5-6 COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(IAC, Sec. 545.2.4(384,388))

2-5-7 ADMINISTRATIVE TRANSFERS. The City Clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval. The City Clerk shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed 10% at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

All transfers shall be supported.

(Code of Iowa , Sec. 545.2.4(384,388))

2-5-8 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-5-9 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding one hundred dollars (\$100.00) (or an amount determined by City Council) may be made by those officials authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends, and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

2-5-10 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-11 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk and may be signed by the Mayor or the Mayor Pro Tem if the Mayor is unavailable.

(Code of Iowa, Sec. 384.20)

2-5-12 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and

shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-13 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the Clerk shall set up in the accounting records but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

2-6-1	Purpose	2-6-3	Removal Unlawful
2-6-2	Listing; Length of Notice	2-6-4	Meeting Minutes

2-6-1 PURPOSE. The City of Olds, Iowa has a population of two hundred (200) or less as shown by the last preceding certified federal census, and Ordinances and amendments and publications of notices of elections, hearings and other official actions may be made by posting in three public places designated by the City Council.

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

2-6-2 LISTING; LENGTH OF NOTICE. The three (3) public places where Ordinances, amendments and public notices of elections, hearings and other official actions are to be displayed are:

1. City Hall Window
2. Post Office Bulletin Board
3. City Park Shelter Building

The City Clerk is hereby directed to post all Ordinances, amendments and City Council actions promptly after passage and to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, or as otherwise required by State law.

(Code of Iowa, Sec. 380.7)

2-6-3 REMOVAL UNLAWFUL. It shall be unlawful for any person other than the City Clerk to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

2-6-4 MEETING MINUTES. The City Clerk is hereby directed to post/publish minutes of City Council proceedings within fifteen (15) days of a regular or special meeting of the Council. The publication shall include total disbursements from each fund, a list of claims to show the name of the person or firm making the claim, the reason for the claim, and the amount of the, and a summary of all receipts. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

2-7-1	Purpose	2-7-6	Filing, Presumption, Withdrawals, Objections
2-7-2	Nominating Method to be Used	2-7-7	Persons Elected
2-7-3	Nominations by Petition	2-7-8	Cases of Vacancy
2-7-4	Adding Name by Petition		
2-7-5	Preparation of Petition		

2-7-1 **PURPOSE.** The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-7-2 **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)

2-7-3 **NOMINATIONS BY PETITION.** Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.
(Code of Iowa, Sec. 45.1)

2-7-4 **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)

2-7-5 **PREPARATION OF PETITION.** Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. **Name and Residence.** The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. **Name on Ballot.** A request that the name of the nominee be printed upon the official ballot for the election.
3. **Eligibility.** A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4. **Organization Statement.** A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

(Code of Iowa, Sec. 45.5)

2-7-6 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 45 of the Code of Iowa.

2-7-7 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. There shall be elected at each regular city election a mayor, and five council members at-large, who shall be elected by the entire city electorate and who shall be elected for staggered terms of four years.

2-7-8 CASES OF VACANCY. In case of vacancies in any elective office caused by resignations, death or otherwise, the council may appoint any qualified elector to fill such vacancy. The council shall vote by ballot, and the person receiving the majority of the votes of the whole number of members of the council shall be declared elected to fill the vacancy. In case of vacancy in any appointive office, the vacancy shall be filled in the same manner as the original appointment was made.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 CITY COUNCIL

2-8-1 Powers and Duties
2-8-2 Exercise of Power

2-8-3 Meetings

2-8-1 **POWER AND DUTIES.** The powers and duties of the City Council include, but are not limited to the following:

1. **General.** All powers of the City are vested in the City Council except as otherwise provided by law or ordinance.

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

2. **Wards.** By ordinance, the City 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 City 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 City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.

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

5. **Contracts.** The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.

(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)

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

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

7. **Setting Compensation for Elected Officers.** By ordinance, the City Council shall prescribe the compensation of the Mayor, City 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 City 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 City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-8-2 EXERCISE OF POWER. The City 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. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty five thousand dollars (\$25,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

(Amended in 2008)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication.

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

3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in one of the following ways:

a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(1))

b. If the Mayor vetoes a measure and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure.

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

c. If the Mayor takes no action on the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes law when published, unless a subsequent effective date is provided within the measure.

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

2-8-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council are on the second Wednesday of each month at six thirty (6:30) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or for other reason, the meeting will be held on such a different day or time as determined by the City Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of three of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally, electronically or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.
(Code of Iowa, Sec. 372.13(5))
3. Quorum. A majority of all City Council members is a quorum.
(Code of Iowa, Sec. 372.13(1))
4. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13(5))
5. Compelling Attendance. Any three (3) members of the City Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.
6. Notice of Meetings. The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda.
(Code of Iowa, Sec. 21.4)

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

- 3-1-1 Violations of Chapter
- 3-1-2 Public Peace
- 3-1-3 Public Morals
- 3-1-4 Streets
- 3-1-5 Public Safety and Health
- 3-1-6 Public Property

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or provoke another person to fight, 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. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

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

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

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

4. Direct abusive language 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))

5. Without lawful authority or order 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))

6. Without authority, obstruct any street, sidewalk, highway or other public way.

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

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

(Code of Iowa, Sec. 364.12(2)(a))

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.

(Code of Iowa, Sec. 709.9)

2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within 48 hours, the City may perform the required action and assess the costs against the abutting property.

(Code of Iowa, Sec. 364.12(2)(b and e))

4. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expectorating. No person shall expectorate on public property or on the floor of any public structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. Putting debris on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal or vehicle.
(Code of Iowa, Sec. 321.369)

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife, unless licensed by the Iowa Department of Public Safety or having in possession a valid permit from the County Sheriff.

4. False alarms. No person shall give or cause to be given any false alarm of a fire, or cry or sound an alarm or by any other means without cause.

5. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

6. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

a. No person, firm, or corporation or other legal entity shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive, except as permitted by Iowa law.

b. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

c. In the interest of public health and safety and at such times, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

d. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

e. Anyone violating the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding 30 days, or a fine not exceeding \$100.00.

7. Possession of Fireworks.

a. Definition. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.

b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this Subsection.

c. Prohibition. No person shall possess fireworks except as provided in Title III Chapter 10 .

8. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

9. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

10. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.

b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee.

11. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

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

12. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

13. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the police for such purposes.

(Code of Iowa, Sec. 364.12)

14. Littering Prohibited.

a. As used in this Code, "discard" means to place, cause to be placed, throw, deposit or drop, and "litter" means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Olds, except as provided and approved by the City of Olds, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one's ownership, possession or control. Yard waste may be retained more than ten (10) days if composting is being completed.

f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste containers are kept in place in the manner prescribed in this Code of Ordinances.

PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.

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

2. Damage new pavement. No person shall damage new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.

(Code of Iowa, 364.12(2))

3. Destroying park equipment. No person shall destroy or damage any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

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

4. Defacing or destroying proclamations or notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of 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)

6. Damage to fire apparatus. No person shall willfully destroy or damage any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

7. Damage to city ambulance or paramedic apparatus. No person shall willfully destroy or damage any ambulance or paramedic unit, equipment or other things used to administer medical care.

(Code of Iowa, Sec. 716.1)

8. Obstructing or defacing roads. No person shall obstruct, deface or damage any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.

(Code of Iowa, Sec. 716.1)

9. Damage to roads, railways, and other utilities. No person shall damage, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or damage any public road or highway; or cut, burn, or in any way break down,

damage or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or damage and deface any electric light, telegraph or telephone instrument; or in any way cut, break or damage the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, damage, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

10. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Code of Iowa, Sec. 727.8)

11. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	3-2-7	Request for Hearing and Appeal
3-2-2	Nuisances Prohibited	3-2-8	Abatement in Emergency
3-2-3	Other Conditions Regulated	3-2-9	Abatement by Municipality
3-2-4	Notice to Abate Nuisance or Condition	3-2-10	Collection of Cost of Abatement
3-2-5	Contents of Notice to Abate	3-2-11	Installment Payment of Cost of Abatement
3-2-6	Method of Service	3-2-12	Condemnation of Nuisance

3-2-1 **DEFINITIONS.** For use in this Ordinance, the following terms are defined:

1. **NUISANCES DECLARED.** The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. Nuisances shall include, but not be limited to, those activities and items hereinafter set forth in this section below:

(Code of Iowa, Sec. 657.1)

a. The 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.

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

b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

(Code of Iowa, Sec. 657.2(2))

c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

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

d. The polluting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

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

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted.

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

g. 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, especially near intersecting streets.

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

h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

i. Any object or structure hereafter erected within 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.

(Code of Iowa, Sec. 657.2(8))

j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire resistant construction.

(Code of Iowa, Sec. 657.2(9))

k. The emission of dense smoke, noxious fumes, or fly ash.

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

l. Weeds. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code.

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

m. Trees infected with Dutch elm disease and/or any other incurable disease that causes the tree to decay.

(Code of Iowa, Sec. 657.2(12))

n. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.

(Code of Iowa, Sec. 716.1)

o. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

(Code of Iowa, Sec. 657.2)

p. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Henry County Public Health Department and junk or salvage materials property stored in accordance with the Olds Municipal Code;

q. Diseased or damaged trees or shrubs. Any dead, diseased or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.

r. Any ditch, drain or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basin not maintained in an appropriate manner so as to allow its proper function.

s. Stagnant water standing on any property, any property, container or material kept in such condition that water can accumulate and stagnate.

t. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.

u. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Henry County Department of Health regulation.

v. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

w. Dangerous buildings or structures.

x. Abandoned buildings.

y. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

- z. Junk vehicles as set out in Title III, Chapter 8 of this Code..
- aa. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Olds Municipal Code of Ordinances.
- bb. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate an allotted time to allow City residents to burn leaves and tree trimmings in accordance with the City's Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department. The City of Olds, Iowa, retains the right to temporarily ban burning within the City limits during drought conditions. Anyone violating the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding 30 days, or a fine not exceeding \$100.00 for each violation.
- cc. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Olds Municipal Code of Ordinances.
- dd. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.
- ee. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.
- ff. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.
- gg. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
- hh. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 7:00 p.m. and 8:00 a.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.
- ii. No person shall obstruct, deface, destroy or damage any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

juju. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may damage or damage any person, animal or vehicle or which may annoy, damage or become dangerous to the health, comfort or property of individuals or the public.

kk. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place.

ll. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, lot, vacant or occupied.

mm. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

nn. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.

oo. Rusty, deteriorated, dilapidated or unusable play equipment visible from any adjoining property.

pp. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like.

2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance may be abated by criminal citation, municipal infraction or as otherwise provided in this Ordinance or Code of Iowa.

(Code of Iowa, Sec. 657.3)

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

(Code of Iowa, Sec. 364.12(3)(b))

2. The removal, repair, or dismantling of dangerous buildings or structures.
(Code of Iowa, Sec. 364.12(3)(c))
3. The numbering of buildings.
(Code of Iowa, Sec. 364.12(3)(d))
4. The connection to public drainage systems from abutting property when necessary for public health or safety.
(Code of Iowa, Sec. 364.12(3)(e))
5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.
(Code of Iowa, Sec. 364.12(3)(f))
6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.
(Code of Iowa, Sec. 364.12(3)(g))
7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a thirteen (13) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, the Mayor or officer may notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. Notice and opportunity to abate the nuisance is not required prior to bringing legal action.

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

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:
(Code of Iowa, Sec. 364.12(3)(h))

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

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

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer/employee ordering the abatement within seven (7) working days of the receipt of the notice or the right to a hearing shall be waived. If an appeal is not filed as set forth herein, it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. The property owner may appeal this decision by filing written notice with the City Clerk within five (5) calendar days of the decision. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-8 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 that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-9 ABATEMENT BY MUNICIPALITY. 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 City Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$500, the City may permit the assessment to be paid in up to

ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

3-3-1	Short Title	SPECIAL STOPS REQUIRED
3-3-2	Definitions	
ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS		3-3-14 Authority to Erect Stop Signs
		3-3-15 Stops at Intersecting Through Highways and Other Intersections
3-3-3	Authority of Police and Fire Department Officials	3-3-16 Stop When Traffic Is Obstructed
3-3-4	Required Obedience to Provisions of this Chapter and State Law	3-3-17 School Stops
TRAFFIC CONTROL DEVICES		PEDESTRIANS' RIGHTS AND DUTIES
		3-3-18 Prohibited Crossing
		3-3-19 Pedestrians on Left
3-3-5	Authority to Install Traffic- Control Devices	METHOD OF PARKING
3-3-6	Chief of Police to Designate Crosswalks, Establish, and Mark Traffic Lanes	3-3-20 Standing or Parking Close To Curb
3-3-7	Play Streets	3-3-21 Signs or Markings Indicating Angle Parking
		3-3-22 Obedience to Angle Parking Signs or Markings
SPEED REGULATIONS		3-3-23 Handicapped Accessible Parking Spaces
3-3-8	Changing State Speed Limits in Certain Zones	STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES
TURNING MOVEMENTS		3-3-24 Stopping, Standing or Parking Prohibited in Specified Places
3-3-9	Turning Markers, Buttons and Signs	3-3-25 Authority to Paint Curbs and Erect Signs Prohibiting Standing or Parking
3-3-10	Authority to Place Restricted Turn Signs	3-3-26 Authority to Impound Vehicles
3-3-11	Obedience to No-Turn Signs	STOPPING, STANDING OR PARKING
3-3-12	"U" Turns	
ONE-WAY STREETS AND ALLEYS		3-3-27 Parking Signs Required
3-3-13	Authority to Designate One-Way Streets and Alleys	3-3-28 Parking During Snow Emergency
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		3-3-30 Truck Parking Limited

MISCELLANEOUS DRIVING RULES

- 3-3-31 Vehicles Not to be Driven on Sidewalks
- 3-3-32 Clinging to Vehicles
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- 3-3-40 Engine and Compression Brakes

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- 3-3-41 Definitions
- 3-3-42 Traffic Code Applies to Persons Riding Bicycles
- 3-3-43 Riding on Bicycles
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- 3-3-49 Riding on Sidewalks
- 3-3-50 Lamps and Other Equipment on Bicycles

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- 3-3-51 Snowmobile Definitions
- 3-3-52 Permitted Areas of Operation
- 3-3-53 Regulations
- 3-3-54 Equipment Required
- 3-3-55 Unattended Vehicles
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- 3-3-58 Definitions
- 3-3-59 Operation of Off-Road Vehicles

GOLF CARTS

- 3-3-60 Definitions
- 3-3-61 Operation of Golf Carts

PENALTIES AND PROCEDURES

- 3-3-62 Notice of Fine Placed On Illegally Parked Vehicle
- 3-3-63 Presumption in Reference to Illegal Parking
- 3-3-64 Local Parking Fines
- 3-3-65 Failure to Pay Parking Citations

3-3-1 SHORT TITLE. This chapter may be known and cited as the "Traffic Code".

3-3-2 DEFINITIONS. Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

3. "Stop", when required means complete cessation of movement.

4. "Stop or stopping", when prohibited, means 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 police officer or traffic-control sign or signal.

5. "Business districts" means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

6. "Residential districts" means all areas of the City not included in business districts.
(Code of Iowa, Sec. 321.1)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-3 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by law enforcement officers. Law enforcement officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, law enforcement officers may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist law enforcement officers in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-4 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a law enforcement officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

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| 1. | 321.98 | Operation without registration. |
| 2. | 321.180 | Violations of instruction permit limitations. |

3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.
15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.

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| 23. | 321.286 | Truck speed limits (highway). |
| 24. | 321.287 | Bus speed limits (highway). |
| 25. | 321.288 | Failure to maintain control. |
| 26. | 321.294 | Failure to maintain minimum speed when directed by officer. |
| 27. | 321.295 | Excessive speed on bridge. |
| 28. | 321.297 | Driving on wrong side of two-way highway. |
| 29. | 321.298 | Failure to yield half of roadway upon meeting vehicle. |
| 30. | 321.299 | Passing on wrong side. |
| 31. | 321.303 | Unsafe passing. |
| 32. | 321.304 | Unlawful passing. |
| 33. | 321.305 | Violating one-way traffic designation. |
| 34. | 321.306 | Improper use of lanes. |
| 35. | 321.307 | Following too closely. |
| 36. | 321.308 | Following too closely (trucks and towing vehicles). |
| 37. | 321.309 | Failure to use approved drawbar. |
| 38. | 321.310 | Unlawful towing of four-wheeled trailer. |
| 39. | 321.311 | Turning from improper lane. |
| 40. | 321.312 | Making U-turn on curve or hill. |
| 41. | 321.313 | Unsafe starting of a stopped vehicle. |
| 42. | 321.314 | Unsafe turn or failure to give signal. |
| 43. | 321.315 | Failure to give continuous turn signal. |
| 44. | 321.316 | Failure to signal stop or rapid deceleration. |
| 45. | 321.317 | Signal light requirements; see equipment violation. |

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| 46. | 321.318 | Incorrect hand signal. |
| 47. | 321.319 | Failure to yield to vehicle on right. |
| 48. | 321.320 | Failure to yield upon left turn. |
| 49. | 321.321 | Failure to yield upon entering through highway. |
| 50. | 321.322 | Failure to obey stop or yield sign. |
| 51. | 321.323 | Unsafe backing on highway. |
| 52. | 321.324 | Failure to yield to emergency vehicle. |
| 53. | 321.325 | Pedestrian disobeying traffic control signal. |
| 54. | 321.326 | Pedestrian walking on wrong side of highway. |
| 55. | 321.327 | Pedestrian right-of-way. |
| 56. | 321.328 | Pedestrian failing to use crosswalk. |
| 57. | 321.329 | Vehicle failing to yield to pedestrian. |
| 58. | 321.331 | Soliciting ride from within roadway. |
| 59. | 321.332 | Unlawful use of white cane. |
| 60. | 321.333 | Failure to yield to blind person. |
| 61. | 321.340 | Driving in or through safety zone. |
| 62. | 321.341 | Failure to properly stop at railroad crossing. |
| 63. | 321.342 | Failure to obey stop sign at railroad crossing. |
| 64. | 321.343 | Failure to stop certain cargo or passenger vehicle at railroad crossing. |
| 65. | 321.344 | Unlawful movement of construction equipment across railroad track. |
| 66. | 321.353 | Unsafe entry into sidewalk or roadway. |
| 67. | 321.354 | Stopping on traveled part of highway. |

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| 68. | 321.358 | Stopping, standing, or parking where prohibited. |
| 69. | 321.360 | Prohibited parking in front of certain buildings. |
| 70. | 321.361 | Parking too far from curb/angular parking. |
| 71. | 321.362 | Parking without stopping engine and setting brake. |
| 72. | 321.363 | Driving with obstructed view or control. |
| 73. | 321.365 | Coasting upon downgrade. |
| 74. | 321.366 | Improper use of median, curb, or controlled access facility. |
| 75. | 321.367 | Failure to maintain distance fire-fighting vehicle. |
| 76. | 321.368 | Crossing unprotected fire hose. |
| 77. | 321.369 | Putting debris on highway/roadway. |
| 78. | 321.370 | Removing injurious material. |
| 79. | 321.371 | Clearing up wrecks. |
| 80. | 321.372 | School bus provisions. |
| 81. | 321.377 | Excessive speed of school bus. |
| 82. | 321.381 | Driving or towing unsafe vehicle. |
| 83. | 321.382 | Operating underpowered vehicle. |
| 84. | 321.383 | Failure to display reflective device on slow-moving vehicles. |
| 85. | 321.384 | Failure to use headlamps when required. |
| 86. | 321.385 | Insufficient number of headlamps. |
| 87. | 321.386 | Insufficient number of headlamps-motorcycles and motorized bicycles. |
| 88. | 321.387 | Improper rear lamp. |
| 89. | 321.388 | Improper registration plate lamp. |

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| 90. | 321.389 | Improper rear reflector. |
| 91. | 321.390 | Reflector requirements. |
| 92. | 321.391 | Improper type of reflector. |
| 93. | 321.392 | Improper clearance lighting on truck or trailer. |
| 94. | 321.393 | Lighting device color and mounting. |
| 95. | 321.394 | No lamp or flag on rear-projecting load. |
| 96. | 321.395 | Parking on certain roadways without parking lights. |
| 97. | 321.397 | Improper light on bicycle. |
| 98. | 321.398 | Improper light on other vehicle. |
| 99. | 321.402 | Improper use of spotlight. |
| 100. | 321.403 | Improper use of auxiliary driving lights. |
| 101. | 321.404 | Improper brake light. |
| 102. | 321.408 | Back-up lamps. |
| 103. | 321.409 | Improperly adjusted headlamps. |
| 104. | 321.415 | Failure to dim. |
| 105. | 321.419 | Improper headlighting when night driving. |
| 106. | 321.420 | Excessive number of driving lights. |
| 107. | 321.422 | Lights of improper color-front or rear. |
| 108. | 321.423 | Special light/signal provision. |
| 109. | 321.430 | Defective braking equipment. |
| 110. | 321.431 | Brake performance ability. |
| 111. | 321.432 | Defective audible warning device. |
| 112. | 321.433 | Unauthorized use of emergency audible warning devices on |

motor vehicle.

- 113. 321.434 Use of siren or whistle on bicycle.
- 114. 321.436 Defective or unauthorized muffler system.
- 115. 321.437 Mirrors.
- 116. 321.438 Windshields.
- 117. 321.439 Defective windshield wiper.
- 118. 321.440 Defective tires.
- 119. 321.441 Unauthorized use of metal tire or track.
- 120. 321.442 Unauthorized use of metal projection on wheels.
- 121. 321.444 Failure to use safety glass.
- 122. 321.445 Failure to maintain or use safety belts.
- 123. 321.446 Failure to secure child.
- 124. 321.449 Special regulations.
- 125. 321.450 Hazardous materials.
- 126. 321.454 Width and length violations.
- 127. 321.455 Excessive side projection of load – passenger vehicle.
- 128. 321.456 Excessive height.
- 129. 321.457 Excessive length.
- 130. 321.458 Excessive projection from front of vehicle.
- 131. 321.459 Excessive weight – dual axels (each over 2000 lb. over).
- 132. 321.460 Spilling loads on highways.
- 133. 321.461 Excessive tow-bar length.
- 134. 321.462 Failure to use required towing equipment.

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| 135. | 321.463 | Maximum gross weight. |
| 136. | 321.466 | Gross weight in excess of registered gross weight (for each 2,000 lb. over). |

TRAFFIC CONTROL DEVICES

3-3-5 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The City shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.
(Code of Iowa, Sec. 321.255 and 321.256)

3-3-6 CITY TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES.
The police are hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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.

2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where 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 a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-7 PLAY STREETS. The City has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

No person shall operate a motor vehicle in excess of 20 miles per hour on the following street locations:

- A) East Garfield Avenue
- B) East School Avenue from Main Street east to the Highway 218 right of way.

C) North Park Street between East School Avenue and East Garfield Avenue

Violation of this ordinance shall constitute a simple misdemeanor. Anyone violating the provisions of this ordinance shall, upon conviction, be subject to a fine not to exceed \$100.00.

SPEED REGULATIONS

3-3-8 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit:
2. Lower speed limit: School Street

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-9 TURNING MARKERS, BUTTONS AND SIGNS. The police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-10 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-11 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-12 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS

3-3-13 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the police shall cause to be placed

and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

SPECIAL STOPS REQUIRED

3-3-14 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Council to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-15 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Council is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-16 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.

3-3-17 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten 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 driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-18 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-19 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-20 STANDING OR PARKING CLOSE 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 inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

3-3-21 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-22 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that 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 the signs and markings.

3-3-23 HANDICAPPED ACCESSIBLE PARKING SPACES. Handicapped parking spaces on certain public streets in Olds, Iowa are hereby established as follows: A parking space on Main Street, which space is immediately north of the northwest corner of the intersection of Main Street and West Second Avenue in the City of Olds, Iowa. The Mayor or his designee shall appropriately sign, paint, mark or otherwise publicly indicate this particular space with appropriate markings authorized to be used for handicapped parking spaces in accordance with applicable Federal, State or local regulations. A violation of this ordinance may be punished by a fine not to exceed \$500.00.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-24 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.

7. 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.

8. 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 signposted.

9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.

11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.

12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary, in obedience to traffic regulations or traffic signs, or signals of a law enforcement officer.

13. At any place where official signs or curb markings prohibit stopping, standing or parking.

14. Within ten (10) feet of the crosswalk at all intersections within the City.

15. In an alley under any fire escape at any time.

16. On the south side of East Second Avenue.

Any person who violates any of the provisions of this section shall, upon first violation be given a written warning by the City by ordinary mail. Upon a second violation the violator shall be fined \$25.00 per violation which shall be due within 24 hours of issuance of the notice. Failure to pay the fine within the allotted time frame shall constitute a simple misdemeanor punishable by a fine not to exceed \$100.00.

3-3-25 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow, red, or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

(Code of Iowa, Sec. 321.358(10))

3-3-26 AUTHORITY TO IMPOUND VEHICLES. Members of law enforcement are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage otherwise maintained by the City, under the following circumstances:

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

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.

4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

In addition to the penalties hereinafter provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing charges and storage.

STOPPING, STANDING OR PARKING

3-3-27 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the city council to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-28 PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the police is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the City Clerk shall

inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

3-3-29 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-30 TRAILERS. Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way..

MISCELLANEOUS DRIVING RULES

3-3-31 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-32 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-33 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established marketplace or when so authorized or licensed under the Ordinances of this City.
4. Storage or as junk or dead storage for more than forty-eight hours.

3-3-34 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-35 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-36 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-37 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. Operation of a motor vehicle weighing in excess of ten (10) ton (loaded or unloaded) on the Western six-hundred (600) feet of East School Avenue is prohibited. Violation of this ordinance shall constitute a simple misdemeanor. Anyone violating the provisions of this ordinance shall, upon conviction, be subject to a fine not to exceed \$100.00.

3-3-38 TRUCK ROUTES.

1. Any vehicle that exceeds seven thousand pounds empty weight shall not at any time be parked on any street not designated as a truck route. The vehicle may be parked off an established truck route for the purpose of permitting the operator to obtain food or gas at a commercial business. City council may, by resolution, permit the parking of a truck anywhere that they deem to be unsafe, undesirable, or hazardous.

2. Driving trucks through the city of Olds, Iowa, shall be prohibited on the following streets:

The following east-to-west streets:

- a. W Garfield Avenue
- b. E Garfield Avenue
- c. School Avenue
- d. Town Street
- e. W Railroad Avenue
- f. E Railroad Avenue
- g. W 2nd Avenue
- h. E 2nd Avenue
- i. W 3rd Avenue
- j. W 4th Avenue

The following north to south streets:

- k. James Avenue
- l. N Park Street
- m. S White Street
- n. S Adam Street
- o. S Smith Street

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

3-3-39 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-40 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

BICYCLE REGULATIONS

3-3-41 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:

a. 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.

b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)

(Amended in 2008)

3-3-42 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-43 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-44 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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.

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.

3-3-45 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-46 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-47 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.

3-3-48 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-49 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give a timely audible signal before overtaking and passing a pedestrian.

3-3-50 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head

lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SNOWMOBILES

3-3-51 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-52 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

3-3-53 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.

6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.

7. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to five o'clock (5:00) a.m. except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-54 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.

2. Adequate brakes in good operating condition and at least one headlight and one taillight in good operating condition.

3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-55 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-56 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-57 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-58 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain vehicle" includes off-road utility vehicles as defined in Section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.

3. “Off-road utility vehicle” (UTV) means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

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

3-3-59 OPERATION OF OFF-ROAD VEHICLES. The operation of ATV, UTV or off-road motorcycles shall comply with the following restrictions:

1. No ATV, UTV or Off-Road Vehicles shall be parked upon any City sidewalks.
2. No ATV, UTV, or Off-Road Vehicles shall be operated while under the influence of intoxicating liquor, narcotics or habit forming drugs.
3. No person shall operate a ATV, UTV or Off-Road Vehicle in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same.
4. No ATV, UTV, or off-road vehicles shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the “right-of-way” except for the purposes of crossing the same to a public street upon which operation is authorized.

GOLF CARTS

3-3-60 DEFINITIONS. For use in this ordinance “golf cart” is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-61 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver’s license. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa

PENALTIES AND PROCEDURE

3-3-62 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-63 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-64 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

		Penalty After <u>30 Days</u>
1. Overtime parking	\$ 10	\$15
2. Prohibited parking	\$ 10	\$15
3. No parking zone	\$ 10	\$15
4. Blocking alley	\$ 10	\$15
5. Illegal parking	\$ 10	\$15
6. Street cleaning	\$ 10	\$15
7. Snow removal ban	\$ 10	\$15
8. Persons with disabilities parking	\$ 200.00	\$225
(Code of Iowa, Sec. 321L.4(2))		

3-3-65 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 CURFEW FOR MINORS

3-4-1	Preamble	3-4-4	Offenses
3-4-2	Findings and Purpose	3-4-5	Defenses
3-4-3	Definitions	3-4-6	Public Park Hours

3-4-1 PREAMBLE. The City of Olds recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-4-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Olds; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Olds has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-4-3 DEFINITIONS. In this chapter:

1. Curfew hours means 11:00 p.m. until 5:00 a.m.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. A public or private agency with whom a minor has been placed by a court.
5. Minor means any person under age 18 years of age.
6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. Parent means a person who is:
 - a. A biological parent, adoptive parent, or step-parent of another person; or
 - b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. Remain means to:
 - a. Linger or stay; or
 - b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-4-4 OFFENSES.

1. A minor sixteen (16) years of age or younger commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.
2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-4-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop or traveling within one (1) hour after the end of work;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to law enforcement about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Olds, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop or traveling within one (1) hour after the end of work;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly or traveling within one (1) hour after the end of work; or
2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified law enforcement that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-4-6 PUBLIC PARK HOURS. All city parks will be closed to the public from the hours of 10:00 p.m. to 6:00 a.m. daily, except as hereinafter provided. All persons in a public park shall leave promptly at 10:00 p.m. No persons shall remain in a park or use the park facilities during the hours of closing. This section shall not apply to city employees working in parks, or to scheduled public activities or events which have been submitted to and approved by the City Council. It shall be unlawful for any person to be in a city park after closing, and violation of this provision shall constitute a municipal infraction punishable as provided in Title I, Chapter 13 of this Municipal Code of Ordinances

TITLE III COMMUNITY PROTECTION

CHAPTER 5 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-5-1	Definitions	3-5-7	Bond Required
3-5-2	Exemptions	3-5-8	Obstruction of Pedestrian or Vehicular Traffic
3-5-3	Permits	3-5-9	Display of Permit
3-5-4	Requirements	3-5-10	Permit Not Transferable
3-5-5	Hours of Solicitation	3-5-11	Revocation of Permit
3-5-6	Consumer Protection Law		

3-5-1 **DEFINITIONS.** For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting 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. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-5-2 **EXEMPTIONS.** The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-5-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-5-4 and 3-5-5. This permit shall extend no longer than sixty days. Every licensee shall pay the following fee before a permit shall be issued set forth in the schedule below:

- A. For one day or part thereof: \$20.00
- B. For one week or part thereof: \$25.00 (weekdays only)
- C. For one month or part thereof: \$120.00, and each additional month shall be \$10.00

(Code of Iowa, Sec. 9C.2)

3-5-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-5-1 of this chapter must file with the City Clerk an application in writing that gives the following information:

- 1. Name and social security number.
- 2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
- 3. A brief description of the nature of the sales method.
- 4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
- 5. Length of time for which the permit is desired.
- 6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
- 7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-5-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-5-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-5-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-5-7 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$20,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until 30 days from the expiration of the permit.

3-5-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-5-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-5-9 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-5-3 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-5-10 PERMIT NOT TRANSFERABLE. Permits 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.

3-5-11 REVOCATION OF PERMIT. The City Council after notice and hearing, may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 ALCOHOLIC BEVERAGES

3-6-1	Purpose	3-6-3	Action by Council
3-6-2	Required Obedience to Provisions of this Chapter and State Law	3-6-4	Transfers

3-6-1 **PURPOSE.** The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.
(Code of Iowa, Sec. 364.1)

3-6-2 **REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.**
The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited

15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-6-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

(Code of Iowa, Sec. 123.32(2))

3-6-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred. All applications must be submitted to the Iowa Alcoholic Beverages Division for final approval as provided by law.

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 7 DRUG PARAPHERNALIA

- 3-7-1 Definitions
- 3-7-2 Exemption
- 3-7-3 Prohibition

3-7-1 **DEFINITIONS.** As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-7-2 **EXEMPTION.** "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa, Sec. 124.414)

3-7-3 **PROHIBITION.** It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

TITLE III COMMUNITY PROTECTION

CHAPTER 8 JUNK AND ABANDONED VEHICLES

3-8-1	Purpose	3-8-8	Junk Vehicles Declared a
3-8-2	Definitions		Nuisance
3-8-3	Removal of Abandoned Vehicles	3-8-9	Notice to Abate
3-8-4	Notification of Owners and	3-8-10	Abatement by Municipality
	Lienholders	3-8-11	Collection of Cost of Abatement
3-8-5	Impoundment Fees and Bonds	3-8-12	Exceptions
3-8-6	Hearing Procedures	3-8-13	Interference with Enforcement
3-8-7	Auction or Disposal of		
	Abandoned Vehicles		

3-8-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 364.1)

3-8-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:

a. A vehicle that has been left unattended on public property for more than forty-eight hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or

b. A vehicle that has remained illegally on public property for more than twenty-four hours; or

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

d. A vehicle that has been legally impounded by order of the police and has not been reclaimed for a period of ten days; or

e. Any vehicle parked on the street determined by the police to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(b))

2. "Private property" means any real property within the City which is not public property as defined in this section.

3. "Public property" means any public right-of-way open for the purposes of vehicular travel.

4. A "junk vehicle" means any vehicle without current license plates or which has any one of the following characteristics:

a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.

b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.

c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

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

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

5. "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 shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-8-3 REMOVAL OF ABANDONED VEHICLES.

1. The police or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The police or Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the police or Mayor if the police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-8-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the police or Mayor, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5.

(Code of Iowa, Sec. 321.89(3)(a))

2. The owner, lienholders or any person receiving notice may, by written request received by the police prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

(Code of Iowa, Sec. 321.89(3)(c))

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

- a. the identity of the last registered owner cannot be determined, or

- b. the registration contains no address for the owner, or
- c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten day reclaiming period.

(Code of Iowa, Sec. 321.89(3))

3-8-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the police or Mayor, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

- a. an impoundment fee
- b. towing charges
- c. preservation charges
- d. storage charges
- e. notice charges

(Code of Iowa, Sec. 321.89(3)(a))

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under Section 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

- a. the fees required by Section 3-10-5(1)
- b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-8-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq.

(Code of Iowa, Sec. 321.89(3))

3-8-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-8-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Olds, Iowa, 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 vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-8-9 NOTICE TO ABATE.

1. Whenever the Police or Mayor shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-8-8, they shall notify, by certified mail with five days' return receipt, the following persons:
 - a. the owner of the property.
 - b. the occupant of the property.
2. Police shall notify, by certified mail with five days' return receipt, the following persons:
 - a. the owner of the property.
 - b. the occupant of the property.
3. The notice to abate shall:
 - a. describe, to the extent possible, the year, make, model, and color of the vehicle.
 - b. describe the location of the vehicle.
 - c. state that the vehicle constitutes a nuisance under the provisions of this chapter.

d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-8-10 ABATEMENT BY MUNICIPALITY. 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 City Clerk who shall pay such expenses on behalf of the municipality.

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

3-8-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-8-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-8-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 DANGEROUS BUILDINGS OR STRUCTURES

3-9-1	Definitions	3-9-2	Notice to Owner
3-9-3	Conduct of Hearing	3-9-4	Right to Demolish

3-9-1 DEFINITIONS. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
6. Water and Sewer Services. Whenever a building occupied as a residence is disconnected from or not serviced by water and sewer utilities.

3-9-2 NOTICE TO OWNER. The enforcement officer may examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer may give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the

building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer. Notice shall be in accordance with the following terms:

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

3-9-3 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

3-9-4 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

TITLE III COMMUNITY PROTECTION

CHAPTER 10 FIREWORKS ORDINANCE

3-10-1 DEFINITIONS.

The following words, terms, and phrases, when used in this Article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

- a. "Consumer Fireworks" means First-Class Consumer Fireworks and Second-Class Consumer Fireworks described in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.
- b. "Display Fireworks" include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.
- c. "Fireworks" means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association's Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-10-2 VIOLATIONS.

- a. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be guilty of a simple misdemeanor punishable by a fine or punishable as a municipal infraction civil penalty as set forth in this Code.
- b. A person may be prosecuted under the public nuisance provisions set forth in this Code and/or any other remedy available at law, to address any failure to perform an act required by the provisions of this Chapter or any action prohibited by the provisions of this Code of Ordinances or Code of Iowa.
- c. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

- d. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- e. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of \$250.00.
- f. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3-10-3 PROHIBITIONS.

- a. It shall be unlawful to manufacture fireworks within the City limits.
- b. It shall be unlawful to sell Display Fireworks within the City limits
- c. It shall be unlawful for a person to possess, use or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

3-10-4 SALE OF CONSUMER FIREWORKS.

- a. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.
- b. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3-10-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

- a. A person shall not use or explode Consumer Fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.
- b. A person shall not use or explode Consumer Fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m.
- c. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.
- d. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.

- e. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in the person's body.
- f. Any use or explosion of Consumer Fireworks must be more than 600 feet from an assisted living facility, nursing home, hospital, retirement home, or hospice.
- g. Any use or explosion of Display Fireworks must be more than 600 feet from an assisted living facility, nursing home, hospital, retirement home, or hospice.
- h. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.
- i. A person who violates this subsection commits a simple misdemeanor punishable as a municipal infraction civil penalty.

3-10-6 PERMITS REQUIRED.

- a. A permit must be obtained from the City in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with City permitting and insurance requirements.
- b. Application for a permit must be made, in writing, and filed at the Office of the City Clerk, at least twenty-eight (28) days in advance of the proposed display.

3-10-7 SEIZURE OF FIREWORKS.

- a. Law Enforcement or the Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-10-8 EMERGENCY.

- a. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 PLANTING, CARE AND TRIMMING OF TREES

- | | | | |
|--------|-----------------------|--------|-----------------|
| 3-11-1 | Definitions | 3-11-5 | Disease Control |
| 3-11-2 | Planting Restrictions | | |
| 3-11-3 | Removal of Trees | | |
| 3-11-4 | Tree Trimming | | |

3-11-1 **DEFINITIONS.** For the purpose of this ordinance: "Street" includes the entire width between property lines of avenues or highways. "Persons" includes any individual, firm, corporation, trust, organization, or any other government. "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.

3-11-2 **PLANTING RESTRICTIONS.** No trees shall be planted on any property belonging to the City except by permission of the City Council. No trees shall be planted in any street, right-of-way, parking areas or in any City or utility easements. This includes the area between the sidewalk and the curb. These areas shall be kept free for current or future City and/or utility usage. Trees should be planted inside the property owner's property lines

3-11-3 **REMOVAL OF TREES.** 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.

3-11-4 TREE TRIMMING. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least thirteen (13) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

3-11-5 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.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-8	Keeping a Vicious Animal
4-1-2	Immunization	4-1-9	Kennel Dogs
4-1-3	At Large Prohibited	4-1-10	Dogs and Cats At Large
4-1-4	Animal Nuisances	4-1-11	Impounding a Dangerous Animal
4-1-5	Impounding	4-1-12	Riding Animals on Public Ways
4-1-6	Dangerous Animals	4-1-13	Animal Traps
4-1-7	Regulation for Keeping a Dangerous Animal	4-1-14	Restrictions on Certain Animals

4-1-1 **DEFINITIONS.** For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean any animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.
 1. The term "bite" shall mean any puncture, laceration, abrasion, scratch, or any other break in the skin of a human.
 2. The term "Board of Health" shall mean the Henry County board of health or its representatives.
 3. The term "cat" shall mean any male or female animal of the family Feli catus, whether neutered or not.

4-1-2 **IMMUNIZATION.** All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

4-1-3 **AT LARGE PROHIBITED.** No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-4 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

(Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING.

1. Any dog or cat or other animal at large in the city shall be taken by a humane officer, to be designated by the Council, and impounded at an animal control center and be confined there in a humane manner:

- a. If by an identifying tag or other means, the owner of such animal can be determined, the humane officer shall notify such owner as soon as possible by telephone or mail of the impoundment of the animal.
- b. All dogs found without a license, collar or similar identification shall be kept for not less than three days after being impounded, unless sooner redeemed by the owner in accordance with the section. Dogs with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner. At the expiration of the required holding period, any animals not claimed or reclaimed shall become the property of the city and shall be humanely disposed of, or given to an appropriate person or party for adoption.
- c. It shall be lawful for any person who finds an animal at large on public or private property to seize and hold the animal. Any person so seizing and holding' an animal may restrain the animal on their premises by an adequate protective fence or by leash, cord or chain that does not allow the animal to go beyond their real property line. The person seizing and holding the animal shall immediately notify the humane officer and shall be responsible for the humane treatment of the animal while it is under that person's custody.
- d. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor. (Code of Iowa, Sec. 351.39)
- e. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person. (Code of Iowa, Sec. 351.39)

2. Reclaiming an impounded animal.

- a. With proper identification, the owner of an impounded animal shall be entitled to resume possession of such animal, before the disposal of such animal by the city, on the following conditions:
 - i. They present proof or current identification tag(s), or he or she must obtain such identification tags for such animal; and
 - ii. They pay all penalties, fines and all costs and charges incurred by the city for the impounded and care of their animal
- b. Fees for care of impounded animals shall be set by the city council and may be revised as necessary.
- c. The owner of any impounded animal upon satisfactory proof of ownership, may redeem their animal by making a deposit equal to the amount spent for impounding the animal, to the animal control center.
- d. The owner of a dog shall be liable to an injured party for all damages done by the dog, including during impoundment. This does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

(Code of Iowa, Sec. 351.28)

4-1-6 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.

b. The following are animals which shall be deemed to be dangerous animals per se:

- (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
- (2) Wolves, coyotes, and foxes;
- (3) Badgers, wolverines, weasels, skunks and mink;
- (4) Raccoons;
- (5) Bears;
- (6) Monkeys, chimpanzees, and apes;

- (7) Alligators and crocodiles;
- (8) Scorpions; Gila monsters;
- (9) Piranhas, sharks and barracudas
- (10) Snakes that are venomous or constrictors;

c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

- a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.
- b. Any guard or sentry dog properly contained as required by law.

4-1-7 REGULATION FOR KEEPING A DANGEROUS ANIMAL.

- 1. Every person keeping, sheltering or harboring a dangerous animal as permitted under Section 4-1-6 shall at all times keep such animal securely confined within a cage or other enclosure approved by the city administrator or their designee.
- 2. No person owning, keeping, sheltering or harboring a dangerous animal as permitted under Section 4-1-6 shall permit or allow such animal to enter upon, be placed in or traverse any public property, park, right-of-way, waterway or lagoon or public sewer system, or any business establishment, or the property of another, except when such animal is being transported while caged or confined.
- 3. It shall be the duty of the person permitted to keep dangerous animals under Section 4-1-6 to immediately report to law enforcement when any dangerous animal is found missing.
- 4. No person shall keep or harbor a dangerous animal which has demonstrated a propensity without provocation to attack or bite.

4-1-8 KEEPING A VICIOUS ANIMAL. An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

A. An animal is deemed vicious under the following circumstances:

1. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.

2. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.

3. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.

4. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.

5. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.

4-1-9 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this ordinance.

4-1-10 DOGS AND CATS AT LARGE.

1. Dogs properly identified as required by law shall be deemed under restraint if:
 - a. The dog is on the premises of the owner or a person given charge of the dog by the owner and its either: accompanied by and obedient to the commands of said person in charge or; confined on those premises by an adequate protective fence or by leash, cord, or chain not more than six feet in length, or; confined within a motor vehicle or; is properly housed in a veterinary hospital or kennel.
2. Dogs shall be deemed to be at large if they do not have the necessary identification tags, or if they are not under restraint by one of the methods set forth in this section.
3. Cats shall be deemed at large if they do not have the necessary identification tags or if they are on private property not owned by the owner of the animal without permission of the person owning such property, or the person in charge thereof.
4. Cats shall not be deemed at large when on public property if:
 - a. Accompanied by and obedient to the commands of the owner or competent responsible person or; on a leash, cord, or chain no more than six feet in length, under the control of a person competent to restrain and control the cat.
5. Notwithstanding any other provision of this chapter, any animal shall be deemed at large at any time when attacking persons, attacking domestic animals or destroying property. Furthermore, any female dog or cat in heat shall be deemed at large at any time except:
 - a. When housed in a building which is completely enclosed; or
 - b. When housed in a veterinary hospital or kennel; or
 - c. When on the premises of the owner, provided the area on which such animal is located

is completely enclosed by a fence or other structure having a height of at least forty-two inches;

- d. Nothing in this provision, however, shall be construed as prohibiting any owner of a female dog or cat in heat from walking such animal with a leash, cord or chain not more than six feet in length, or from transporting such animal within a motor vehicle.

6. Any owner of a dog or cat which is found to be at large has committed a public offense and shall be subject to penalties.

4-1-11 IMPOUNDING A DANGEROUS ANIMAL. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon or public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Mayor or his designee, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

In the event that an animal is subject to an action under Title IV, the mayor or his designee, shall be authorized to immediately impound said animal at an approved animal control center. All impoundment fees shall be at the expense of the losing party, which fees shall include the actual cost of the feeding and care of the animal.

1. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the city in violation of this chapter or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the Mayor or his designee shall cause the matter to be investigated; and if, after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the city, the Mayor, or his designee shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under Title IV to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the Mayor or his designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
2. The order to remove a dangerous animal issued by the Mayor or his designee may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

3. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the city council may affirm or reverse the order of the Mayor or his designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.
4. If the city council affirms the action of the Mayor or his designee, the city council shall order in its written decision that the individual or entity owning, sheltering, harboring or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the Mayor or his designee is not appealed or is not complied with within three days of the order of the city council after appeal has been served, the Mayor or his designee or a designated law enforcement officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period the person against whom the decision and order of the Mayor or his designee or city council was issued has not petitioned the county district court for a review of the order, the Mayor or his designee shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Title IV to possess dangerous animals, or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animal, which said fee shall be the actual cost of the feeding and care of the animal.

4-1-12 RIDING ANIMALS ON PUBLIC WAYS. No person may ride any animal on any city sidewalk. No person may ride any animal on any public ground except on a public street without first obtaining a written consent from the police. No person may ride any animal on the private property of another without first obtaining written consent to do so from that property owner.

4-1-13 ANIMAL TRAPS. No person may set other than live or humane traps in the city for the purpose or apprehending wild or domesticated animals. This section does not prohibit:

1. Trapping mice, rats, or other household vermin; or
2. The setting of traps to destroy moles and other underground pests, so long as the traps used may be triggered only by surface action; or
3. The setting of traps in the line of duty by the humane officer, or licensed pest control operators.

4-1-14 RESTRICTIONS ON CERTAIN ANIMALS. The owner of any cow, bull, mule, donkey, horse, goat, sheep, swine, rabbit, chicken, duck, turkey or other domestic animal shall not allow such animal to run at large; or keep such animal in any outdoor enclosure or pasture (except dogs and cats), the exterior boundary of which is less than fifty (50) feet from: a) the dwelling house of another b) A commercial establishment c) a church or d) a school.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

5-1-1	Definitions	5-1-4	Emergency and Temporary
5-1-2	Location of Mobile Homes		Parking
5-1-3	Special Permits for Location of	5-1-5	Traffic Code Applicable
	Mobile Homes Outside Mobile	5-1-6	Building Requirements
	Home Parks	5-1-7	Mobile Home Hookups
		5-1-8	Suspension of Permit

5-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”

(Code of Iowa, Sec. 103A.3(8))

2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3))

3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

5-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

5-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of 3 years but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

5-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

5-1-5 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

5-1-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory-built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement. (The effective date of this Ordinance is/was November 11/6/1990.)

(Code of Iowa, Sec. 435.26)

A twelve (12) month permit for the construction and/or operation of a trailer park shall be issued unless:

1. The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water

2. The park is divided into lots for each trailer coach, the boundary of each lot indicated by corner markers and each lot having an area of one thousand seven hundred fifty square feet with a minimum width of thirty-five and a minimum depth of fifty feet., Each mobile home space shall be large enough to provide a distance on the space and the lot line, a front yard of fifteen (15) feet and a rear yard of ten (10) feet.
3. The applicant agrees that all waste matter resulting from the use and occupancy of any trailer or trailers occupying his trailer park shall be emptied into a drain connected to an approved disposal system.
4. There is provided a flush toilet connected to an approved disposal system conveniently located in a building not more than one hundred feet from each trailer, and the applicant agrees that the occupants of the trailers situated on his, her or its premises will use the flush toilet facilities to the exclusion of all other toilet facilities, either on the premises or in a trailer situated thereon.
5. All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet in width which shall have unobstructed access to a public street.
6. Walkways not less than two (2) feet wide shall be provided to service buildings.
7. The applicant obtains written permission from the owner of any residence building which is within fifty feet of the proposed location.
8. Provision is made for garbage receptacles sufficient to prevent littering the ground with rubbish and debris, the garbage receptacles to be fly tight depositories with tight fitting covers conveniently located not farther than two hundred feet from any trailer coach.
9. The trailer park is inspected by the City Council or person appointed by the City Council and approved by either of the officials.
10. The park and mobile home installed therein all fully comply with the Nation Fire Protection Association's Standard for Fire Safety Criteria for Mobile home Installations, Sites and Communities.
11. An issuance fee of ten (\$10) dollars is paid.

5-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The

connections are subject to inspection and approval by city officials and the mobile home dealer. No additional permits shall be required.

(Code of Iowa, Sec. 322B.3)

5-1-8 SUSPENSION OF PERMIT. Any trailer park permit issued under this title shall be suspended by proper action of the city council after the operator thereof fails to:

4. Keep garbage depositories in a sanitary condition at all times.
5. Place garbage depositories in a convenient location for the city garbage collector
6. Require all waste water to be emptied into a drain connected to an approved disposal system as agreed in the application for permit.
7. Require the occupants of the trailers to use exclusively the flush toilet facilities provided as agreed in the application for permit.
8. Maintain the trailer park in accordance with the requirements necessary to obtain a permit.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

5-2-1	Definitions	5-2-4	Use of the Public Sewers
5-2-2	Use of Public Sewers Required	5-2-5	Protection from Damage
5-2-3	Building Sewers and Connections	5-2-6	Powers and Authority to Inspectors
		5-2-7	Penalties

5-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567-69.3(1))

3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(IAC 567-69.3(1))

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded 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 (1/2) inch (1.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Olds or the Superintendent's authorized deputy, agent, or representative.

20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

5-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(Code of Iowa, Sec. 364.12(3)(f))

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of any house, building, or property 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 of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12(3)(f))

(IAC 567-69.3(3))

5-2-3 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any sewer work shall be completed by a contractor that has been authorized for work by the City Council.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$50.00 for a residential sewer permit and \$100.00 for an industrial or commercial building sewer permit shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Olds and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Olds pertaining

to plumbing. This bond shall state that the person will indemnify and save harmless the City of Olds and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1) Pipe and Fittings - ASTM C-700 "Standard Specification for Vitrifified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2) Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrifified Clay Pipe and Fittings".

Extra Heavy Cast Iron Soil Pipe

(1) Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."

(2) Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

(1) Pipe - A.S.T.M. D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

(2) Joints - A.S.T.M. D-1869, A.S.T.M. D-1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or

packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. 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.

10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

5-2-4 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

b. Non-payment of bills.

c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater 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.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. 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) mg/l as CN in the wastes as discharged to the public sewer.

c. 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.

d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of 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.

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 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 (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) 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.

4. 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 prohibited are:

a. Any liquid or vapor having a temperature higher than one hundred fifty 150 degrees F (65 C).

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. 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.

f. 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 with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

g. 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.

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause:

(1) 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).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.

j. 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.

5. 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 6-2-5(4), 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:

a. Reject the wastes,

b. Require pretreatment to an acceptable condition for discharge to the public sewers.

c. Require control over the quantities and rates of discharge, and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

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.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. 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.

8. 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.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

5-2-5 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

5-2-6 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's 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.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-5(8).

3. 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.

5-2-7 PENALTIES.

1. Any person who shall continue any violation beyond the time limit provided for in Ordinance except Section 6-2-6 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred (\$100) dollars for each violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. Each day in which any such violation shall continue shall be deemed a separate offense.

2. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

5-3-1	Enforcement	5-3-17	Service Cut Off
5-3-2	Definition of Terms	5-3-18	Breaks in Service of Fixtures
5-3-3	Service Connections	5-3-19	Abandoned Service Pipes
5-3-4	Mandatory Connections	5-3-20	Right to Shut Off Water
5-3-5	Permit	5-3-21	Responsibility in Turning Water On
5-3-6	Permit for Water Service Connections	5-3-22	Discontinue Use of water
5-3-7	Water Supply Control	5-3-23	Water Meters
5-3-8	Making the Connection	5-3-24	Unnecessary Waste
5-3-9	Discontinuing Service	5-3-25	Owners to Protect Meters
5-3-10	Excavations	5-3-26	Other Supply Than City Water
5-3-11	Inspection and Approval	5-3-27	Inspection of Meters, Pipes, and Fixtures
5-3-12	Completion by the City	5-3-28	Fire Hydrants Not to be Used
5-3-13	Meter Accuracy and Test	5-3-29	Water Works Property
5-3-14	Water Conservation Plan	5-3-30	Cross Contamination and Connection
5-3-15	Service Pipes Not to be Laid Across Private Property		
5-3-16	Separate Connections		

5-3-1 ENFORCEMENT/PURPOSES.

a. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.

b. The Superintendent of public utilities shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

5-3-2 DEFINITION OF TERMS.

1. In this ordinance the words Water Works of City shall mean the City of Olds acting through its qualified officers or employees.

2. A water main shall be defined as any pipe laid by the City of Olds or agents thereof in

streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.

3. A service pipe shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may ultimately serve.

4. A consumer shall be any person using water furnished by the City of Olds, Iowa.

5-3-3 SERVICE CONNECTIONS.

a. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.

b. A residential, commercial or industrial property located within the City on a street, alley or right-of-way must connect to the City water system, provided the water main is located within 300 feet of the property line.

c. When the consumer tears down any structure that was connected to City water service, the consumer is responsible to disconnect the water service at the water main.

d. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the water main shall be turned off at the corporation stop and made absolutely watertight.

e. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

f. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the city council and provision is made so that each house, building or premises may be shut off independently of the other.

g. All costs and expenses incident to the installation, connection, disconnection or maintenance of the water service line from the main to the building served shall be borne by the property owner. The hook up fee shall be paid by the customer within thirty (30) days of receipt of a statement from the City of Olds.

5-3-4 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 supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

5-3-5 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Superintendent. The application for the permit shall be filed with the Superintendent on blanks furnished by the Superintendent. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Superintendent. The Superintendent shall issue the permit, bearing the Superintendent's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped.

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

5-3-6 PERMIT FOR WATER SERVICE CONNECTIONS.

a. Taps or connections to the water mains shall be made by only authorized City employees of the City of Olds or by a contractor that has been authorized for work by the City Council, upon request for service by the property owner. An access fee of \$50.00 must accompany each permit for residential uses and \$100.00 for commercial and industrial uses.

d

b. The City reserves the right to render services in connection with furnishing water, such as installing and maintaining water service connection, repairing leaks, etc., at prices and terms to be determined, charges will be made at the actual cost of labor and material, plus ten percent (10%) for overhead expenses.

5-3-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

The plumber making said installation or connection shall be licensed by the city or state.

5-3-8 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Superintendent or the Superintendent's authorized

assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

a. Service Pipe.

1. No water service pipe or tap for any building shall be less than three-quarter (3/4) inches in diameter. All pipe up to and including one and one-half (1½) inch inside diameter shall be approved by the City prior to installation. All pipe over one and one-half (1½) inches must be heavy type copper, cast iron or PVC grade water pipe approved by the city prior to installation. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

2. All water service pipes and their connections to the water system must be inspected and approved by the city, before they are covered, and the city clerk shall keep a record of such approvals. If the city 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 city council and his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

b. No Connection Between Different Services. When there are two or more buildings on premises, the piping from each service must be kept separate, and no connection made from one to the other.

c. Depth of Service Pipe. Service pipe must be laid at least five and one-half (5 ½) feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, they shall be laid so that they will be at least five and one-half (5 ½) feet below the established grade.

d. Maintenance of Service Pipes. All service pipes and fixtures from the street water main to the lot or easement line of the premises, including the corporation cocks at the mains (except corporation cocks put in during the initial water installation period) shall be installed and maintained at the expense of the owners, and any leaks or other defects in the same shall be promptly repaired by the owner. If not promptly repaired the water shall be turned off until such repairs have been made, and the expense incurred thereby shall be charged against such owner, and must be paid before water shall be turned on again. If such repair is not made within three (3) days of written notification by the City, the property owner shall be charged the sum of Fifteen dollars (\$15.00) per day for each day after said three (3) day period of grace, during which the said water wastage shall continue.

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

5-3-9 DISCONTINUING SERVICE. Application may be canceled and/or water service discontinued by the municipality for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

(a) Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of the water.

(b) Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water.

(c) Resale or giving away of water.

(d) Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.

(e) Tampering with meter, meter seal, service or valves, or permitting such tampering by others.

(f) Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality.

(g) Non-payment of bills.

Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system, otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality.

5-3-10 EXCAVATIONS.

a. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

b. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit. Before a permit may be issued, the person applying for such permit shall have executed unto the municipality and deposited with the Clerk a corporate surety or a certificate of insurance in the amount of \$100,000.00 verifying that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances pertaining to plumbing, waterworks or appurtenances. This bond or certificate of insurance shall state that the person will indemnify and save harmless the municipality and the owner of the premises against all damages, costs, expenses, out-lays and claims of every nature and kind rising out of unskillfulness or negligence on his part in connection with plumbing, waterworks or appurtenances as prescribed in this ordinance. All bonds or corporate sureties shall substantially conform to the certificate model attached hereto and incorporated by reference herein. However, required policy limits shall be the \$100,000.00 figure established in this ordinance and not the figures stated on the certificate model.

5-3-11 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal 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. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

5-3-12 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

5-3-13 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any user. The Superintendent or an assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of 10 times the average, we will change the sewer rates to the previous 6 month average.

Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being ten dollars (\$10.00); and the amount to be determined by the municipality depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

Footnote: See 384.38(3) concerning establishing districts and connection fees.

5-3-14 WATER CONSERVATION PLAN.

Declaration of Emergency: The city council may declare a water conservation emergency whenever water supply or water system facilities are found to be inadequate or whenever there appears to be a substantial and imminent danger of such inadequacy. A resolution declaring such emergency shall be published for one publication in a newspaper of general circulation in the city and upon publication shall require compliance with this article by all persons using water from the water system until by resolution of the council, the emergency shall be declared to be terminated.

Prohibited and Restricted Uses: The following uses of potable processed water from the municipal water system during a water conservation emergency are prohibited:

- A. The use of water-consuming air conditioning equipment which consumes in excess of five (5) percent of the water circulating in such equipment.
- B. watering or irrigation of lawns and all other outside vegetation except that direct applications of water not exceeding 1 inch per week are permitted between the hour of 10:00 a.m. and 6:00 p.m. on flower and vegetable gardens, trees and shrubs less than 4 years old, and areas which were newly seeded or sodded prior to issuance of the emergency resolution.
- C. The washing of cars, trucks, trailers, and other mobile vehicles or equipment except at commercial establishments which provide that service.
- D. The cleaning of outdoor surfaces including buildings, sidewalks, driveways and porches.
- E. The non-essential cleaning of commercial and industrial equipment, machinery and interior spaces.
- F. The filling of private swimming pools, reflecting pools, ornamental fountains, or any other structures making similar use of water.
- G. Permitting the loss of water through defective plumbing or fixtures, except where the customer can provide proof of prompt repair of the defect.
- H. Use by a business or industry of an amount of water exceeding the amount used during the corresponding month of the preceding year except where the business or industry is declared by resolution of the council to be necessary for the public health, safety and welfare. Where there is no corresponding period of use or where review is directed by the council, the city manager shall hold a public hearing to determine allowable use.

Rate for Water Used in Violation of Conservation Emergency: Any person found to be using city water in violation of this article shall be charged twice the rate which would otherwise apply. This rate shall apply to all metered service through the service connection used in the violation during any month that a water conservation emergency is declared by the city council to exist and during which the violation has occurred or continued.

5-3-15 SERVICE PIPES NOT TO BE LAID ACROSS PRIVATE PROPERTY. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, but all service pipes shall be laid on streets, alleys, or public grounds to the premises to be served, and entered the building nearest the main.

5-3-16 SEPARATE CONNECTIONS. There shall be separate service pipes laid from the main to each dwelling or unit being served. Such service pipe shall be laid in a straight line at right angles to the water main, and connections made within two lines drawn parallel to the sides of the building to be served and not more than ten feet outside of these sides. In all cases each building served must have an independent service shut off. Apartment buildings may have one (1) service line into the apartment building; however, the line must be split once in the building for each apartment. The owner of the apartment building must provide the City with access to the water line shutoff twenty-four (24) hours a day.

5-3-17 SERVICE CUT OFF.

a. A curb stop and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or alleys the stop box shall be placed less than twelve (12) inches inside the sidewalk or sidewalk line on City property; and when made in alleys, it shall be placed within the area located twelve (12) inches outside of the lot lines. The cover of said stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of the stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

b. Every service pipe must also have a stop and waste placed in the building within two (2) feet of the point where the pipe enters the building. Said stop must have a handle or wrench attached to turn the same, and be kept in working order at all times so that the water supply may be shut off by the occupant of the premises.

c. The outside shut off and stop box shall be under the sole control of the City and no one except an employee or person specially authorized by the City Council shall open the cover of such box, or turn on or off the water. Provided, however, that approved plumbers may turn off or on the water for testing plumbing or making repairs, but whenever so used to shut off must be left closed if found closed, and open if found open, by the plumber who uses it.

d. The stop box in every service must be kept flush with the surrounding ground or surface, and must be visible from the sidewalk. The curb box and shut off must be kept in good condition and ready for use at all times by the owner. Should the owner neglect to maintain such box and shut off in proper condition to be used, and if the stop box is found to be filled up, or the stop box or shut off found to be out of repair at any time, the City shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment is refused, the payment thereof may be enforced in the same manner as that provided in the

case of delinquent water bills.

e. 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 customer so that service may be shut off for one without interfering with service to the others. The interior valves shall be placed on the customer side of the meter within one (1) foot of the meter. This will be required for all new construction and plumbing service upgrades.

5-3-18 BREAKS IN SERVICE OF FIXTURES. The City shall not be held responsible by reason of the breaking of any service pipe or water coil, or for failure in the supply of water.

5-3-19 ABANDONED SERVICE PIPES. If a service pipe or connection, which is not being used, is found to be leaking, the City may without notice, repair or turn off the same, and charge the expense thereof to the owner of the property last served by this connection.

5-3-20 RIGHT TO SHUT OFF WATER.

a. The City reserves the right to at any time, when necessary, without notice, to shut the water off its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying mains, hydrants or other connections. The City may give notice of shutting off water if conditions are such that it is possible to do so.

b. When water is shut off for making repairs in premises having water heating coils in heaters, consumers should turn off the water at the basement shut off and open a faucet in the hot water pipe and leave it open until water is turned on, in order to protect piping and fixtures from excessive pressures from hot water or steam.

5-3-21 RESPONSIBILITY IN TURNING ON WATER. In turning on water the city shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or from any other cause.

5-3-22 DISCONTINUE USE OF WATER. Owners or consumers desiring to discontinue the use of water shall give notice thereof in writing to the City who shall then cause the water to be turned off and the meter removed. A service charge of Forty Dollars (\$40.00) shall be made to shut off and reconnect the service. Water rents or charges for services shall be made until notice is given. When water service is discontinued, all water rentals for such service shall become due and payable. No service will be reconnected or turned back on until all past due fees and charges are paid in full. If for any reason, a meter is removed from a house temporarily because of an owner's absence or danger of the meter freezing, a charge of forty dollars (\$ 40.00) shall be made to cover the cost of removing and reconnecting the meter.

5-3-23 WATER METERS.

a. The City shall provide one (1) water meter per service line. All water meters furnished to the customers shall be metered. All meters shall be set and installed by a plumber licensed through the State of Iowa, at the owner's expense, at a suitable location in the piping system for same. Meters shall be placed on service pipe not to exceed two (2) feet from the location in the wall or floor where such pipe enters the premises. All meters shall be fitted with an outside reader.

In the event a meter larger than that required for a single-family residence is needed, the full cost of such larger meter shall be paid by the customer requesting or needing such larger meter. The cost of the meter shall be paid to the City, by the property owner or customer, prior to the installation of the meter.

b. The piping system shall be so constructed and the meters placed so that all water supplied by the City to be used in or about the premises shall pass through the water meter, and the owner of the premises shall be responsible for compliance with this provision of this Ordinance, and he or she shall be liable for the payment for water used in violation of this Ordinance. The first offense for violating this provision will be a fine of up to Five Hundred Dollars (\$500.00). For each subsequent offense, a civil penalty of up to Seven Hundred Fifty Dollars (\$750.00) shall be imposed. The amount of such water used shall be determined by the City, but in every case where City water is used in violation hereof, the water bill shall be increased not less than one and a half (1½) times the average monthly usage.

c. There shall be a stop and waste between the meter and the wall, and a suitable place provided for the meter so as to keep it safe and clean and readily accessible at all times to the meter reader and inspectors of the City. All valves and fittings necessary to comply with these requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner of the premises to be served. In case that two or more meters are desired for measuring water to two different tenants in the same building from one service connection, they shall be so placed that neither of the meters shall measure water which has passed through another one.

d. All newly installed meters or meters replaced after the effective date of these Ordinances must be installed on the exterior of the building serviced, or be fitted with an outside reader, and be accessible for reading without entering the premises. The meter must be easily reachable without interference from plants, garbage, or dogs.

5-3-24 UNNECESSARY WASTE. The City reserves the right to prohibit the use of water for yard sprinklers or large consumers of water, when in the judgment of the City, the public welfare requires such action. The City shall adopt a resolution setting forth the basis for the moratorium and the length of time the moratorium will be in effect. Violation of the City prohibition will be a simple misdemeanor enforceable by municipal infraction or criminal citation.

5-3-25 OWNERS TO PROTECT METERS.

a. The owners or occupants of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, he or she shall give immediate notice to the City. In all cases where water meters are broken or damaged by negligence of owners or occupants of the premises, or by freezing, hot water, or other injuries except ordinary wear the necessary repairs to the meter shall be made by the City and the cost of such repairs shall be paid for by such owner or occupant, and in case payment thereof is neglected or refused, the cost of such repairs shall be billed to the resident. If not paid within 90 days we submit to the county to be added to their property taxes and recouped that way. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

b. No one shall in any way interfere with the proper registration of water meters, and no one except as authorized by the City shall break a seal of a meter, provided, however, that the City may grant written permission to approved plumbers in cases of emergency to break a water meter seal. The owner of the property may be charged a civil penalty of up to Five Hundred Dollars (\$500.00) for the first offense and up to a Seven Hundred Fifty Dollar (\$750.00) civil penalty for each subsequent violation of this section.

c. Wherever a water meter is installed on a water service in the premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such meter, and free access to such meter shall be provided at least twenty-four hours after such notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given. If the meter is covered or lost, he or she shall be required to pay to the City a sum equal to the fair, reasonable market value thereof. The replacement cost thereof is presumed to be its fair reasonable market value.

5-3-26 OTHER SUPPLY THAN CITY WATER. On premises where water is supplied from two (2) sources, the City water being one of them, the piping system the City water must be entirely separated from that of the other source.

5-3-27 INSPECTION OF METRES, PIPES, AND FIXTURES. The City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine the water pipes and fixtures and the manner in which water is used. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

5-3-28 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Olds, Iowa, or employees of the City acting in regular performance of

their duties, shall open any hydrant belonging to the City at any time without a permit in writing signed by an authorized City Official.

5-3-29 WATER WORKS PROPERLY. It shall be unlawful to break, injure, mar, or deface, interfere with or disturb any building, machinery apparatus, fixtures attachments or appurtenance of the water works, or any hydrant, stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the City Council or excepting cases herein otherwise provided by Ordinance.

5-3-30 CROSS CONTAMINATION AND CONNECTION

A. DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to Water Service System:

1. “Approved Backflow Prevention Assembly” means assembly that has been approved by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research (USC) and meets AWWA standard C511-89 for Reduced Pressure Principle Assemblies and ANSI/AWWA Standard C510-17(R21) for Double Check Assemblies. The backflow prevention assembly must also be listed by the International Association of Plumbing and Mechanical Officials.
2. “Backflow” means the flow of water or other liquids, mixtures, or substances, under positive or reduced pressure in the distribution pipes of potable water supply from any source other than its intended source.
3. “Backpressure” means backflow caused by water pressure in a facility that is higher than the pressure of the public drinking water supply be caused by pumps, boilers, gravity or other sources of pressure.
4. “Backsiphonage” The reverse flow of used, contaminated, or polluted water from a plumbing fixture or device into the public drinking water due to reduced pressure. This can be caused by nearby firefighting, water main breaks or repairs.
5. “Backflow Prevention Assembly Technician” means a person registered with the State of Iowa Department of Public Health to test or repair backflow prevention assemblies and to report on the conditions of these assemblies.
6. “Containment” means the installation of an approved testable backflow prevention assembly on the water service line immediately following the meter or at the service entrance to the building and always before any unprotected branch.
7. “Contaminant” means a substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

8. “Cross Connection” means any actual or potential connection between the public potable water supply and a possible source of contamination or pollution.
9. “Customer” means the owner, operator, or occupant of a building or property which has a water service from a public potable water system or owners of private water systems that receive their water from public potable water systems.
10. “Degree of hazard” means the rating of a cross connection or water service determined by the City Superintendent that indicates the potential risk to public health through contamination or pollution. Facilities rated as high hazard will be required to install an approved reduced pressure principle assembly for containment.
11. “Double Check Valve Assembly” means a backflow prevention assembly consisting of two independently acting, internally loaded check valves, four properly located test ports and two isolation valves.
12. “High Hazard” means an actual or potential cross-connection which may create a hazard to public health through the introduction of non-potable or poisonous substances into the public water supply.
13. “Isolation” means a method of backflow prevention in which backflow prevention device is located to correct a cross connection at an in-plant location rather than at a water service entrance.
14. “Low Hazard” means a cross-connection which may alter the quality of potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.
15. “Reduced Pressure Principle Assembly” means a backflow prevention assembly consisting of two independently acting, internally loaded check valves, a differential pressure relief valve, four properly located test ports, and two isolation valves.
16. “Superintendent” means the person directly responsible for the municipal water supply and system as assigned by the City Administrator.
17. “Thermal Expansion” means the volumetric increase of water pressure due to heating resulting in increased pressure in a closed system.
18. USC means the University of Southern California Foundation for Cross Connection Control and Hydraulic Research.
19. “Water Service” means the connection between the public potable water system and a customer’s property or building.
20. Water Service Entrance means the point where the water service enters the customer's property: generally considered to be the outlet end of the water meter and always before any unprotected branch.

B. PURPOSE. This ordinance is intended to accomplish the following:

1. Protect the public potable water supply from potential backflow contamination from unprotected cross connections within a customer's internal plumbing system.
2. Identify all connections that present an actual or potential risk to the public potable water supply and require approved backflow protection at the water service entrance (containment).
3. Maintain records of all installed backflow prevention assemblies.
4. Enforce compliance of installation and annual testing requirements by terminating customers failing to comply.

C. CROSS CONNECTION PROHIBITED.

1. Cross Connections from any well or other source of water to any piping system connected to the City's water system are prohibited. It is the Customer's obligation to ensure all new and existing service lines meet the requirements of state, federal, and local ordinance, including all applicable plumbing codes.
2. All new and existing service lines are subject to the requirements of local and State of Iowa plumbing codes respecting backflow prevention and are also subject to the specific requirements set forth in this code of ordinances.

D. RESPONSIBILITY. The responsibilities of the Customer are the following:

1. Customer shall be responsible for ensuring that no cross connections exist within the property served without an approved backflow prevention assembly for containment.
2. Customer shall prevent actual or potential pollutants and/or contaminants from entering the water system through backflow.
3. All water-using devices shall be designed to prevent backflow to the water system.
4. Where harmful contaminants or pollutants are used with any device or process connected to the water system, customer must install and maintain an Approved backflow prevention assembly for containment at the water service entrance in accordance with these ordinances and any applicable plumbing code requirements.
5. All permanently installed underground irrigation systems shall contain an approved backflow prevention assembly for containment at the water service entrance designed to prevent backflow to the water system. If lawn irrigation is the only cross connection within a property, an approved reduced pressure principle assembly may be installed on the irrigation connection in lieu of installation at the meter. This will be categorized as containment for the purposes of enforcement.
6. All commercial, multi-tenant properties served by one water meter are deemed to have a potential for cross connections to non-potable or hazardous substances as the City does not have control of tenants changing in this type of facility.

E. ADMINISTRATION. The provisions of this section shall be administered according to the following:

1. For New Water Service.
 - A. An Approved Backflow Prevention Assembly for Containment shall be installed at the domestic water service entrance to all newly constructed or remodeled commercial buildings.
 - B. For the purposes of this ordinance, any upgrade to an existing service line is deemed a new service.
 - C. Before the water service is turned on for use, the Superintendent (or their designee) shall inspect the installation of the backflow prevention assembly. The City may withhold approval of new water service to a new service line until all backflow protection requirements are met.
2. Existing Service Connections.
 - A. The city may evaluate service provided to existing service lines to determine the degree of hazard that may exist or potentially exist and may request access to the location served for purposes of evaluating water usage.
 - B. If a customer fails to provide access upon request, a high hazard condition shall be deemed to exist and an approved backflow prevention assembly for containment must be installed at the water service entrance within 30 days of notification or service will be terminated until such time as the required installation is complete.
 - C. Inspections under this ordinance may be performed by the Water Superintendent, Building Inspector, or other designee.
 - D. If the city finds an actual or potential high hazard cross connection to non-potable or hazardous substances, the city shall order the installation of approved backflow protection for containment and shall give written notice by mail or hand delivery to the customer of such order (the "Installation Notice").
 - E. The customer shall install an approved backflow prevention assembly for containment within 30 days from notification to avoid termination. The City has the authority to determine a schedule of compliance for the customer.
 - F. The installation of a backflow prevention assembly for containment will be considered complete when a passing backflow test is submitted using the method specified by the City and a confirmation inspection is completed by the City.
 - G. Thermal expansion must be addressed whenever a containment backflow prevention assembly is installed.
 - H. If the Customer fails to complete installation pursuant to an Installation Notice, then the water service at the affected service line shall be terminated until such time as the required installation is complete and a passing backflow test form is submitted to the City.
 - I. If during an on-premises investigation the City determines that there is a high hazard cross connection requiring immediate protection, the City reserves the right to terminate the water service until an approved backflow prevention assembly has been

installed and tested. The City has the authority to determine a schedule of compliance for the customer.

- J. The customer is solely responsible for complying with all requirements of state and local codes in addition to this ordinance related to installation and annual testing of approved backflow prevention devices and not conditioned upon whether the City has made notifications.

F. PRIVATE WELLS. Private wells and any piping served by a private well shall be physically disconnected from any plumbing pipes and fixtures that will be connected to the City distribution system. If a well will be left in service, no well equipment or piping shall be allowed to remain in the building even if it is physically separated or isolated with a valve unless an approved reduced pressure principle assembly is installed at water service entrance.

G. INSTALLATION OF BACKFLOW PREVENTION ASSEMBLIES FOR CONTAINMENT. Installation of backflow prevention assemblies for containment must comply with USC guidelines, all applicable state and local codes in addition to the manufacturer's recommendations.

- 1. General requirements for the installation of backflow prevention assemblies include the following:
 - A. Installed by a plumber licensed by the state of Iowa.
 - B. Installed in horizontal plumbing unless approved for vertical installation by USC.
 - C. Installed immediately following the water meter.
 - D. Installed upstream of branch piping.
 - E. Installed near an appropriately sized drain.
 - F. Installed to be protected from freezing.
 - G. Installed to be protected from thermal expansion if hot water is used within the water system.
 - H. Installed not to create a safety hazard (e.g. above an electrical panel).
 - I. Installed above grade and be accessible for testing; not less than 12" from the bottom of the assembly to the floor or grade, and not more than 36" high.
 - J. No device or assembly for containment shall be removed, relocated or substituted without approval of the city.

H. TESTING & REPAIR. General instructions for the testing and repair of backflow prevention assemblies are as follows:

- 1. Tests and repairs must be performed by a backflow prevention assembly technician registered with the Iowa Department of Public Health.
- 2. The costs of all testing shall be paid by the customer.
- 3. The backflow prevention assemblies shall be tested and inspected according to the following:

- A. A backflow prevention device must be tested immediately following installation.
 - B. A backflow prevention device must be tested annually.
 - C. A backflow prevention assembly that is out of operation for more than three (3) months must be tested before it is put back into operation.
 - D. A backflow prevention assembly, that fails a test, must be repaired or replaced and then retested.
 - E. Repairs of backflow prevention assemblies shall be according to manufacturer's specifications and requirements.
 - F. A backflow prevention assembly must be tested any time the Water Superintendent requires that a test be done.
4. A report of the annual test shall be submitted by the tester to the Customer and the City using the method specified by the City.

The required test report shall be past due if the test is not performed and submitted using the method specified by the City by the Annual Backflow Test Date.

94.09 CUSTOMER NON-COMPLIANCE. The water service may be discontinued in the case of non-compliance with this ordinance. Non-compliance includes, but is not limited to, refusal to allow the City access to property to inspect cross connections, removal of a required backflow prevention assembly, failure to install a required backflow prevention assembly, and failure to properly test or properly repair a backflow prevention assembly when warranted.

94.10 AUTHORITY. The backflow protection requirements of this ordinance shall be administered by the City Water Superintendent. The Federal Safe Drinking Water Act of 1974 including amendments and the statutes of the Iowa Administrative Code chapter 43 and the state of Iowa Plumbing code shall be recognized. The water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

5-4-1	Definitions	5-4-8	Refuse Other Than Garbage
5-4-2	Duty to Provide Cans	5-4-9	Recycling Collection Containers
5-4-3	Administration	5-4-10	Yard Waste Collection Containers
5-4-4	Storage	5-4-11	Appliances, Tires, and Bulky
5-4-5	Collections		Rubbish, Hazardous Waste, Lead Acid
5-4-6	Necessity of Permits		Batteries, Waste Oil and Waste Gasoline
5-4-7	Burning of Refuse	5-4-12	Sanitary Landfill

5-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.

2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.

4. "Can". Means a container for the storage of garbage or rubbish, which is:

a. Provided with a handle and tight fitting cover.

b. Made of non-corrosive material.

c. Water-tight.

d. With a capacity of no more than thirty-five (35) gallons for garbage and ninety-five (95) gallons for recycling.

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 are provided to residential customers by the City through contract with solid waste removal contractor.
 - B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in containers as required above is impractical, shall maintain metal bulk storage containers approved by the City and provided by the contractor.
2. Recyclable Collection Kits. All recyclable waste to be collected by the contractor shall be stored in a recyclable container provided by the City through contract with solid waste removal contractor for each dwelling unit. Each owner shall be responsible for upkeep and maintenance of the residential recycling container and if a container is damaged, normal wear and tear excluded, will be liable to the contractor for the cost of replacement. All recyclable waste shall be deposited in the recycling container. Periodically, when residential recycling containers are deemed no longer satisfactory for use, said containers will be replaced at no charge to the customer.
3. 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 recyclables to prevent materials from being blown or scattered around neighboring yards and streets.

5-4-2 DUTY TO PROVIDE CANS. Each resident, owner, operator or occupant of every residence and each owner, operator or occupant of every commercial, business, industrial, agricultural, institutional or governmental establishment in the City of Olds, Iowa, shall be provided, by the City through contract with solid waste contractor, solid waste and recycling containers of sufficient number and quality for the storage of all solid waste. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish. Any solid waste container that does not conform to these provisions shall be promptly replaced by an approved solid waste container upon receipt of notice by the City or the city contractor. If not replaced, the City may elect to dispose of the container.

5-4-3 ADMINISTRATION. Administration of this chapter shall be by the City Clerk, or such employee designated by the City Council.

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

5-4-4 STORAGE. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

5-4-5 COLLECTIONS. Collection of residential solid waste shall be provided on a regular basis at least once a week, weather and calamities allowing.

All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 5-4-1 (3) within the City.

5-4-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the City Council and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City and a permit issued by the Clerk.

5-4-7 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.

2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

5-4-8 REFUSE OTHER THAN GARBAGE. Solid waste which shall be collected by the City as Part of its regular residential collection shall include refuse, garbage, and recyclable waste . Appliances and tires discarded from use at residential sites and bulky rubbish shall be collected by the City Contractor but only upon prior request and arrangement and payment by occupant to the contractor of the reasonable costs thereof. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

The City will not collect any of the following solid waste from any dwelling or residence: hazardous waste, building demolition materials, commercial solid waste, special waste, lead acid batteries, waste oil, waste gasoline or any substance or material determined to be hazardous and unacceptable for collection.

Commercial premises: The owner of commercial premises shall be responsible for the collection and transportation of all of the commercial solid waste and recycling resulting from any operation on its premises.

Construction premises: The owner or contractor of any premises upon which construction or demolition shall take place shall be responsible for the collection and transportation of all of the building demolition materials on said premises.

Governmental premises: Governmental entities which own or lease premises in the City of Olds, Iowa, shall be responsible for the collection and transportation of all solid waste resulting from the operation on said premises.

5-4-9 RECYCLING COLLECTION CONTAINERS. All recyclable waste to be collected by the city contractor after the effective date of this chapter shall be stored in a residential recycling container provided by the City of Olds for each residential unit. The owner and resident of the residence shall be responsible for the upkeep and maintenance of the residential recycling container and if a container is damaged, normal wear and tear excluded, will be -responsible for the cost of replacement. All recyclable waste shall be deposited in the containers in the residential recycling container, each recyclable waste to be deposited in the container containing the waste description printed thereon.

The resident, owner, operator or occupant of each residential unit provided with a residential recycling container that has been damaged and who is provided with a new residential recycling container shall be required to pay the recycling company directly.

All residential solid waste containers including both refuse and garbage containers, and recyclable waste containers shall be placed for collection at the curb or property line adjacent to the city street or alley. Placement of the containers at the curb or property line shall occur prior to 7:00 a.m. on the morning of the regularly scheduled collection day. Containers may be placed at the curb or property line no earlier than 5:00 p.m. on the day preceding the regularly scheduled collection day. All solid waste containers shall be removed from the curb or property line on the same day that the collection is completed.

No solid waste which is not placed at the curb in compliance with this chapter shall be collected. Failure by the city contractor to collect solid waste not in compliance with the provisions of this chapter shall not relieve the resident, owner, operator or occupant of liability for violations of this chapter.

5-4-11 APPLIANCES, TIRES AND BULKY RUBBISH, HAZARDOUS WASTE, LEAD ACID BATTERIES, WASTE OIL AND WASTE GASOLINE. Appliances, tires, bulky rubbish, hazardous waste, lead acid batteries, waste oil and waste gasoline which are discarded from use at residential premises shall be collected only upon prior arrangement with the contractor. The resident, owner, operator or occupant shall be responsible for payment for the collection and disposal of such appliances, tires, bulky rubbish, hazardous waste, lead acid batteries, waste oil and gasoline.

5-4-12 SANITARY LANDFILL. The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - BILLING CHARGES

5-5-1	Utility Defined	5-5-8	Water Rates
5-5-2	Districts	5-5-9	Refuse Collection Rates
5-5-3	Disposition of Fees and Charges	5-5-10	Rate of Sewer Rent and Manner of Payment
5-5-4	Billing, Penalty	5-5-11	Determination and Payment of Sewer Rent From Premises With Private Water Systems
5-5-5	Discontinuing Services, Fees		
5-5-6	Residential Rental Property		
5-5-7	Customer Guarantee Deposits		

5-5-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City of Olds.

5-5-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Olds, Iowa and the census-designated place (CDP) of Swedesburg, Iowa.

5-5-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

5-5-4 BILLING, PENALTY. Bills for the rates and charges as hereby established shall be sent monthly. All bills shall be payable on the tenth day of the month following the reading of the meters and shall be paid at the office of the Clerk or other designated agent. If any charge for the service of the system shall not be paid by the 10th day of the month in which it shall become due and payable, a delayed payment charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the water system shall remain unpaid after 10 days following the rendition of the bill therefore, a second bill will be sent and then 7 days after the second bill was sent, if the bill remains unpaid, the water supply for the lot, parcel or land, or premise affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges thereof.

5-5-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The Utility Clerk, or his or her authorized representative, shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to pay the bill for water on or before the tenth (10th) day after mailing of written notice that the water supply will be shut off. The Utility Clerk shall send such notice within forty-eight (48) hours

following the delinquent date, or on the first office day following such first day after the delinquent date. When a Sunday or legal holiday intervenes during the notice period, such days shall not be counted. The Utility Clerk shall notify each delinquent customer that service will be disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail 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 discontinuance.

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

If a hearing is requested, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

b. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

c. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. a. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$40.00 shall be paid to the Utility Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

b. If payment is tendered to the Utility Clerk or his or her authorized representative at the time of the turn-off trip, there shall be added a service fee of forty Dollars (\$40.00) between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday. A turn-off/on fee of Twenty Dollars (\$20.00) shall be charged at the time of turn-on when separate turn-off and turn-on trips are made necessary, between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, before payment is rendered and service is to be restored to the delinquent customer. No turn-on fee or service fee shall be charged for the usual or customary trips resulting from the regular changes in occupancies of property, whether the meter is removed for the safety of the meter, or not removed.

(Code of Iowa, Sec. 384.84(2))

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

5. There will be no extension of water service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shut off date at the discretion of the City.

6. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate of 1-1/2 times the rate charged to premises located within the corporate city limits of the City.

5-5-6 RESIDENTIAL RENTAL PROPERTY.

A. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.

B. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.

C. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within sixty days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal 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 utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))

(Code of Iowa, Sec. 384.84(3)(e))

(Amended in 2012)

5-5-7 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered. Such deposit shall be equal to seventy-five (\$75.00) dollars. Deposits of customers having established acceptable credit records for one (1) year shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

(Code of Iowa, Sec. 384.84(1))

5-5-8 WATER RATES. Water shall be furnished at the following monthly rates per property serviced within the City limits consumed by the residents of the City of Olds:

(Code of Iowa, Sec. 384.84(1))

The first 3,000 gal. or less, \$42.00 per month
All over 3,000 gal. \$8.50 per 1,000 gal.

The minimum charge shall be \$42.00 per household or business building per billing month.

Water shall be furnished at the following monthly rates per property for use of and for the services supplied by the Olds Municipal Water Utility consumed by the non-residents of the City of Olds:

The first 3,000 gal. or less, \$46.00 per month
All over 3,000 gal. \$8.50 per 1,000 gal.

The minimum charge shall be \$46.00 per household or business building per billing month.

"Outside" water sold shall be charged at the rate of \$9.35 per 1,000 gallons or portion thereof for the first 3,000 gallons per month and 8.50 per 1,000 gallons or portion thereof after 3,000 gallons. "Outside" water is defined as water sold to other than metered customers through the water loading facilities located outside the water treatment plant. This water is generally loaded into the customers' water tank or other suitable container.

Apartment buildings with only one water meter will be charged according to the number of apartments and/or utility rooms contained within the building. (Example: Two apartments are charged the minimum charge per month for two dwellings plus \$8.50 per 1,000 gallons or portion thereof for all gallons over 6,000 gallons; Three apartments and one utility room are charged at the minimum rate of four dwellings plus \$8.50 per 1,000 gallons or portion thereof for all gallons over 12,000 gallons). The minimum charge shall apply whether the apartments are occupied or not. The minimum charge will apply when water is shut off while customers are gone on vacation or gone for the winter months.

The owner of the premises served and the occupant thereof in the use of the water service shall be joint and severally liable for the water service provided said premises. A deposit of \$75.00 shall be

required from the owner of each premises served or, in the case of rental property, from each tenant of each rental unit. The City Council may waive the required deposit for just cause by simple motion. Such deposit shall be applied to any bill for water service delinquent more than thirty (30) days. If no second notices of a water bill due have been sent to a customer within the past twelve (12) months, the service deposit shall be returned to the applicant without interest. Upon the disconnection of the water service, any balance of such deposit shall be returned to the applicant without interest.

1. Customers With Swimming Pools. The City shall provide one (1) filling of a swimming pool each year that will not increase the customer's sewer bill. The customer will be charged for the water used to fill the pool. The water filling the swimming pool is not going into the city sewer system to be treated and therefore the City is providing this benefit.

In order to receive this benefit, each residential metered customer with a swimming pool, must submit a written application each year to the City office prior to the residential metered customer filling the residential metered customer's swimming pool. The application must state the month in which the swimming pool will be filled and the approximate number of gallons needed to fill the swimming pool. The residential customer who is filling a swimming pool will be billed their monthly average rate for their use of the sewer system for the month that the swimming pool is filled.

The Superintendent of the Municipal Waterworks Utility (hereinafter "Superintendent") shall adjust the residential metered customer sewer service billing statement the month following of the swimming pool being filled. The Superintendent's computation of the sewer service bill shall be based on the water consumption for the month without including the water used to fill the swimming pool. The Superintendent's computation of the monthly statement shall be final.

5-5-9 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residence Rate. For each resident with alley or curb pickup, \$19 per month for one garbage or rubbish collection each week. In the event that alley or curb pickup for any residence is not feasible, the City Clerk is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon.

2. Commercial Rate. Rates for commercial establishments shall be established by the City Council.

(Code of Iowa, Sec. 384.84(1))

5-5-10 RATE OF SEWER RENT AND MANNER OF PAYMENT. Here are the established sewer service charges for the use of and for the service supplied by the Municipal Sanitary Sewer Utility base upon the meter readings of the amount of water consumed as follows:

Base effective October 1, 2025

Base: The first 3,000 gal. or less = \$46.00 per month (minimum monthly bill)

Unit: All over 3,000 gal = \$6.00 per 1,000 gal. per month

Apartment buildings with only one water meter will be charged according to the number or apartments and/or utility rooms contained within the building. (Example: Two apartments are charged the minimum charge per month for two dwellings plus \$6.00 per 1,000 gallons or portion thereof for all gallons over 6,000 gallons; Three apartments and one utility room are charged at the minimum rate of four dwellings plus \$6.00 per 1,000 gallons or portion thereof for all gallons over 12,000 gallons.) The minimum charge shall apply whether the apartments are occupied or not. The minimum charge will apply when water is shut off while customers are gone on vacation or gone for the winter months.

In the case of non-metered services, the minimum service charge (base amount) shall be equal to or not less than the minimum service charge (base amount) for metered services per month, which is necessary to retire the indebtedness, to pay operating expenses, maintenance, replacement and to fund reserves necessarily maintain the sanitary sewer facility. In the case of non-metered apartment buildings, each apartment and/or utility room shall be subject to the minimum service charge (base amount) equal to or not less than the minimum service charge (base amount) for metered services per month. Service to industrial establishments may be by contract if the City deems this to be in its best interest.

PENALTY. Anyone violating the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding 30 days, or a fine not exceeding \$100.00 for each violation.

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

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

(Amendment approved March 25th 2025)

5-5-11 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in Section 5-5-10 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 5-5-10.

(Code of Iowa, Sec. 384.84(1))

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

5-5-12 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.

5-5-13 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 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 the 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 to the tenant 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 thirty (30) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to the water service.

5-5-14 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 or premises 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.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

5-6-1	Excavation Permit Required	5-6-4	Safety Measures
5-6-2	Application for Permit	5-6-5	Backfilling and Restoration
5-6-3	Permit Fees	5-6-6	Rules and Regulations

5-6-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

5-6-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

5-6-3 PERMIT FEES. The permit fee shall be \$30 for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$30 shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

5-6-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the police the public safety requires it. Compliance with City Ordinances and regulations shall not

be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

5-6-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the approved council member is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

5-6-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 7 SIDEWALK REGULATIONS

5-7-1	Purpose	5-7-11	Failure to Obtain Permit; Remedies
5-7-2	Definitions	5-7-12	Inspection and Approval
5-7-3	Cleaning Snow, Ice, and Accumulations	5-7-13	Barricades and Warning Lights
5-7-4	Maintenance Responsibility	5-7-14	Interference with Sidewalk Improvements
5-7-5	Liability of Abutting Owner	5-7-15	Special Assessments for Construction and Repair
5-7-6	Ordering Sidewalk Improvements	5-7-16	Notice of Assessment for Repair or Cleaning Costs
5-7-7	Repairing Defective Sidewalks	5-7-17	Hearing and Assessment
5-7-8	Notice of Inability to Repair or Barricade	5-7-18	Billing and Certifying to County
5-7-9	Standard Sidewalk Specifications	5-7-19	ADAAG Compliance
5-7-10	Permits for Construction or Removal		

5-7-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

5-7-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
- b. horizontal separations equal to three-fourths (3/4) inch or more.
- c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
- f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

5-7-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

5-7-4 MAINTENANCE RESPONSIBILITY. The abutting property owner may be required by ordinance to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

(Code of Iowa, Sec. 364.12(2c))

5-7-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. 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 condition 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)

5-7-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

5-7-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(e))

5-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

5-7-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by an approval of the city council.
4. The sidewalk bed shall be graded to the established grade.

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council with assistance from a professional engineer on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter ($1/4$) inch per foot toward the curb, but in no event more than one-half ($1/2$) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks 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 physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City and in accordance with the standard sidewalk specifications set forth in this chapter.

5-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the city council. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

5-7-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

5-7-12 INSPECTION AND APPROVAL. Upon final completion, the City shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the City shall indicate this on both copies of the permit.

5-7-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

5-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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 or warning device provided by this chapter.

5-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

5-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

5-7-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

5-7-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

5-7-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 8 SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

5-8-1 **SHORT TITLE.** This chapter shall be known and may be cited as "The City of Olds, Iowa, Subdivision Control Ordinance."

5-8-2 **PURPOSE.** The purpose of this Ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the

Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Olds, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

5-8-3 APPLICATION. Every proprietor of any tract or parcel of land of any size located within the city limits of Olds, Iowa, or within two miles adjacent to the limits of the City of Olds, Iowa, who shall subdivide the same into three or more parts shall file with and obtain approval by the Council of the City of Olds, Iowa, a plat of subdivision in the form and containing information as herein after set forth, before placing a plat of subdivision of record and before conveying any part or parcels thereof.

5-8-4 RECORDING OF PLAT. Every proprietor wishing to subdivide real estate as herein provided shall cause a registered land surveyor's plat of the proposed subdivision to be prepared in compliance with Section 409.1 of the Code of Iowa and shall file said plat with the Clerk of the City of Olds, Iowa.

DEFINITIONS

5-8-5 TERMS DEFINED. For the purposes of this Ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition Plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

(Code of Iowa, Sec. 354.2(1))

2. "Aliquot Part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.

(Code of Iowa, Sec. 354.2(2))

3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. "Auditor's Plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.

(Code of Iowa, Sec. 354.2(3))

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. "Building Lines" means a line on a plat between which line and public right-of-way no building or structures may be erected.

7. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the governing body or other hiring authority.

8. "Comprehensive Plan" means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the governing body. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

9. "Conveyance" means an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.

(Code of Iowa, Sec. 354.2(5))

10. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

11. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.

(Code of Iowa, Sec. 354.2(6) and 355.1(2))

12. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

13. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

14. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

15. "Forty-Acre Aliquot Part" means one-quarter of one-quarter of a section.

(Code of Iowa, Sec. 354.2(7))

16. "Governing Body" means the City Council of the City of Olds, Iowa.

(Code of Iowa, Sec. 354.2(8))

17. "Government Lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

(Code of Iowa, Sec. 354.2(9) and 355.1(3))

18. "Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and appurtenances.

19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

(Code of Iowa, Sec. 354.2(10))

20. "Lot, Corner". The term "corner lot" means a lot situated at the intersection of two streets.

21. "Lot, Double Frontage". The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.

22. "Metes and Bounds Description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

(Code of Iowa, Sec. 354.2(11))

23. "Official Plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

(Code of Iowa, Sec. 354.2(12))

24. "Original Parcel" means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before November 11/6/1990.

25. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

26. "Parcel" means a part of a tract of land.

(Code of Iowa, Sec. 354.2(13))

27. "Performance Bond" means a surety bond or cash deposit made out to the City of Olds, Iowa, in an amount equal to the full cost of the improvements which are required by this Ordinance, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this Ordinance.

28. "Permanent Real Estate Index Number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

(Code of Iowa, Sec. 354.2(14))

29. "Planning Commission" means the appointed commission designed by the governing body for the purpose of this Ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

30. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.

31. "Plats Officer" means the individual assigned the duty to administer this Ordinance by the governing body or other appointing authority.

32. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

(Code of Iowa, Sec. 354.2(15) and 355.1(9))

33. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

(Code of Iowa, Sec. 354.2(16))

34. "Resubdivision" means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

35. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

36. "Street, Arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

37. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

38. "Street, Local" means a street primarily designed to provide access to abutting property.

39. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

40. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of land, as of September 5, 1978 into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

Any person not in compliance with the provisions of the subdivision definition at the time of its effective date (**date of passage of this Subdivision Ordinance**), shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

(Code of Iowa, Sec. 354.2(17) and 355.1(10))

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

(Code of Iowa, Sec. 354.2(18) and 355.1(11))

42. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

(Code of Iowa, Sec. 354.2(19) and 355.1(12))

43. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

(Code of Iowa, Sec. 354.2(20))

44. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

IMPROVEMENTS

5-8-6 IMPROVEMENTS REQUIRED. The subdivider shall, at said subdivider's expense, install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

5-8-7 INSPECTION. All improvements shall be inspected by an engineer approved by the City to insure compliance with the requirements of this Ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

5-8-8 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 364.1)

1. Streets and alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the governing body after receiving the report and recommendations of the City Engineer.

2. Roadways. All roadways shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the governing body may require.

3. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG).

4. Sidewalks. Sidewalks shall be required. Sidewalks shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer, and comply with the Americans with Disabilities Guidelines (ADAAG).

5. Water lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Water Department standards, procedures and supervision.

6. Sewers.

a. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system as required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the governing body and the State Department of Health and the construction subject to the supervision of the Superintendent of public utilities.

b. Where sanitary sewers are not available, other facilities, as approved by the governing body and the State Department of Health must be provided for the adequate disposal of sanitary wastes.

c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the governing body and to the supervision of the Superintendent of public utilities.

5-8-9 COMPLETION OF IMPROVEMENTS. Before the governing body shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the governing body. Before passage of said resolution of acceptance, the city shall have a professional engineer report that said improvements meet all City specifications and Ordinances or other City requirements, and the agreements between subdivider and the City.

5-8-10 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the governing body guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS.

5-8-11 MINIMUM STANDARDS. The following standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

1. Relation to existing streets.

a. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

b. The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the governing body to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

2. Acreage subdivisions.

a. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

b. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

c. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. Local streets.

a. Local streets shall be so planned as to discourage through traffic.

b. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

4. Frontage streets.

a. Where a subdivision abuts or contains an existing or proposed arterial street, the governing body may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

b. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the governing body may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the governing body finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

6. Street Geometrics.

a. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

c. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the governing body shall determine for special cases.

7. Intersections.

a. Insofar as is practical, acute angles between streets at their intersection are to be avoided.

b. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

c. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the governing body may deem it necessary. The governing body may permit comparable cutoffs or chords in place of rounded corners.

8. Street names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the governing body.

9. Street grades.

a. Street grades, wherever feasible, shall not exceed five (5) percent, with due allowance for reasonable vertical curves.

- b. No street grade shall be less than one-half (1/2) of one (1) percent

An Ordinance establishing the street, curb, and sidewalk grades on Main, Park, White, Adams, and Smith Streets and 2nd, 3rd, 4th, Railroad, School, and Garfield Avenues of Olds, Iowa. Be It Enacted by the Town Council of the Town of Olds, Iowa.

Section 1. That the grade on Main Street and 4th Avenue be and the same is hereby established as follows:

At intersection of street grade 96.50
At Northeast curb corner 96.53
At Northwest curb corner 96.53
At Northwest sidewalk corner 96.86
At Northeast sidewalk corner 96.86

Section 2. That the grade on Main Street and 3rd Avenue be and the same is hereby established as follows:

At intersection of street grades 97.50
At Northeast curb corner 97.53
At Northwest curb corner 97.53
At Southwest curb corner 97.47
At Southeast curb corner 97.47
At Northeast sidewalk corner 97.86
At Northwest sidewalk corner 97.86
At Southwest sidewalk corner 97.80
At Southeast sidewalk corner 97.80

Section 3. That the grade on Main Street and 2nd Avenue be and the same is hereby established as follows:

At intersection of street grades 98.50
At Northeast curb corner 98.54
At Northwest curb corner 98.54
At Southwest curb corner 98.46
At Southeast curb corner 98.46
At Northeast sidewalk corner 98.87
At Northwest sidewalk corner 98.87
At Southwest sidewalk corner 98.79
At Southeast sidewalk corner 98.79

Section 4. That the grade on Main Street and Railroad Avenue be and the same is hereby established as follows:

At a point on center line of Main Street and 30 feet
north of south line of Railroad Avenue 99.50

At Southwest curb corner 98.93
At Southwest sidewalk corner 99.79

Section 5. That the grade on Main Street and Minneapolis and St. Louis R.R. be and the same is hereby established as follows:

At intersection of street and R.R. grade. ... 98.50
Southeast curb corner. 98.93
Southwest curb corner. 99.00
Northwest curb corner. 98.43
Northeast curb corner. 98.41
Northeast sidewalk corner. 98.71
Northwest sidewalk corner. 98.73
Southwest sidewalk corner. 99.30
Southeast sidewalk corner. 99.23

Section 6. That the grade on Main Street and School Avenue be and the same is hereby established as follows:

At intersection of street grade 97.50
Northeast curb corner 97.45
Northwest curb corner 97.45
Southwest curb corner 97.55
Southeast curb corner 97.55
Northeast sidewalk corner 97.71
Northwest sidewalk corner 97.71
Southwest sidewalk corner 97.88
Southeast sidewalk corner 97.88

Section 7. That the grade on Main Street and Garfield Avenue be and the same is hereby established as follows:

At intersection of street grades 96.00
Northeast curb corner 95.96
Northwest curb corner 96.09
Southwest curb corner 96.26
Southeast curb corner 96.04
Northeast sidewalk corner 96.23
Northwest sidewalk corner 96.36
Southwest sidewalk corner 96.60
Southeast sidewalk corner 96.40

Section 8. That the grade on Main Street and north line of Lundquist's Addition be and the same in hereby established as follows:

At intersection of Main Street grade and a line twenty-five feet
north of north line of Lundquist's Addition 94.00
Southwest curb corner94.23
Southeast curb corner. 94.03
Southwest sidewalk corner 94.56
Southeast sidewalk corner. 94.36

Section 9. That the grade on Park Street and School Avenue be and the same is hereby established as follows:

At intersection of streets grades 96.50
Northeast curb corner 96.47
Northwest curb corner 96.60
Northeast sidewalk corner 96.93
Northwest sidewalk corner 96.94

Section 10. That the grade on Park Street and Garfield Avenue be and the same is hereby established as follows:

At intersection of streets grades 95.00
Northeast curb corner 94.90
Northwest curb corner 95.03
Southwest curb corner 95.10
Southeast curb corner 94.97
Northeast sidewalk corner 95.11
Northwest sidewalk corner 95.37
Southwest sidewalk corner 95.46
Southeast sidewalk corner 95.33

Section 11. That the grades on Park Street and north line of Lundquist's Addition be and the same is hereby established as follows:

At intersection of Park Street grade and a line twenty-five
feet north of north line of Lundquist's Addition. 93.00
Southwest curb corner.. 93.10
Southeast curb corner. 93.03
Southwest sidewalk corner. 93.49
Southeast sidewalk corner. 93.42

Section 12. That the grade on School Avenue and east line of Lundquist's Addition be and the same is hereby established as follows:

At intersection of School Avenue grade and a line twenty-five feet east of east line of Lundquist's Addition. ••••• 94.00
Northwest curb corner. ••••• 94.03
Southwest curb corner. ••••• 94.10
Northwest sidewalk corner. ••••• 94.37
Southwest sidewalk corner. ••••• 94.46

Section 13. That the grade at the northeast corner of Lundquist's Addition be and the same is hereby established as follows:

At intersection of lines twenty-five feet north and twenty five feet east of Lundquist's Addition. ••••• 92.00
At southwest curb corner of said northeast corner of said addition. ••••• 92.10
Southwest sidewalk corner, or in other words, northeast corner block three Lundquist's Addition. ••••• 92.49

Section 14. That the grade on Minneapolis and St. Louis Railroad and White Street be and the same. is hereby established as follows:

At intersection of White Street and south line of Minneapolis and St. Louis Right-of-way ••••• 100.67
Southwest curb corner ••••• 100.67
Northeast of Out lot one for sidewalk ••••• 101.00

Section 15. That the grade on 2nd Avenue and White Street be and the same is hereby established as follows:

At intersection of street grades ••••• 99.50
Northeast curb corner ••••• 99.47
Northwest curb corner ••••• 99.60
Southwest curb corner ••••• 99.53
Southeast curb corner ••••• 99.40
Northeast sidewalk corner ••••• 99.80
Northwest sidewalk corner ••••• 99.93
Southwest sidewalk corner ••••• 99.86
Southeast sidewalk corner ••••• 99.87

Section 16. That the grade on 2nd Avenue and Adams Street be and the same is hereby established as follows:

At intersection of street grades ••••• 100.50
Northeast curb corner ••••• 100.47
Northwest curb corner ••••• 100.60
Southwest curb corner ••••• 100.53
Southeast curb corner ••••• 100.40
Northeast sidewalk corner. ••••• 100.80

Northwest sidewalk corner 100.93
Southwest sidewalk corner 100.86
Southeast sidewalk corner 100.67

Section 17. That the grade on 2nd Avenue and Smith Street be and the same is hereby established as follows:

At intersection of street grades 101.50
Northeast curb corner 101.47
Northwest curb corner 101.60
Southwest curb corner 101.53
Southeast curb corner 101.40
Northeast sidewalk corner 101.80
Northwest sidewalk corner. 101.93
Southwest sidewalk corner. 101.86
Southeast sidewalk corner. 101.67

Section 18. That the grade on 2nd Avenue and west line of White's 3rd Addition be and the same is hereby established as follows:

At intersection of 2nd Avenue Street grade and a line twenty five
feet west of west line of White's 3rd Addition •• 102.50
Northeast curb corner 102.47
Southeast curb corner 102.40
Northeast sidewalk corner 102.80
Southeast sidewalk corner 102.67

Section 19. That the grade on 3rd Avenue and White Street be and the same is hereby established as follows:

At intersection of street grades 98.50
Northeast curb corner 98.47
Northwest curb corner 98.60
Southwest curb corner 98.53
Southeast curb corner 98.40
Northeast sidewalk corner 98.80
Northwest sidewalk corner. 98.93
Southwest sidewalk corner. 98.86
Southeast sidewalk corner. 98.67

Section 20. That the grade on 3rd Avenue and Adams Streets be and the same is hereby established as follows:

At intersection of street grades 99.50
Northeast curb corner 99.47

Northwest curb corner 99.60
Southwest curb corner 99.53
Southeast curb corner 99.40
Northeast sidewalk corner 99.80
Northwest sidewalk corner 99.93
Southwest sidewalk corner 99.86
Southeast sidewalk corner 99.67

Section 21. That the grade on 3rd Avenue and Smith Street be and the same is hereby established as follows:

At intersection of street grades 100.50
Northeast curb corner 100.47
Northwest curb corner 100.60
Southwest curb corner 100.53
Southeast curb corner 100.40
Northeast sidewalk corner 100.80
Northwest sidewalk corner 100.93
Southwest sidewalk corner 100.86
Southeast sidewalk corner 100.67

Section 22. That the grade on 3rd Avenue and west line of White's 3rd Addition be and the same is hereby established as follows:

At intersection of 3rd Avenue street grade and a line twenty five feet west of west line of White's 3rd Addition •• 101.50
Northeast curb corner 101.47
Southeast curb corner 101.40
Northeast sidewalk corner 101.80
Southeast sidewalk corner 101.67

Section 23. That the grade on 4th Avenue and White Street be and the same is hereby established as follows:

At intersection of street grades 97.50
Northeast curb corner 97.47
Northwest curb corner 97.60
Northeast sidewalk corner 97.80
Northwest sidewalk corner 97.93

Section 24. That the grade on 4th Avenue and southwest corner of Block 2 White's Addition be and the same is hereby established as follows:

At intersection of 4th Avenue street grade and a line twenty five feet west of Block 2 White's Addition 98.50

Northeast curb corner 98.47
Northeast sidewalk corner 98.80

Section 25. That the grade of White Street and Railroad Avenue be and the same is hereby established as follows:

At intersection of White Street grade and a line 30 feet
north of south line of Railroad Avenue 100.50
Southwest curb corner 100.53
Southeast curb corner 100.43
Southwest sidewalk corner 100.86
Southeast sidewalk corner 100.67

Section 26. That the curb grades on Main Street shall be as follows:

At the Center line of Fourth Avenue	East Curb	730.08
At the North line of Fourth Avenue	West Curb	730.20
At the Center line of Third Avenue	East Curb	731.70
At the South line of Third Avenue	West Curb	731.58
At the North line of Third Avenue	West Curb	731.82
At the South line of Second Avenue	Both Curbs	733.21
At the North line of Second Avenue	Both Curbs	733.15
At the South line of Street North of Block 1, Original Town and North of Millers Addition	Both Curbs	732.00
At the South rail of N & St L RR Track	West Curb	732.58
At the South rail of N & St L RR Track	East Curb	732.35
At the North rail of N & St L RR Track	West Curb	732.55
At the North rail of N & St L RR Track	East Curb	732.38
At a point 298' North of North rail of N & St L RR Track	Both Curbs	731.08
At the South line of Street between Blocks 1 and 4 Lundquist's Addition	East Curb	729.58
At the Center line of Street between Blocks 1 and 4 Lundquist's Addition	West Curb	729.43
At the North line of Street between Blocks 1 and 4 Lundquist's Addition	East Curb	729.32
At the North line of Lundquist's Addition	Both Curbs	728.26

10. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the governing body may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

b. The width of an alley shall be twenty (20) feet.

c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the governing body.

11. Blocks.

a. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the governing body, extraordinary conditions unquestionably justify a departure from these limits.

b. In blocks over seven hundred (700) feet in length, the governing body may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

12. Lots.

a. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

b. Minimum lot dimensions and sizes.

(1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide nor less than ten thousand (10,000) square feet in area.

(2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.

c. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.

d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

e. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building lines. Building lines shall be shown on all lots within the platted area. The governing body may require building lines in accordance with the needs of each subdivision.

14. Easements.

a. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

b. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.

15. Plat markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the governing body. The markers shall be of such material, size and length as may be approved by the governing body.

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

5-8-12 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the governing body, the subdivider and owner shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond. Every proprietor shall file with the plat the following required by Section 409.9 of the Code of Iowa:

1. A correct description of the subdivision land
2. A certificate by the owner and their spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledge by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
3. A certificate of dedication of street and other public property
4. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner and that the land is free from encumbrances other than those secured by an encumbrance bond.
5. A certificate from the county treasurer that the subdivision land is free from taxes.
6. A certificate from the clerk of the district court that the subdivision land is free from all judgements, attachments, mechanics, or other liens of record in their office.
7. A certificate from the county recorder that the title in dee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.
8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolutions and certificate for approval by the council and for signature of the mayor and clerk.
10. The encumbrance bond, if any.

Each plat submitted shall conform to the statutes of the State of Iowa relating to plats within the City. Streets, alleys, drives, avenues, boulevards, parks and public places shall conform to the ordinances of the City of Olds, Iowa, and to the general plat of the City and conduce to the orderly development thereof, and not conflict or interfere with rights of way of extensions of streets or alleys already established.

5-8-13 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the City Clerk. The conference should be attended by the City Clerk and such other City or utility representatives as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

5-8-14 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

5-8-15 PRESENTATION TO PLANNING COMMISSION OR CITY COUNCIL. The subdivider may present the sketch plan to the governing body for review, prior to incurring significant costs preparing the preliminary or final plat.

5-8-16 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. Means any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.

2. Major Subdivision. Any subdivision that, in the opinion of the governing body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

5-8-17 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

(Code of Iowa, Sec. 354.6)

5-8-18 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk four (4) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitation.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the City Council waives this requirement.

5-8-19 REFERRAL OF PRELIMINARY PLAT. The City Clerk shall forthwith refer two (2) copies of the preliminary plat to the City Engineer and (2) copies to the governing body.

5-8-20 ACTION BY THE CITY ENGINEER. The City Engineer shall carefully examine said preliminary plat as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Olds, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City engineer's findings in duplicate to the governing body together with one (1) copy of the plat received.

(Code of Iowa, Sec. 354.8)

5-8-21 ACTION BY THE GOVERNING BODY. The governing body shall, upon receiving the report of the City Engineer, as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the governing body does not act within thirty (30) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the governing body or disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.

2. If approved, the governing body shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.

3. The action of the governing body shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the governing body.

4. The "Conditional Approval" by the governing body shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

1. The Council of the City of Olds, Iowa, may require, as a condition of approval of such plats the following:

- a. That the proprietor shall either agree to construct or shall have constructed all streets, drives, avenues, boulevards, and alleys to conform to the width and materials of and to be extensions of the existing system of roadways and alleys and brought to grade with provisions for drainage of surface water as may be required by the Council for the City of Olds, Iowa.
- b. That the proprietor shall either agree to or shall have constructed utilities, including sewer, water, gas, and electric utilities, in conformance with standards and regulations enacted by Henry county and the City of Olds, Iowa.
- c. That if construction of roadways and alleys and utilities has not been completed, the proprietor shall agree to grant to the City of Olds, Iowa, the right, power and authority, in the event that construction fails to conform with the above standards and

city specifications, to enter upon said land for purpose of bringing roadways and alleys and utilities into conformance with the above standards; or

- d. That if construction of roadways and alleys and utilities has not been completed, the proprietor shall furnish a good and sufficient bond for the installation of the said improvements according to the above standards and city specifications and for the repairs necessitated by defects in material or workmanship not to exceed two years from and after completion.
- e. That whenever utilities shall become a part of the municipal utility system the proprietor shall grant whatever easements the Council of the City of Olds shall consider necessary for purposes of construction, maintenance, repair, and connection with the municipal utility system, and shall meet standards and specifications required of and by the municipal utility system
- f. That the above required agreements by the proprietor shall be binding upon the heirs, successors and assigns of the proprietor.

5-8-22 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

5-8-23 REFERRAL FINAL PLAT. The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the governing body prepare and file four (4) copies of the final plat and other required documents with the City Clerk as hereafter set forth, and upon the subdivider's failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the governing body. Upon receipt of the final plat and other required documents, the City Clerk shall transmit two (2) copies of the final plat to the governing body for its recommendations and approval.

Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the governing body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

At its discretion the governing body may refer the final plat to the City Engineer pursuant to the procedure established in 5-8-18.

(Code of Iowa, Sec. 354.8 and 355.8)

5-8-24 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of chapter 355, Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing material. It shall show:

1. The title under which the subdivision is to be recorded.

2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.

3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan.

4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.

5. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse.

6. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

5-8-25 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.

(Code of Iowa, Sec. 354.6(2))

2. A certificate by the owner and the owner's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

(Code of Iowa, Sec. 354.11(1))

3. A complete abstract of title and an Attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.

(Code of Iowa, Sec. 354.11(3))

4. A certificate from the County Treasurer that the subdivision land is free from taxes.

(Code of Iowa, Sec. 354.11(5))

5. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the Clerk's office.6. A certificate from the County Recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.

(Code of Iowa, Sec. 354.11(2))

7. A certificate of dedication of streets and other public property.

(Code of Iowa, Sec. 354.11(1))

8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolution and certificate for approval by the governing body and for signatures of the Mayor and Clerk.

(Code of Iowa, Sec. 354.11(4))

10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the City Clerk or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Clerk, or that the governing body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.

5-8-26 ACTION BY THE GOVERNING BODY. Upon receipt of the plat, but not more than sixty (60) days following submission of the final plat to the Clerk as stated in 5-8-23 the governing body shall either approve or disapprove the final plat.

(Code of Iowa, Sec. 354.8)

1. In the event that said plat is disapproved by the Governing Body, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

2. In the event that said plat is found to be acceptable and in accordance with this Ordinance, the governing body shall accept the same.

3. The passage of a resolution by the governing body accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Henry, County, Iowa, and shall file satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

OTHER PROVISIONS

5-8-27 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the governing body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Governing Body.

5-8-28 CHAIN SUBDIVIDING. No more than two building permits for each separate tract existing at the effective date of this Ordinance shall be issued unless the tract has been platted in accordance with this Ordinance; except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions or improvements to a main or accessory building already legally located upon said tract.

5-8-29 ADDITIONS.

WHITE'S SECOND ADDITION. Be it enacted by the town council of the City of Olds, Iowa, that whereas one, S.L. White, is the owner in fee simple of a tract of land situated within the corporate limits of Olds, Henry County, Iowa, and known as part of Out Lot No. 4 and has platted and subdivided the same into more than three lots with streets and alleys to be dedicated to the public and it appearing from the certificate of the Treasurer and Recorder of Henry County that the same is free from all taxes, liens, and encumbrances of any kind, and the fee simple title of said real estate is in S.L. White. Therefore:

Said City of Olds confirms said plat and accepts said streets and alleys, as is shown by said plat, to be dedicated to the public.

Said real estate and plat thereof shall be known as White's Second Addition.

WHITE'S THIRD ADDITION. Be it enacted by the town council of the City of Olds, Iowa, that whereas one, S.L. White, is the owner in fee simple of a tract of land situated within the corporate limits of Olds, Henry County, Iowa, and known as part of Out Lot No. 4 and has platted and subdivided the same into more than three lots with streets and alleys to be dedicated to the public and it appearing from the certificate of the Treasurer and Recorder of Henry County that the same is free from all taxes, liens, and encumbrances of any kind, and the fee simple title of said real estate is in S.L. White. Therefore:

Said City of Olds confirms said plat and accepts said streets and alleys, as is shown by said plat, to be dedicated to the public.

Said real estate and plat thereof shall be known as White's Third Addition.

LUNDQUIST'S ADDITION. Be it enacted by the town council of the City of Olds, Iowa that whereas one, August S. Lundquist, is the owner in fee simple of a tract of land situated within the corporate limits of Olds, Henry County, Iowa, and known as part of Out Lot No. 8, and has platted and subdivided the same into more than three lots, with streets and alleys to be dedicated to the public, and it appearing from the certificate of the Treasurer and Recorder of Henry County, Iowa, that the same is free from all taxes, liens, and encumbrances of any kind and the fee simple title of said real estate is in August S. Lundquist. Therefore:

Said City of Olds confirms said plat and accepts said streets and alleys as are shown by said plat, to be dedicated to the public.

Said real estate and plat thereof shall be known as Lundquist's Addition to the Town of Olds, Iowa.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 9 NUMBERING OF BUILDINGS

5-9-1	Buildings to be Numbered	5-9-4	Type of Numbers, Size
5-9-2	Numbering System	5-9-5	Naming Streets
5-9-3	Mandatory Numbering	5-9-6	Enforcement

5-9-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

5-9-2 NUMBERING SYSTEM. Buildings shall be numbered according to lot location as set forth on a master numbering plat to be maintained by the city clerk. The master numbering plat shall be approved and amended by motion and approval of the majority of the city council.

5-9-3 MANDATORY NUMBERING. The placing of numbers is mandatory effective January 5, 1982.

5-9-4 TYPE OF NUMBERS, SIZE. The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height. Where more than one occupied structure is located on a lot, each structure shall be designated with a letter in addition to the lot number.

5-9-5 NAMING STREETS. That all the streets of the City of Olds shall hereafter be known by the following names:

That the first on the north side of Railroad Avenue, running east and west be named Town Street, next being School Avenue, next being Garfield Avenue. The first street south of Railroad Avenue running east and west will be named Circle Drive, next Second Avenue, next Third Avenue, next Fourth Avenue. The streets running north and south, commencing on the east Corporation Line, the first will be Park Street, next Main Street, next White Street, next Adams Street, next Smith Street. All streets running north and south on the north of Railroad Avenue shall be known as North, and South of Railroad Avenue will be known as South. All streets running east and west on the east side of Main Street will be known as East, and all streets west of Main Street will be known as West.

All extensions of said streets, within the City limits and in any future additions as extensions of the City, shall be called by the names of the respective streets of which they shall be extensions and shall be parts of said streets.

5-9-6 ENFORCEMENT. If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 10 PORTABLE STORAGE CONTAINERS

- 5-10-1 Definitions
- 5-10-2 Residential Property
- 5-10-3 Commercial Property
- 5-10-4 Industrial Property
- 5-10-5 Stacking
- 5-10-6 Good Repair
- 5-10-7 Residential Use
- 5-10-8 Compliance

5-10-1 DEFINITION.

“Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

“Residential” is defined as any dwelling intended or used for a residential dwelling/living space.

“Business” is defined as any public or private building or use of property designed for, occupied and/or used in the course of a commercial activities.

“Industrial” is defined as any non-public buildings used for industrial activities like manufacturing, warehousing, and distribution.

5-10-2 RESIDENTIAL PROPERTY.

A. The use of portable storage containers on a property used for residential purposes is prohibited, except for the following uses:

1. A portable storage container may be used on a residential property when a building permit has been issued for construction of a residential unit on that parcel. The portable storage container shall be allowed to remain on the residential parcel during construction only. The portable storage container must be removed within ten (10) days after completion of the construction project or expiration of the building permit.
2. Portable storage containers shall not impede traffic or pedestrians. No portable storage container shall be located in a fire lane, public utility easement, or on public right-of-way, including streets, sidewalks, and parking strips.

5-10-3 COMMERCIAL PROPERTY.

A. Portable storage containers are prohibited on a property used for commercial purposes, except as follows:

1. Portable storage containers may be used for shipping and receiving merchandise and goods, provided that the storage container does not remain on the property for more than five (5) business days.
2. Portable storage containers may be used for storing merchandise or goods sold or used at the commercial property on which it is located, provided that the portable storage container is in an area that is not visible from any public street and is not in any designated parking areas, fire lane, or public right-of-way.
3. Portable storage containers may be used for construction or remodeling purposes when a building permit has been issued for construction on the commercial property. The portable storage container must be removed within ten (10) days after final building inspection or after the building permit has expired.

5-10-4 INDUSTRIAL PROPERTY.

A. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on public right-of-way, in a fire lane, in the front of the property, or in any area visible from a public street.

B. No portable storage container shall be placed or located in any aisle or driving lane, fire lane, public utility easement, or public right-of-way, including streets, sidewalks, and parking.

5-10-5 STACKING.

A. Portable storage containers may not be stacked on top of one another, and stacking of any other materials on top of or around any storage containers shall be prohibited in all districts.

5-10-6 GOOD REPAIR.

A. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.

B. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.

C. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

5-10-7 RESIDENTIAL USE.

A. A portable storage container may not be used as a dwelling or living quarters.

B. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

5-10-8 COMPLIANCE.

A. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within thirty (30) days of the ordinance's effective date.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 11 RECREATIONAL VEHICLE/TRAVEL TRAILER RESIDENCE

5-11-1 Definitions

5-11-2 Occupancy

5-11-1 DEFINITIONS.

A. A “recreational vehicle” is defined as:

1. A factory-built vehicular structure, not certified as a manufactured home;
2. Designed only for recreational use and not as a primary residence or for permanent occupancy;
3. Any vehicle which is self-propelled;
4. Built and certified in accordance with either the NFPA1192-15, standard for recreational vehicles, or ANSI A119.5-15, recreational park trailer standard.

5-11-2 OCCUPANCY.

A. No recreational vehicle or travel trailer shall be used as a permanent residence or occupied for more than ten (10) days in any twelve (12) month period within the city. Any longer than 10 days within a 12-month period will require the City Council's approval.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 12 BUILDING PERMITS

5-12-1	Purpose	5-12-7	Location of Structure
5-12-2	Structure Defined	5-12-8	Fences
5-12-3	Permit Required	5-12-9	Curb Cuts
5-12-4	Application	5-12-10	Permit Granting and Issuance
5-12-5	Fees	5-12-11	Limitations on Permits
5-12-6	Plans Required		

5-12-1 **PURPOSE.** The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

5-12-2 **STRUCTURE DEFINED.** Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to: main buildings, accessory buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

5-12-3 **PERMIT REQUIRED.** No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Clerk, showing the location or locations involved, the building or buildings involved or proposed, the current occupancy and use to be made of the property, the plans and specifications of the proposed erection, construction, reconstruction, alteration, repair or move intended and said application shall be signed by the applicant.

5-12-4 **APPLICATION.** All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

5-12-5 **FEES.** There shall be a permit fee of \$10 for such permit. Any person commencing construction without a permit shall pay a permit fee of \$25. If a permit is rejected the fee shall be not returned to the applicant.

5-12-6 **PLANS REQUIRED.** Plans and specifications of any proposed structure shall be filed with the application for the permit.

5-12-7 **LOCATION OF STRUCTURE.** A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

5-12-8 **FENCES.** No setback requirements shall be applicable to the construction of a fence.

5-12-9 **CURB CUTS.** No curb cut shall be constructed or permitted without first obtaining a building permit.

5-12-10 PERMIT GRANTING AND ISSUANCE. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records. Issuance of a building permit is subject to each of the applicable provisions of this section:

A. Granting or Refusing Permit After Inspection

1. The Clerk of the City of Olds after due inspection and investigation, may grant or refuse a permit to said applicant, or grant a permit on such terms and conditions as the Clerk deems reasonable and proper under all of the circumstances, considering the building, the occupancy, the use and contemplated use, and the work contemplated to be done to and with and in and on the property.
2. If a permit is granted, it shall be in writing and in duplicate signed by the City Clerk, who shall deliver one copy to the applicant and retain one copy, and any such permit shall contain any and all terms and conditions as imposed by the Council, and in addition thereto, said permit shall state the express condition that the applicant or permit holder shall be subject to the penalty of revocation and to all other penalties provided in this chapter if the applicant or any successor in interest or anyone permitted to use the premises violates or deviates from the terms or conditions under which said permit is granted.

B. Public Hearing

1. In all cases where the plans and specifications on the permit application or the City Clerk's investigation or inspection reveal that the proposed erection, construction, reconstruction, alteration, repair or the proposed location of a structure to be moved or relocated is:
 - a. Closer than 15 feet to the front lot line, or,
 - b. Closer than 5 feet to any side lot line, or,
 - c. Closer than 5 feet to any alley adjacent to the property.
 - d. Going to reside in a permanent structure which will be located over underground or which will interfere with overhead gas, water, sewer, electrical, telephone, telegraph, cable television or other public utility transmission lines or systems.
 - e. Located on property which has not been properly subdivided in accordance with state statutes and/or local subdivisions, ordinances and regulations.
 - f. Going to create multiple dwelling units or a hotel on a lot which has previously been used for single family dwelling or non-residential purposes, or if an Applicant files with the City Clerk a request for review of the City Clerk's decision, the City Council shall hold a public hearing on said application prior to issuing a building permit.

2. The Council shall post notice of the public hearing at the locations designated by the Council for posting or displaying ordinances at least ten (10) consecutive days prior to the date set for said public hearing.
3. Said Notice shall contain the name and address of the applicant, the location of the property where the work is proposed to be done, a brief summary of the reasons the building permit is sought, including a general summary of the work to be done, and the date, time and place set for the public hearing and the place where written objections may be filed.
4. After said public hearing, the council may grant or refuse a permit to said applicant, or grant a permit on such terms and conditions as it deems reasonable and proper under all the circumstances considering the factors enumerated in Section 5-12-10B, and in addition, the following factors:
 - a. The building, the occupancy, the present use and contemplative use of the property and the work to be done to, on, in and within the property, and the comments, both written and oral, hearing at the public hearing.
 - b. If a permit is granted, it shall be in the same manner and subject to all provisions of Section 5-12-10A.

C. Building May Be Declared a Nuisance

1. Any building or structure which is erected, constructed, reconstructed, altered, repaired, brought into, moved from one place to another or occupied or used in violation of any other provisions of this Chapter is hereby declared to be a nuisance and it may be abated as such in an action brought by the City of Olds, Iowa, in any court of competent jurisdiction.

D. Violations

1. Any person, firm, corporation, partnership or any other entity violating any of the provisions of this Chapter shall upon conviction be subject to imprisonment not exceeding thirty (30) days or fined not to exceed one hundred (\$100) dollars.

5-12-11 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within 180 days from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void 180 days after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.