

# City of Lowden Code of Ordinances

## 2024

State legislation at any time can be enacted that would change the current law as adopted in your City Code. ECIA has no duty or responsibility to keep you updated on law changes. However, ECIA will make every attempt to notify you when legislative changes occur that have an impact on your City Code. It is the municipality's responsibility to either repeal or amend the ordinances impacted by the legislative changes. ECIA advises you to have your City Attorney review your City Code and the legislative changes that occur after the date of the City's last codification. ECIA cannot provide legal advice

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**CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION  
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## TITLE I GENERAL PROVISIONS

### CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-7	Catchlines, Titles, Headings and Notes
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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.  
(ECIA Model Code Amended in 2011)
2. "City" means the City of Lowden, 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 Cedar, 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.  
(ECIA Model Code 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 affirmative 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 sense 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 Lowden Municipal Code of 2018 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.

(ECIA Model Code 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 Lowden, 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 Lowden, 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.

(ECIA Model Code 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 they 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                        | 1-3-3 | Scheduled Fines |
| 1-3-2 | Civil Penalty -Municipal<br>Infraction |       |                 |

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)  
(ECIA Model Code Amended in 2008)  
(ECIA Model Code Amended in 2009)  
(ECIA Model Code Amended in 2010)  
(ECIA Model Code Amended in 2020)

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 Lowden, 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 Lowden, 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 Lowden.

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).  
(ECIA Model Code 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. 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, the failure is contempt.

(Ord. 788, Passed December 7, 2009)

d. 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 as allowed in Iowa Code Section 903.

(Ord. 788, Passed December 7, 2009)

### 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, the failure is contempt.

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.

(ECIA Model Code Amended in 2017)  
(ECIA Model Code Amended in 2020)

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with State Code Chapter 805 unless another scheduled amount is provided in the City Code or 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 II POLICY AND ADMINISTRATION

### CHAPTER 1 CITY CHARTER

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

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

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

(Code of Iowa, Sec. 372.4)

2-1-3 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 Lowden, Iowa.

2-1-4 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)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

(Ord. 731, Passed October 2, 1995)

2-1-6 TERM OF TREASURER. The Treasurer shall be appointed for a term of two (2) years.

(Ord. 2.56.070)

(Ord. 731, Passed October 2, 1995)

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. The City of Lowden may appoint a Health Officer, City Attorney, and Superintendent of Public Works; and, shall appoint a City Treasurer.  
(Amended during 2018 codification)

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore with the consent of a majority of the City Council.

Fire Chiefs shall be elected for terms of two (2) years by the members of the volunteer Fire Department, with the approval of the City Council.  
(Amended during 2018 codification)

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))

2-2-4 TERMS OF APPOINTIVE OFFICERS.

1. Mayor and Treasurer – Term. The Mayor is elected for a term of four (4) years. The Treasurer shall be appointed for a term of two (2) years as provided in amended ordinance 2.56.070.

2. Terms of all appointive officers, are not otherwise fixed by law or Ordinance, shall be two (2) years and the initial term, after appointment, shall terminate on the January 1 immediately following the date of the most recent general city election.  
(Ord. 731, Passed October 2, 1995)

2-2-5 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled in accordance with State law.  
(ECIA Model Code Amended in 2014)

2-2-6 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)

2-2-7 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.

2-2-8 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)

2-2-9 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)

2-2-10 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 (Iowa Code).

(ECIA Model Code Amended in July 2014)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-8	Powers and Duties of the City Attorney
2-3-2	Books and Records	2-3-9	Powers and Duties of the Police Chief - Reserved
2-3-3	Deposits of Municipal Funds	2-3-10	Powers and Duties of the Director of Public Works
2-3-4	Transfer of Records and Property To Successor	2-3-11	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		
2-3-7	Powers and Duties of the Treasurer		

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. Prior to the fifth day of 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 take 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 a vote to 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 passage, unless a subsequent effective date is provided within the Ordinance or amendment.

(Code of Iowa. Sec. 380.6)

(ECIA Model Code Amended in 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. The Mayor pro tempore shall be vice-president of the City Council. 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 their terms, 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. The order to remove said nuisances shall be carried out by the Sheriff.

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))  
(ECIA Model Code Amended in July 2014)

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 they 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 to the County Auditor and the County Board of Supervisors.

(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 all funds with the bank statement at the end of each month.

12. The Clerk shall prepare the annual public 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)  
(ECIA Model Code Amended in 2020)

17. The Clerk shall attend meetings of committees, boards and commissions of the City as needed. The committees, boards and commissions shall record and preserve a correct record of the proceedings of such meetings and report to the Council as needed.

(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 bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.  
(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, 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))

2-3-7 POWERS AND DUTIES OF THE TREASURER. The duties of the Treasurer shall be as follows:

1. The Treasurer 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. The Clerk shall do this in the Treasurer's absence.

2. The Treasurer shall, complete a check and balance at the end of each month.

3. The Treasurer shall review that the Clerk is keeping 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))

4. The Treasurer shall receive copies of all written receipts, ACH payments, and general deposit slips including all utility payments as well throughout the month and uses those to check what the Clerk received against the bank information.

5. The Treasurer shall pay in all deposits daily.

6. The Treasurer maintains duplicates of all funds received for one year and after that brings them to city hall for filing.

(Amended during 2018 codification)

2-3-8 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 defined 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 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 his or her 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 defects 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 they become binding upon the City or are published.

2-3-9 POWERS AND DUTIES OF THE POLICE CHIEF - RESERVED.

2-3-10 POWERS AND DUTIES OF THE DIRECTOR OF PUBLIC WORKS. The duties of the Director of public works shall be as follows:

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

1. The Director shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

2. The Director shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Director shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, or other city property, and is charged with the duty of correcting unsafe defects.

3. The Director shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.

4. The Director shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The Director shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.

5. The Director shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

2-3-11 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

1. The Fire Chief shall be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.

2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.

3. The Fire Chief shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

4. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

5. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

6. The Fire Chief shall enforce all Ordinances and, where enabled, state laws regulating the following:

- a. Fire prevention.
- b. Maintenance and use of fire escapes.
- c. The investigation of the cause, origin and circumstances of fires.
- d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
- e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The

Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.

8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. The Fire Chief shall, at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1	Council Member	2-4-4	Treasurer
2-4-2	Mayor	2-4-5	Other Officers
2-4-3	Mayor Pro Tem		

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$50.00 for each meeting attended (includes regular meetings, work sessions, and special meetings) of the City Council. This change will take effect January 2018.

(Code of Iowa, Sec. 372.13(8))  
(Ord. 741, Passed May 3, 1999)  
(Ord. 749, Passed October 2, 2000)  
(Amended during 2018 codification)

2-4-2 MAYOR. The Mayor shall receive a salary of \$2,500 a year in addition to any expenses incurred relative to city business, and the expenses shall be approved by a majority of the city council. The mayor shall also be paid mileage for any out-of-town city related meeting that is attended. Mileage is based on the current IRS guidelines and paid through accounts payable.

(Code of Iowa, Sec. 372.13(8))  
(Ord. 748, Passed October 2, 2000)  
(Amended during 2018 codification)

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 TREASURER. The Treasurer shall receive a salary of \$1,500 per year.

(Ord. 744, Passed December 6, 1999)  
(Ord. 810, Passed June 6, 2016)  
(Ord. 839, Passed April 1, 2024)

2-4-5 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	Reserved	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	Reserved		

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

(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 them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

(ECIA Model Code Amended in 2012)

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

(ECIA Model Code Amended in July 2014)

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 County Board of Supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget, 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 RESERVED

(ECIA Model Code Amended in July 2014)

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 first 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 RESERVED

(ECIA Model Code Amended in July 2014)

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.

1. 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 thousand five hundred dollars (\$1,500.00) (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.

(Amended during 2018 codification)

2. The City Clerk and Mayor shall make payments on budget items not listed in the most recent bill presentation, provided that all such bills are accounted for in the following month bill presentation. Time sensitive bills that requires immediate payment before said expenditures can be approved by City Council such as, but not inclusive; petty cash, payroll, utility billing, stamps, withholding taxes, pension, scheduled bond payments, interest and fee payments, insurance payments. Invoices with late fee attachment, such as credit account statements, late receipt of bills received through postal services or received by City Clerk late from another city business unit. Recycling, WGML, USDA, lights, power, internet and phone services.

(Resolution 21-06, Passed March 1, 2021)

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 Mayor.

(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.

(ECIA Model Code Amended in 2020)

**TITLE II POLICY AND ADMINISTRATION**

**CHAPTER 6 RESERVED**

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 7 POLICE PROTECTION**

#### 2-7-1 Police Protection

2-7-1 POLICE PROTECTION. Police protection in the City of Lowden, Iowa shall be provided by the Cedar County Sheriff's Department.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 8 CITY ELECTIONS

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

2-8-1 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.

2-8-2 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)

2-8-3 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)

2-8-4 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)

2-8-5 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)

2-8-6 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 44 of the Code of Iowa.

2-8-7 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.

2-8-8 OATHS. The Oath of Office shall be required and administered in accordance with the Following:

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after such officer is certified as elected, no later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

A. City Clerk

B. Mayor

C. Members of all boards, commissions, or bodies created by law.

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

2-8-9 BONDS. Surety bonds are provided in accordance with the following:

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer, and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.  
(Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.  
(Code of Iowa, Sec. 64.23[6])

2-8-10 RESERVED.

(Ord. 835, Passed June 5, 2023)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 9 OPERATING PROCEDURES

2-9-1 Powers and Duties

2-9-3 Meetings

2-9-2 Exercise of Power

2-9-1 POWERS 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))

2-9-2 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 more than 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 fourteen (14) days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.

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

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.

#### 2-9-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council are on the first Monday of each month at 5:30 o'clock (5:30) 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 a majority 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 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))

(Ord. 836, Passed June 5, 2023)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 1 OFFENSES

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

(Ord. 746, Passed July 3, 2000)

(ECIA Model Code Amended in 2020)

### 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. No person shall shovel, place, or blow snow or place yard clippings into streets.

(Code of Iowa, Sec. 716.1)

(Amended during 2018 codification)

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 a reasonable time, 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 the ground or in any 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)

(ECIA Model Code Amended in July 2014)

3. Reserved.

(ECIA Model Code Amended in July 2014)

(ECIA Model Code amended in 2022)

4. False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause. The City reserves the right to assess instances where people are excessively abusing fire and medical services.

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, corporation 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 otherwise permitted by State statute or City ordinance.

(ECIA Model Code amended in 2022)

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

(ECIA Model Code amended in 2022)

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

d. In the interest of public health and safety and at such times as approved by the Mayor, a sheriff's deputy 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.

e. 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.

7. Reserved.

(ECIA Model Code amended in 2022)

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

a. Communicates with another by telephone or by writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

b. A person commits harassment when the person purposefully and without legitimate purpose has personal contact with another person with the intent to annoy or alarm that other

person. For purposes of this section personal contact shall mean an encounter in which two or more people are in visual or physical proximity to each other. Personal contact does not require a physical touching or oral communication though it may include these types of contacts.

c. A violation of this prohibition against harassment shall subject a violator to the remedies available under the Municipal Infractions Ordinance and in addition may be punishable by a fine not to exceed \$100.00.

(Ord. 732, Passed November 6, 1995)

d. Harassment of City Employees.

1) 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.

2) 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 Mayor's designee 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 Lowden, except as provided and approved by the City of Lowden, 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 is kept in place in the manner prescribed in this Code.

(ECIA Model Code Amended in 2017)

### 3-1-6 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. Injuring new pavement. No person shall injure 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 injure 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. Injury to public library books or property. No person shall willfully **or recklessly** tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

(ECIA Model Code Amended in July 2014)

5. 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. Injury to gravestones or property in cemetery. No person shall willfully **or recklessly** destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or

other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

(ECIA Model Code Amended in July 2014)

7. Injury to fire apparatus. No person shall willfully destroy or injure 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)

8. Injury to city ambulance or paramedic apparatus. No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.

(Code of Iowa, Sec. 716.1)

9. Obstructing or defacing roads. No person shall obstruct, deface or injure 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)

10. Injury to roads, railways, and other utilities. No person shall **injure**, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or **cut**, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, 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)

(ECIA Model Code Amended in July 2014)

11. 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)

12. 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)  
(ECIA Model Code Amended in 2017)

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))

(This is not an exclusive or exhaustive list of possible nuisances.)

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 to the disturbance of others.

(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. Any condition relating to weeds which is described as a nuisance in the Lowden Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation, reaching six inches (6") tall 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))

(Ord. 768, Passed December 5, 2005)

(ECIA Model Code Amended in 2017)

m. Trees infected with Dutch elm disease.

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

n. Reserved.

(ECIA Model Code Amended in 2020)

o. 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)

p. 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)

q. 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 Cedar County Public Health Department and junk or salvage materials property stored in accordance with the Lowden Municipal Code;

r. 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.

t. 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.

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

v. Reserved.

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

x. 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 property 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 Cedar County Department of Health regulation.

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

z. Dangerous buildings or structures.

aa. Abandoned buildings.

bb. 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.

cc. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Lowden Municipal Code of Ordinances.

dd. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Lowden Municipal Code of Ordinances.

ee. 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 up to three weekends each year 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.

ff. 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 Lowden Municipal Code of Ordinances.

gg. Reserved.

(ECIA Model Code Amended in 2020)

hh. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

ii. 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.

jj. 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.

kk. 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.

ll. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 9:00 p.m. and 7:00 a.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.

mm. No person shall obstruct, deface, destroy or injure any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

nn. 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 injure or damage any person, animal or vehicle or which may annoy, injure or become dangerous to the health, comfort or property of individuals or the public.

oo. Reserved.

(ECIA Model Code Amended in 2020)

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

qq. 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.

rr. 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.

ss. Reserved.

(ECIA Model Code Amended in 2020)

tt. 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.

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

vv. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.

ww. All animals running at large.

(Ord. 768, Passed December 5, 2005)

xx. Accumulation of refuse and junk, such as but not limited to, appliances, furniture, yard waste, scrap, inoperable machinery, construction materials, scrap metals, old machinery, etc., visible for adjoining property and injurious to neighbors.

(Ord. 768, Passed December 5, 2005)

yy. All buildings, walls, fences, and equipment which have been damaged by fire, in disrepair, or abandoned to an extent exceeding one-half their original value, and which are so situated as to endanger the safety of the public.

(Ord. 768, Passed December 5, 2005)

zz. Trees infected with disease and all dead trees.

(Ord. 768, Passed December 5, 2005)

(ECIA Model Code Amended in 2017)

(This is not an exclusive or exhaustive list of possible nuisances. The Council must decide what is needed and appropriate for its community.)

(ECIA Model Code Amended in 2020)

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)

(ECIA Model Code Amended in 2017)

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 fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1). Trees shall be trimmed to eight (8) feet above public sidewalks.

(Amended during codification)

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))

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

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))  
(ECIA Model Code Amended in July 2014)

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 ordering the abatement within the time stated in the notice, or 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. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. 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 \$100, 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)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential, commercial or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

## TITLE III COMMUNITY PROTECTION

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## PENALTIES AND PROCEDURES

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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 sheriff deputy or traffic-control sign or signal.

## SPEED REGULATIONS

3-3-3 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: NONE

2. Lower speed limit: 55 mph to 50 mph on Highway 30 within the jurisdiction of the City of Lowden.

(Code of Iowa, Sec. 321.290)  
(Amended during 2018 codification)

#### SPECIAL STOPS REQUIRED

3-3-4 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the City 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.

3-3-5 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 Sheriff 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. The following are designated traffic stops in Lowden and every driver of a vehicle shall stop in accordance with the following:

1. Vehicles traveling west on 1<sup>st</sup> Street shall stop at Washington Avenue.
2. Vehicles traveling east on 1<sup>st</sup> Street shall stop at Country Club Lane.
3. Vehicles traveling west on 3<sup>rd</sup> Street shall stop at Washington Avenue.
4. Vehicles traveling east on Main Street shall stop at Washington and McKinley Avenues.
5. Vehicles traveling west on Main Street shall stop at Washington and McKinley Avenues.
6. Vehicles traveling west on 5<sup>th</sup> Street shall stop at Washington and McKinley Avenues.
7. Vehicles traveling east on 5<sup>th</sup> Street shall stop at Washington and McKinley Avenues.
8. Vehicles traveling east and west on 5<sup>th</sup> Street shall stop at the intersection of Hall Avenue & 5<sup>th</sup> St.
9. Vehicles traveling on 6<sup>th</sup> Street shall stop at Washington Avenue.
10. Vehicles traveling on 7<sup>th</sup> Street shall stop at Washington and McKinley Avenues.
11. Vehicles traveling on 8<sup>th</sup> Street shall stop at Washington and McKinley Avenues.
12. Vehicles traveling North & South on McKinley shall stop at 7<sup>th</sup>.
13. Vehicles traveling east on 9<sup>th</sup> Street shall stop at Washington Avenue.
14. Vehicles traveling on 10<sup>th</sup> Street shall stop at Washington Avenue.
15. Vehicles traveling on Country Club Lane shall stop at Main Street.
16. Vehicles traveling on Roosevelt Avenue shall stop at Main Street.
17. Vehicles traveling on Grant Avenue shall stop at Main Street.
18. Vehicles traveling on Hall Avenue shall stop at Main Street.
19. Vehicles traveling on Jefferson Avenue shall stop at Main Street.
20. Vehicles traveling on Washington Avenue shall stop at Main Street.
21. Vehicles traveling on McKinley Avenue shall stop at Main Street.
22. Vehicles traveling south on Park Avenue shall stop at 5<sup>th</sup> Street.

23. Vehicles traveling on Harding Avenue shall stop at Main Street and Hwy. 30.
24. Vehicles traveling east on 1<sup>st</sup> Street shall stop at Roosevelt Avenue.
25. Vehicles traveling west on 1<sup>st</sup> Street shall stop at Roosevelt Avenue.
26. Vehicles traveling east and west on 4<sup>th</sup> Street shall stop at Grant Avenue.
27. Vehicles traveling north and south on Hall Avenue shall stop at 8<sup>th</sup> Street.
28. Vehicles traveling north and south on Jefferson Avenue shall stop at 5<sup>th</sup> Street and 8<sup>th</sup> Street.
29. Vehicles traveling east and west on 4<sup>th</sup> shall stop at Jefferson.
30. Vehicles traveling east and west on 4<sup>th</sup> shall stop at Hall
31. Vehicles traveling east and west on 5<sup>th</sup> Street and 8<sup>th</sup> Street shall stop at Jefferson Avenue.
32. Vehicles traveling West on 5<sup>th</sup> Street Place.
33. Vehicles traveling east and west on Main Street shall stop at Country Club Drive and Yankee Avenue.
34. A flip-up sign shall be in place on McKinley Avenue at 7<sup>th</sup> Street, McKinley Avenue at 8<sup>th</sup> Street, and Washington Avenue at 8<sup>th</sup> Street during before and after school hours.
  - (Ord. 711, Sec. 1, 1990)
  - (Ord. 711, Sec. 2, 1990)
  - (Ord. 717, Sec. 1, 1992)
  - (Ord. 747, Passed September 5, 2000)
  - (Ord. 752, Passed October 1, 2001)
  - (Ord. 780, Passed July 2, 2007)
  - (Ord. 782, Passed August 6, 2007)
  - (Ord. 803, Passed June 3, 2013)
  - (Ord. 824, Passed January 4, 2021)
  - (Ord. 838, Passed November 6, 2023)

3-3-6 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.

3-3-7 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.

#### STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-8 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 sheriff deputy 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 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.
8. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
9. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
10. 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.
11. 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 sheriff deputy.
12. At any place where official signs or curb markings prohibit stopping, standing or parking.
13. Within ten (10) feet of the crosswalk at all intersections within the City.
14. Upon any street within the corporate city limits when snow or ice removal is necessary.  
(Ord. 751, Passed May 7, 2001)
  - A. Main Street and Washington Avenue are designated as official snow routes for the city. No motor vehicles shall be parked on official snow routes within a twenty-four hour period from the time of the last snowfall.  
(Ord. 422, Passed in 1980)
15. Parking on Main Street. It is unlawful for any motor vehicle to be parked on Main Street between Harding Avenue and Hall Avenue in the City, unless the same is parked parallel with Main Street on the south side of the Street and at an angle on the north side of Main Street. In

addition, there shall, from the date of this Ordinance onward, be two fifteen-minute parking spaces located on Main Street on the south side directly west from Washington Avenue and directly north of the City Hall. The Mayor of the City and the Marshall of Lowden shall designate the precise two- fifteen-minute parking spaces using yellow paint on the surface of Main Street. It shall be unlawful for any person to park or leave standing a vehicle in either of the fifteen-minute parking spaces provided for by this Ordinance for a period of more than fifteen minutes at any time on Monday through Saturday between the hours of 8:00 a.m. and 5:00 p.m. A violation of this Ordinance shall be a municipal infraction and a simple misdemeanor.

(Ord. 742, Passed October 4, 1999)

16. Parking on McKinley Avenue. It is unlawful for any motor vehicle to be parked on McKinley Avenue from one block south of Main Street to Fourth Street, in the city, unless the same is parked parallel with McKinley Avenue on the west side of McKinley Avenue and parallel on the east side of McKinley Avenue from Main Street to 10<sup>th</sup> Street.

(Ord. 764, Passed May 2, 2005)

17. Parking for persons with disabilities.

A. The following streets from the following intersections are hereby designated as the business district of the City of Lowden: Main Street from its intersection with Jefferson Avenue to its intersection with Harding Avenue; and, Washington Avenue from its intersection with Highway 30 to its intersection with Fourth Street; and, McKinley Avenue from its intersection with First Street to its intersection with Fourth Street.

The City hereby designates one parking space for persons with disabilities for every 25 parking spaces located in the business district. The City shall cause each of the parking spaces to be designated by a sign with a blue background and the international symbol of accessibility in white, which sign shall include the notice that the fine for improperly using a parking space designated for persons with disabilities shall be \$100.00.

The Mayor shall determine the precise location of the parking spaces for persons with disabilities. In addition, the following areas shall be designated as parking spaces for persons with disabilities: The West side of Jefferson Avenue from the Jefferson Avenue and Main Street intersection sixty-six (66) feet North of the stop sign. This area shall be clearly designated as parking for persons with disabilities by using the parking signs as mentioned above, including a sign stating that the fine for improper use of a parking space designated for persons with disabilities is \$100.00.

Other areas of City streets designated for parking for persons with disabilities are as follows:

B. Prohibition. The use of a parking space for persons with disabilities, located on either public or private property as provided in sections 321L.5 and 321L.6 of the Code of Iowa, by a motor vehicle not displaying a persons with disabilities identification device; by a motor vehicle displaying such a device but not being used by a person with disabilities, as an operator or

passenger; or by a motor vehicle in violation of the rules adopted by the department under Section 321L.8, constitutes improper use of a persons with disabilities identification device.

C. One diagonal parking space on Washington Ave. at Main Street, just south of crosswalk, to be designated parking for persons with disabilities on Election Days.

(Ord. 729, Passed July 3, 1995)

(Ord. 766, Passed November 7, 2005)

D. Penalty. The penalty for violation of this Ordinance is a misdemeanor for which a \$100.00 fine shall be imposed upon the owner, operator, or lessee of the motor vehicle or the purchaser of the persons with disabilities identification device. Proof of conviction of two or more violations involving improper use of persons with disabilities identification device is grounds for revocation by the court or the department of the holder's privilege to possess or use the device.

(Ord. 729, Passed July 3, 1995)

### 3-3-9 TRUCK PARKING LIMITED.

1. The parking of vehicles with a Gross Vehicle Weight (GVW) 13,500 lbs. or more is prohibited except in specific areas as designated by resolution adopted by the City Council. This specifically includes, but is not limited to, vehicles described as "semi-trucks" including the tractor and trailer, either attached or separate.

(Ord. 778, Passed October 2, 2006)

2. Any truck with a licensed weight of six (6) tons or more is prohibited from parking on any street within three hundred (300) feet of a church for longer than two (2) hours.

(Ord. 751, Passed May 7, 2001)

3-3-9A TRAILERS. Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the City.

(ECIA Model Code Amended in 2020)

3-3-9B ELECTRICAL VEHICLE CHARGING. It shall be unlawful for any person to park or stand a non-electric vehicle in any municipal parking space that has been designated as a public electric vehicle charging station. Further, it shall be unlawful for any person to park or stand an electric vehicle in a municipal parking space that has been designated as a public electric vehicle charging station when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this section, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

(ECIA Model Code amended in 2022)

### MISCELLANEOUS DRIVING RULES

3-3-10 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.

3-3-11 PARKING FOR CERTAIN PURPOSES PROHIBITED USING CERTAIN STREETS. 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 market place 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.

3-3-12 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. 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 an excessively loud muffler or exhaust.

3-3-13 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for any person within the City limits to make, or cause to be made, loud or disturbing noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, such prohibition shall not apply if an emergency situation exists and the use of the engine compression brakes is necessary for the protection of person or property.

2. Penalty. A violation of this section shall subject the driver and/or owner to a fine not to exceed \$100.00.

(Ord. 776, Passed October 6, 2006)

3-3-14 ONE-WAY STREETS.

1. 8<sup>th</sup> Street. All motor vehicles shall travel west on 8<sup>th</sup> Street between Washington Street and McKinley Street every Sunday between eight a.m. and twelve p.m. (Ord. 401 (part), 1969)

2. Park Avenue. It is enacted that Park Avenue in the city shall be a one-way street with the traffic allowed to flow only in a southerly direction between 5<sup>th</sup> Street and 8<sup>th</sup> Street. (Amended during 1979 codification: Ord. 401 (part), 1969).

3. Violation – Penalty. Anyone violating this chapter shall, upon conviction, be subject to a fine not to exceed one hundred dollars. (Amended during 1979 codification: Ord. 401 (part), 1969).

## BICYCLE REGULATIONS

3-3-15 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)

(ECIA Model Code Amended in 2008)

3-3-16 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 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.

3-3-17 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

### 3-3-18 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.

### 3-3-19 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 eight o'clock (8:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

### 3-3-20 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 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.

3-3-21 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.

3-3-22 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.

3-3-23 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 sheriff deputy of the City authorized to direct or regulate traffic.

## OFF-ROAD VEHICLES

3-3-24 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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. Off-road motorcycles shall be considered all-terrain vehicles for the purposes of registration. All off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling. An operator of an off-road motorcycle is subject to the provisions governing the operation of all-terrain vehicles.

(ECIA Model Code amended in 2024)

3. “Off-road utility vehicle (UTV)” means a motorized vehicle with no less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control as defined in Section 321I.1(17), Iowa Code.

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

3-3-25 OPERATION OF OFF-ROAD VEHICLES. The operation of ATV, UTV, or off-road motorcycles shall comply with the following restrictions:

1. Streets. Only on Washington Avenue and Main Street.

(Code of Iowa 321.234A)

(Code of Iowa 321I)

(Amended during 2018 codification)

2. Prohibited Operation. Shall not be operated on sidewalks, trails, railroad right-of-way, parks, or other City land or property, except as set forth in Paragraph 1 above.

3. Time of Operation. Shall only be operated between sunrise and sunset.

(Code of Iowa 321I.13)

(ECIA Model Code Amended in 2020)

4. Compliance with State Code. All operation shall comply with Iowa Code Chapter 321I.

5. Use of any ATV or UTV within the City must first be registered with the proper State authority. The operator must carry the registration certificate whenever the ATV or UTV is in use. The State registration decal must be displayed on the ATV or UTV and remain clearly visible. All ATVs and UTVs operated with the City must have operational headlights, taillights, break lights, horn, brakes, muffler, and rearview mirrors.

6. ATVs and UTVs operating within the City must not exceed a maximum speed of 35 miles per hour.

7. An individual operating an ATV or UTV within the City must be at least 18 years old with a valid driver’s license and valid proof of insurance.

(ECIA Model Code amended in 2022)

ECIA Model Code amended in 2024)

## GOLF CARTS

3-3-26 PURPOSE. The purpose of this Chapter is to permit and regulate the operation of golf carts within the City of Lowden, Iowa.

3-3-27 DEFINITIONS.

1. "Golf cart" means a three (3) or four (4) wheeled recreational vehicle generally used for transportation of persons in the sport of golf that is limited in engine displacement of less than eight hundred (800) cubic centimeters and total dry weight of less than eight hundred (800) pounds. Four-wheelers, "Gators," ATVs and all recreational vehicles that are defined as such shall be excluded from this Ordinance and will not be issued a permit, nor shall be permitted to operate on City streets or highways.

2. "Operate" means to ride in or on, other than as a passenger, use or control the operation of the golf cart in any manner, whether or not the golf cart is moving.

3. "Operator" means a person who operates or is in actual physical control of the golf cart.

4. "Roadway" means the portion of a highway improved, designed or ordinarily used for vehicular travel.

5. "Street or highway" means the entire width between the lines of every right-of-way or place of whatever nature, when any part thereof is open to the public for use as a matter of right, for the purpose of vehicular travel.

3-3-28 OPERATION ON CITY STREETS OR HIGHWAYS. Permitted persons, as provided in this Ordinance, may drive, operate or control motorized golf carts as defined herein during authorized times on City streets under the jurisdiction of the City. Golf carts shall not be operated or controlled on a City street which is a primary road extension, namely Washington Avenue, through the City, except to the extent necessary to cross a City street which is a primary road extension through the City.

3-3-29 PARENTAL OR GUARDIAN RESPONSIBILITY. It is unlawful for any parent, guardian or other person having the care, custody or control of a minor under the age of sixteen (16) years to knowingly or negligently permit or allow such a minor to operate a golf cart or violate the provisions of this Chapter in any other way.

3-3-30 TIMES OF OPERATION. The operation of golf carts on City streets is permitted between sunrise and sunset. No golf carts shall be operated when visibility is such that there is insufficient light to clearly see a person in vehicles at a distance of five hundred (500) feet.

3-3-31 OPERATION REGULATIONS.

1. No more than two (2) adult persons shall ride in any area intended for passengers, except for children, accompanied by an adult driver, as described below.

2. No persons shall occupy the area of the golf cart normally intended for transportation of golf equipment.

3. All riders must be seated at all times.

4. While operating, any rider must be seated on the seat and no part of the body of the rider shall extend beyond the sides of the cart. Children must be accompanied by an adult driver and must follow all requirements of this section, except the capacity limits, as long as all children are seated on the seat and no part of the body of the child extends beyond the sides of the cart.

3-3-32 UNLAWFUL OPERATION. No person shall drive or operate a golf cart:

1. In a careless, reckless or negligent manner as to create or cause unnecessary tire squealing or skidding; simulate a temporary race; causes a wheel to unnecessarily lose contact with the ground; causes the vehicle to unnecessarily turn abruptly or sway; or endanger the person or property of another or cause injury or damage thereto.

2. While under the influence of intoxicating liquor or narcotics or habit-forming drugs, whether prescribed or nonprescribed.

3. In or on any park, playground, sidewalk, recreational trail or other publicly owned property, except with the written permission of the governing body thereof.

4. No golf cart shall be operated or parked upon City sidewalks.

5. No golf cart 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 purpose of crossing the same to a public street upon which operation is authorized by this Ordinance.

6. No items shall ever be towed by a golf cart.

7. No golf cart shall be operated upon private property without the express consent of the owner thereof and only in compliance with all other provisions of this Ordinance.

8. The operator of any golf cart shall be at least sixteen (16) years of age and possess a valid Iowa driver's license.

9. No golf cart shall be operated in a manner which violates Chapter 321, Code of Iowa, which shall be and is adopted as applicable to the operation of golf carts in the City. No golf cart shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour.

3-3-33 PERMITS AND PERMIT HOLDERS.

1. An applicant for a permit shall be made on a form supplied by the City, which will contain the name and address of the applicant, the make, model, year and serial number of the golf cart.

2. The applicant shall provide a valid, nontemporary driver's license and shall be sixteen (16) years or older on the date of issuance.

3. The applicant shall provide and maintain public liability insurance and bodily injury insurance in the amounts required by the Iowa Code for operation of motor vehicles on public streets and highways.

4. The annual cost for such permit is twenty-five dollars (\$25.00) payable at the time the permit is granted. Permits will expire each December 31, regardless of the date issued. There will be no full or partial refund of the permit fee.

5. Each permit shall be issued for a specific motorized golf cart and individual, except as otherwise stated.

6. Permit holders will be issued a number, which shall be affixed to the driver's side rear of the golf cart.

7. The permit may be suspended or revoked by the City Council upon finding evidence that the permit holder has violated the conditions of the permit, has abused the privilege of being a permit holder or has violated this Ordinance. There will be no refund of the permit fee.

3-3-34 EQUIPMENT. Golf carts operated upon City streets shall be equipped with the following:

1. A state approved slow-moving vehicle sign.
2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level.
3. Golf carts operated on City streets shall be equipped with adequate brakes.
4. A visible permit number.
5. Appropriate noise control device, such as a muffler.
6. Operational taillights.

#### ROLLER SKATES AND SKATEBOARDS

3-3-35 PURPOSE. The purpose of this section is to establish regulations governing the operation of skateboards and roller skating upon the sidewalks or walkways in the City.

3-3-36 PROVISIONS. Provisions apply to skateboards and roller skates. Unless otherwise indicated, all provisions of this section shall apply to all skateboards operated and all roller skating in the City.

3-3-37 DEFINITIONS. As used in this section:

1. Roller skates mean shoes mounted on or attached to wheels, which are propelled solely by human power.

2. Sidewalks means that portion of a highway designated or ordinarily used for pedestrian travel.

3. Skateboard means a single platform mounted on wheels, which is propelled solely by human power and which has no mechanism or other device with which to steer or to control the movement or the direction of the platform.

3-3-38 USE OF ROLLER SKATES AND SKATEBOARDS PROHIBITED. The use of roller skates and skateboards shall be prohibited on any sidewalk, walkway, or street on the following streets:

1. Main Street from the east City limits to the west City limits.

2. Washington Avenue from the north City limits to the south City limits.

(Ord. 760, Passed December 2, 2002)

(Ord. 784, Passed October 6, 2008)

#### UTILITY TERRAIN VEHICLES

3-3-39 PURPOSE. The purpose of this chapter is to permit the operation of Utility Terrain Vehicles (UTVs) on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a UTV is operated on any street or alley, subject to those exceptions stated herein.

3-3-40 DEFINITION. UTVs have several different names including LUVs, utility vehicles, side by sides and recreational off-highway vehicles. Utility-type models include, but are not limited to, Kubota and the Kawasaki Mule; newer, sport-type models include the Polaris RZR and the Kawasaki Teryx.

3-3-41 BASIC SPECIFICATIONS.

1. Not a golf cart. Golf cart means a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

2. Not a low speed vehicle. Low speed vehicle means a low speed vehicle, as defined in 49 CPR 571.3, that satisfies the equipment standards under 49 CPR 571.500 and that was originally manufactured to meet the applicable equipment standards under 49 CPR 571.500.

3. UTVs are originally manufactured with the following:

a. Between 900 lbs and 1,999 lbs.

- b. Four or more low pressure tires.
- c. Cargo or qump box.
- d. Steering wheel, tail light, brake light, 2 headlights, seat belts or similar device.
- e. Max width of 65 inches.
- f. Seating for at least 2 occupants, non-straddled seats.
- g. A roll bar or similar device.

3-3-42 OPERATION OF UTVS PERMITTED. UTVs may be operated upon the streets of the City by persons who are 18 years of age or older and are possessing a valid Iowa operator's license, except as prohibited in Section 3-3-43 of this chapter. While operated on a City street, the number of passengers permitted on a UTV shall not exceed the number of seats intended for passengers. While on city streets, operators must have on their person or in the UTV proof of the required insurance.

3-3-43 PROHIBITED LOCATIONS.

- 1. Trails. UTVs shall not be operated on any recreational, bike or walking trail.
- 2. Sidewalks. UTVs shall not be operated upon sidewalks.
- 3. "Parking". UTVs shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the "parking".
- 4. City Parks and other land owned by the City of Lowden. UTVs shall not be operated in City parks or upon other city owned land unless for a special event authorized by the City Council and the operator possess a valid City of Lowden permit.
- 5. Special Exemptions. The City Council is authorized to permit UTVs to operate on restricted City streets for certain special events.

3-3-44 EQUIPMENT. UTVs operated upon City streets shall be equipped with at least the following:

- 1. A slow moving vehicle sign.
- 2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level, and extend a minimum 2 feet above the highest point of the UTV.
- 3. UTVs operated on city streets shall be equipped with a muffler, headlights, taillights, and adequate brakes to stop and hold the UTV in a stopped position.

4. UTVs operated on city streets shall be equipped with an adequate exhaust system.

3-3-45 HOURS. UTVs Hours of Operation. UTVs may be operated on City streets only between sunrise and sunset as set by the U. S. Naval Observatory, except for emergency situations or for loading or unloading from a transport trailer; except that UTVs may be operated during prohibited hours to perform snow removal activities.

3-3-46 SPEED. No UTV shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or that posted, nor shall any UTV be operated at a speed greater than is reasonable and proper for the existing conditions.

3-3-47 TRAFFIC CODE. Any person operating an UTV, including those for which a City of Lowden permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic. No person shall leave an UTV unattended on public property while the motor is running or the keys are in the ignition switch.

3-3-48 PERMITS. No person shall operate a UTV on any public street, or alley for any purpose unless the UTV has passed a safety inspection by the public works department and the operator possesses a City of Lowden permit to operate a UTV on city streets, issued by the City Clerk.

1. UTV owners may apply for a permit from the Lowden City Clerk on forms provided by the City.
2. The Clerk shall not issue a permit until the owner/operator has provided the following:
  - a. Evidence that the owner possesses a valid driver's license.
  - b. Proof owner/operator has liability insurance (minimum limit of \$300,000 coverage) covering operation of UTVs on city streets.
  - c. A form indicating that the UTV has passed the required inspection conducted by the public works department. The fee for such inspection shall be set by resolution. This is a one-time inspection. Vehicles that pass an inspection will not need to be re-inspected unless the vehicle is found in violation of this code, then a vehicle might need to be inspected again.
3. The operator of a UTV shall display the City of Lowden permit sticker prominently on a rear fender or on a similar component which is clearly visible from the rear.
4. All permits issued shall uniquely identify the name and address of the owner.
5. The annual fee for such permits shall be set by resolution.

6. The permits expire annually on December 31 regardless of the date of issue.

7. Permits can be revoked by the City Council as result of any violation of the City's Code or the Code of Iowa. The revocation, including a description of the violation, shall be provided in writing to the owner of the UTV. The revocation may be appealed to the City Council within 10 days of the written notice of revocation of the permit. The owner shall request the appeal in writing and submit the appeal to the City Clerk.

3-3-49 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever a UTV is involved in an accident resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, and shall file an accident report within forty- eight (48) hours, in accordance with State law.

3-3-50 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00) and revocation of the City of Lowden permit for a period of six months.

2. Any person guilty of violating this ordinance two times shall be subject to a fine of three-hundred dollars (\$300.00) and permanent revocation of the City of Lowden permit.

3. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.

3-3-51 ANNUAL REVIEW. The City Council shall annually review Chapter 3 to determine if the ordinance warrants amendment or repeal.

#### PENALTIES AND PROCEDURE

3-3-52 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.

3-3-53 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.

3-3-54 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	\$25.00	\$25.00
2. Prohibited parking	\$25.00	\$25.00
3. No parking zone	\$25.00	\$25.00
4. Blocking alley	\$25.00	\$25.00
5. Illegal parking	\$25.00	\$25.00
6. Street cleaning	\$25.00	\$25.00
7. Snow removal ban	\$25.00	\$25.00
8. Persons with disabilities parking	\$ 100.00	\$100.00

(Code of Iowa, Sec. 321L.4(2))  
(Amended during 2018 codification)

3-3-55 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.

#### SCHOOL ZONES

3-3-56 ESTABLISHED. The following parts of streets are established as school zones: 8<sup>th</sup> Street, McKinley Avenue, Park Avenue, Washington Street, Main Street, 7<sup>th</sup> Street, and 5<sup>th</sup> Street.  
(Ord. 420, 1941)  
(Amended during 1979 codification)  
(Amended during 2018 codification)

3-3-57 MOVABLE STOP SIGNS – REQUIREMENTS. The Mayor may cause to be placed in the streets, conspicuously at the places designated, movable stop signs, bearing the words “Stop” of sufficient size to be easily readable at the distance of one hundred feet by a person using such street.

(Ord. 420, 1941)  
(Amended during 2018 codification)

3-3-58 MOVABLE STOP SIGNS – PLACEMENT.

1. Movable stop signs may be placed in the streets, at the places designated, one-half hour before school opens in the forenoon, five minutes before school is dismissed in the forenoon and five minutes before school is dismissed in the afternoon. The movable stop signs may be left standing in the streets for five minutes after school opens in the forenoon, for thirty minutes after school is dismissed in the afternoon, and during all of the time between the times when school is dismissed in the forenoon and opened in the afternoon.

2. The movable stop signs may be placed in the streets at such other time or times as the mayor may deem advisable for the safety of the school children and for the purpose of controlling the traffic while the school children are traveling to and from the school building.

(Ord. 420, 1941)

3-3-59 VEHICLES REQUIRED TO STOP. All motor vehicles approaching the zones, when movable stop signs have been placed in the streets at the limits of the zones, shall come to a stop.

(Ord. 420, 1941)

3-3-60 AUTHORIZED EMERGENCY VEHICLES. The driver of any authorized emergency vehicle, when responding to an emergency call upon approaching a stop sign, shall slow down as necessary for safety but may proceed cautiously past such stop sign. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign.

(Ord. 420, 1941)

3-3-61 VIOLATION – PENALTY. Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one hundred dollars.

(Ord. 420, 1941)

(Amended during 1979 codification)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 4 RAILROAD REGULATION

3-4-1	Definitions	3-4-4	Street Crossing Obstructions
3-4-2	Warning Signals	3-4-5	Maintenance of Crossings
3-4-3	Street Crossing Signs and Devices	3-4-6	Flying Switches

3-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. The term "railroad train" shall mean an engine or locomotive with or without cars, coupled thereto, operated on rails.

(Code of Iowa, Sec. 321.1(58))

2. The term "operator" shall mean any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train.

3-4-2 WARNING SIGNALS. Operators shall sound a bell at least 1,000 feet before a street crossing is reached and shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least 1,000 feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the City limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 3-4-5 of this chapter.

(Code of Iowa, Sec. 327G.13)

3-4-3 STREET CROSSING SIGNS AND DEVICES. Operators shall erect and maintain nonmechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the City limits, except where some mechanical sign, signal, device, or gate or flagman is required by resolution of the Council. Such non-mechanical signs shall be of a height and size, and utilize such lettering as to give adequate warning of such crossing. Whenever the City Council shall deem it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate should be erected and maintained, flagman stationed at any street or other public crossing, the City Council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain such sign, signal, device, or gate or to station a flagman at such crossing at the expense of such company or companies. Any required flagman shall be stationed at such crossing during the periods of time of each day that the City Council shall designate. The resolution shall specify the street or other public crossing at which the sign, signal, device or gate shall be erected or flagman stationed. After the resolution has been adopted, a copy shall be served the railroad company or companies with a notice of the time limit for compliance. In complying, Chapter 327G of the Code of Iowa shall prevail.

(Code of Iowa, Sec. 327G.15)

3-4-4 STREET CROSSING OBSTRUCTIONS. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances:

(Code of Iowa, Sec. 327G.32)

1. When necessary to comply with signals affecting the safety of the movement of trains.
2. When necessary to avoid striking an object or person on the track.
3. When the train is disabled.
4. When necessary to comply with governmental safety regulations including, but not limited to, speed Ordinances and speed regulations.

An employee is not guilty of a violation if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

3-4-5 MAINTENANCE OF CROSSINGS. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

(Code of Iowa, Sec. 327G.15)

3-4-6 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car's or cars' approach.

## TITLE III COMMUNITY PROTECTION

### CHAPTER 5 FIRE PROTECTION

3-5-1	Establishment and Purpose	3-5-4	Worker's Compensation and Hospitalization Insurance
3-5-2	Volunteer Fire Fighters	3-5-5	Liability Insurance
3-5-3	Fire Fighter's Duties	3-5-6	Fires Outside City Limits

3-5-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

3-5-2 VOLUNTEER FIRE FIGHTERS. Twenty-five (25) residents of Lowden, at least age eighteen (18) shall be appointed to serve as a volunteer fire fighter. Prior to appointment as a volunteer fire fighter and every four years thereafter a volunteer fire fighter must pass a medical physical examination.

(Code of Iowa, Sec. 362.10)

(Amended during 2018 codification)

3-5-3 FIRE FIGHTER'S DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately in the manner directed by the Fire Chief. All fire fighters shall be subject to call at any time. Fire Fighters shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. Fire fighters shall report for training as ordered by the Fire Chief.

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

3-5-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters. All volunteer fire fighters shall be covered by the contract.

3-5-5 LIABILITY INSURANCE. The City Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

3-5-6 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

(ECIA Model Code Amended in July 2014)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 6 CURFEW FOR MINORS

3-6-1	Preamble	3-6-5	Defenses
3-6-2	Findings and Purpose	3-6-6	Enforcement
3-6-3	Definitions	3-6-7	Unlawful Assembly
3-6-4	Offenses		

3-6-1 PREAMBLE. The City of Lowden 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)

3-6-2 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 Lowden; 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 Lowden 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.

3-6-3 DEFINITIONS. In this chapter:

1. Curfew hours means 12:01 a.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 17 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 sheriff deputy 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.

#### 3-6-4 OFFENSES.

1. A minor 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.

3-6-5 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;
  - 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 the sheriff's department about the minor's presence;
  - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Lowden, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Lowden, a civic organization, or another similar entity that takes responsibility for the minor;
  - 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
  - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the sheriff's department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 RESERVED

(ECIA Model Code Amended in 2020)

3-6-7 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such. A violation of this ordinance shall subject the violator to the criminal penalty of a fine in an amount not to exceed \$100.00.

(Amended during 2018 codification)

**"Editor's Note: The courts have carefully scrutinized curfew Ordinances and before enacting such an Ordinance, you should consult with your City Attorney. See Maquoketa v. Russell, 484 NW2d, 179 (Iowa 1992) and Quit v. Strauss, 8 F2d 260 (1993)."**

## TITLE III COMMUNITY PROTECTION

### CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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

3-7-1 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.

3-7-2 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.

3-7-3 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 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$10.00 shall be paid at the time of registration to cover the cost of investigation and issuance. A security bond of \$1,000 is required.

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

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 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.

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7-1 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.

3-7-6 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.

3-7-7 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 \$1,000 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 one year from the expiration of the permit.

3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, 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.

3-7-9 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 3-7-3 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.

3-7-10 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.

3-7-11 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 8 ALCOHOLIC BEVERAGES**

3-8-1	Purpose	3-8-3	Action by Council
3-8-2	Required Obedience to Provisions of this Chapter and State Law	3-8-4	Transfers

3-8-1 **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)

3-8-2 **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

3-8-3 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))

3-8-4 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.

(Code of Iowa, Sec. 123.38)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 9 JUNK AND ABANDONED VEHICLES

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

3-9-1 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. 3641.1)

3-9-2 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 twenty-four 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 Cedar County Sheriff and has not been reclaimed for a period of ten days; or

e. Any vehicle parked on the street determined by the Cedar County Sheriff 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)

f. Any vehicle that cannot be started or moved under its own power.

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.

### 3-9-3 REMOVAL OF ABANDONED VEHICLES.

1. The Cedar County Sheriff or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-9-2 (1). The Sheriff 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 Sheriff or Mayor if the Sheriff 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 deputy 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.

#### 3-9-4 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 Sheriff or Mayor if the Sheriff is unavailable, 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 Sheriff 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 3-9-6.

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 3-9-5.

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

2. The owner, lienholders or any person receiving notice may, by written request received by the Sheriff 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))

### 3-9-5 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 Sheriff or Mayor if the Sheriff is unavailable, 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 3-9-4 (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 3-9-5(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.

#### 3-9-6 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))

3-9-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Sheriff shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-9-8 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 Lowden, 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.

#### 3-9-9 NOTICE TO ABATE.

1. Whenever the Sheriff or Mayor if the Sheriff is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Sheriff 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. 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.

3-9-10 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))

3-9-11 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))

3-9-12 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 Zoning Ordinance or 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.

3-9-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 10 KEEPING DISORDERLY HOUSE**

3-10-1 Disorderly Conditions Prohibited

3-10-2 Authority to Restore Order and Disperse; Failure to Disperse

3-10-1 **DISORDERLY CONDITIONS PROHIBITED.** No person shall permit or suffer to continue, without taking legal steps to prevent the same, any quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person's possession. For the purposes of this section, "to the disturbance of the general public" includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers.

3-10-2 **AUTHORITY TO RESTORE ORDER AND DISPERSE; FAILURE TO DISPERSE.** Upon issuance of a citation for violation of this section, any peace officer of the City shall have authority to restore order upon the subject premises, up to and including ordering the dispersal of persons(s) from the subject premises. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section.

(Ord. 785, Passed March 2, 2009)

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 11 DRUG PARAPHERNALIA**

3-11-1 Definitions

3-11-3 Prohibition

3-11-2 Exemption

3-11-1 **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.

3-11-2 **EXEMPTION.** "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

3-11-3 **PROHIBITION.** It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Ord. 762, Passed January 01, 2005)

(Code of Iowa, Sec. 124.414)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 12 FIREWORKS ORDINANCE

3-12-1	Definitions	3-12-5	Restrictions on the Use of Consumer Fireworks
3-12-2	Violations	3-12-6	Permits Required
3-12-3	Prohibitions	3-12-7	Seizure of Fireworks
3-12-4	Sale of Consumer Fireworks	3-12-8	Emergency

#### 3-12-1 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:

1. "Consumer Fireworks" includes 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.

(ECIA Model Code Amended in 2024)

2. "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.

3. "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.

#### 3-12-2 VIOLATIONS.

1. 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 punishable as a municipal infraction civil penalty as set forth in this Code.

2. Reserved.

3. 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.

4. 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.

5. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

6. 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.

7. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

(ECIA Model Code amended in 2022)

### 3-12-3 PROHIBITIONS.

1. It shall be unlawful to manufacture fireworks within the City limits.

2. It shall be unlawful to sell Display Fireworks within the City limits.

3. 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.

### 3-12-4 SALE OF CONSUMER FIREWORKS.

1. 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.

2. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3. Reserved.

(ECIA Model Code amended in 2022)

### 3-12-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

1. A person shall not use or explode Consumer Fireworks except on days permitted under the State Code of Iowa (or as determined and established by the City Council).

2. A person shall not use or explode Consumer Fireworks at times other than between the hours of 1:00 p.m. and 11:00 p.m.

3. 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.

4. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.

5. 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.

6. Any use or explosion of Consumer Fireworks must be more than 400 feet from an assisted living facility, nursing home, hospital, retirement home, or hospice.

7. Any use or explosion of Display Fireworks must be more than 800 feet from an assisted living facility, nursing home, hospital, retirement home, or hospice.

8. 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.

9. A person who violates this subsection commits a simple misdemeanor punishable as a municipal infraction civil penalty.

(ECIA Model Code amended in 2022)

(ECIA Model Code amended in 2024)

### 3-12-6 PERMITS REQUIRED.

1. 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.

2. Application for a permit must be made, in writing, and filed at the Office of the City Clerk, at least forty-five (45) days in advance of the proposed display.

### 3-12-7 SEIZURE OF FIREWORKS.

1. 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.

### 3-12-8 EMERGENCY.

1. 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.

(ECIA Model Code Amended in 2017)

**TITLE IV MENTAL AND PHYSICAL HEALTH**

**CHAPTER 1 ANIMAL CONTROL – DOGS AND CATS**

4-1-1	Definitions	4-1-7	Keeping a Vicious Animal
4-1-2	Immunization	4-1-8	Kennel Dogs
4-1-3	At Large Prohibited	4-1-9	Number of Animals Limited
4-1-4	Animal Nuisances	4-1-10	Animals in Parks
4-1-5	Impounding		
4-1-6	Dangerous 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 "cats" shall mean animals of the feline species whether altered or not.

3. 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.

4. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

4-1-2 IMMUNIZATION. All dogs and cats 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 and cat 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. Violation – Penalty. Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one hundred dollars.  
(Amended during 2018 codification)

#### 4-1-5 IMPOUNDING.

1. Any dog or cat found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Sherriff or Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of dogs and cats shall be notified within two (2) days that upon payment of actual costs, including transportation and other related costs, plus cost of food and care in a reasonable amount, the dog or cat will be returned. If the impounded dogs or cats are not recovered by their owners within seven (7) days after notice, the dogs or cats shall be disposed of as provided in Section 717B.4 Code of Iowa.

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Sherriff or Mayor.  
(Code of Iowa, Sec. 351.39)

5. 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)

#### 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) Snakes that are venomous or constrictors;

(10) Any cross breed of such animals which have similar characteristics of the animals specified above.

(Amended during 2018 codification)

- (11) Any vicious animal.

(ECIA Model Code Amended in 2020)

- 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.

(ECIA Model Code Amended)

4-1-7 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.

- 1. An animal is deemed vicious under the following circumstances:

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

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

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

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

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

(ECIA Model Code Amended in 2020)

4-1-8 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.

4-1-9 NUMBER OF ANIMALS LIMITED.

1. It is unlawful for any person to keep or maintain at any one location within the City more than four (4) of the same types of the following animals; those being dogs, cats, ferrets, and pot belly pigs. This limitation applies to animals that are more than six months old or animals that are from more than one litter that are more than three months old. This limitation shall not apply to any person provided that person has applied and been approved for the proper kennel license through the State of Iowa and has complied with the State requirements.

(Amended during 2018 codification)

2. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not prescribed by this section unless specifically regulated by other sections.

3. If a person is found to be keeping more than four (4) of the same types of the following animals; those being dogs, cats, ferrets, and pot belly pigs, without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and if the owner has not either complied with the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals.

(Ord. 775, Passed August 7, 2006)

(Amended during 2018 codification)

4-1-10 ANIMALS IN PARKS. No animal shall be allowed in any area of a City park unless it is attached to a leash not more than 20 feet in length and of sufficient strength to restrain the animal when the leash is held by a person capable of restraining and controlling the animal.

(Ord. 750, Passed April 2, 2001)

## TITLE IV MENTAL AND PHYSICAL HEALTH

### CHAPTER 2 URBAN CHICKENS

4-2-1	Definitions	4-2-8	Predators, Rodents, Insects and Parasites
4-2-2	Permit Required	4-2-9	Feed and Water
4-2-3	Number and Type of Chickens Allowed	4-2-10	Waste Storage and Removal
4-2-4	Zoning Districts Allowed	4-2-11	Chickens at Large
4-2-5	Non-Commercial Use Only	4-2-12	Unlawful Acts
4-2-6	Enclosures	4-2-13	Nuisances
4-2-7	Odor and Noise Impacts	4-2-14	Annual Inspection

4-2-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. Chicken — shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. Urban Chicken — shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. Permitting Officer - shall mean the Director of Public Works or designee.
4. Tract of land — shall mean a property or a zoned lot that has one single family dwelling located on that property or zoned lot.
5. Single Family Dwelling — shall mean any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.
6. Permitted tract of land - shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.
7. Permittee - shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

4-2-2 PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor or keep chickens within the City of Lowden without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, either on-line or in paper form, and paying all fees required by this Chapter.

3. Requirements. The requirements to the receipt of a permit include:
- a. All requirements of this Chapter are met;
  - b. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;
  - c. All judgments in the City's favor and against the applicant have been paid in full;
  - d. The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee.
  - e. Each application request must contain a no-objection letter from dwellings N, S, E and West of applicant's property. If a neighboring occupant rents the property, then approval from the owner/landlord of the property is required.

(Ord. 823, Passed October 5, 2020)

4. Issuance of Permit. If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.

5. Denial, suspension, revocation, non renewal. The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

- a. False statements on any application or other information or report required by this section to be given by the applicant;
- b. Failure to pay any application, penalty, re inspection or reinstatement fee required by this section or city council resolution;
- c. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
- d. Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee.
- e. Failure to comply with any provision of this Chapter.

6. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

7. Effect of revocation, etc. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation.

8. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of Urban Chicken may appeal the decision to the City Manager, or designee other than the Permitting Officer within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance to this Chapter shall be deemed final action.

#### 4-2-3 NUMBER AND TYPE OF CHICKENS ALLOWED.

1. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.

2. Only female chickens (hens) are allowed.

4-2-4 ZONING DISTRICTS ALLOWED. Permits will be granted only for tracts of land located in residential districts as identified on the current Official Zoning Map on file with the City of Lowden.

4-2-5 NON-COMMERCIAL USE ONLY. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

#### 4-2-6 ENCLOSURES.

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

2. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

3. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

4. Henhouses and chicken tractors.

a. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.

(1) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.

(2) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

b. Henhouses, chicken tractors and chicken pens shall only be located in the rear yard required by Lowden Municipal Code Title VI Chapter 8, unless the setback requirements cannot be met in which case they may be kept in other yard but within the required setbacks.

c. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.

5. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

#### 4-2-7 ODOR AND NOISE IMPACTS.

1. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

2. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

4-2-8 PREDATORS, RODENTS, INSECTS AND PARASITES. The Permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by a Lowden Animal Control Officer.

4-2-9 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

4-2-10 WASTE STORAGE AND REMOVAL. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

#### 4-2-11 CHICKENS AT LARGE.

1. The Permittee shall not allow the Permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.

4-2-12 UNLAWFUL ACTS.

1. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provision of the Lowden Municipal Code.

2. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.

3. No person shall keep chickens inside a single family dwelling unit, multi family dwelling unit(s) or rental unit.

4. No person shall slaughter any chickens within the city of Lowden.

5. No person shall keep a rooster.

6. No person shall keep chickens on a vacant or uninhabited tract of land.

4-2-13 NUISANCES. Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of Lowden Municipal Code Title III, Chapter 2.

4-2-14 ANNUAL INSPECTION. The Director of Public Works shall annually inspect the provisions of section 4-2-6.

(Amended during 2018 codification)

## TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

### CHAPTER 1 LIBRARY SERVICES

5-1-1	Public Library	5-1-6	Power to Contract with Others for the Use of the Library
5-1-2	Library Trustees	5-1-7	Non-Resident Use of the Library
5-1-3	Qualifications of Trustees	5-1-8	Library Accounts
5-1-4	Organization of the Board	5-1-9	Annual Report
5-1-5	Powers and Duties		

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Lowden Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Lowden Public Library, hereinafter referred to as the board, consists of five members. All board members shall be appointed by the Mayor with the approval of City Council.

(Code of Iowa, Sec. 392.5)  
(Amended during 2018 codification)  
(Ord. 820, Passed July 1, 2019)

5-1-3 QUALIFICATIONS OF TRUSTEES. Except as provided herein, all of the members of the board shall be bona fide citizens and residents of the City and all shall be over the age of eighteen (18).

One person who is a Cedar County resident residing outside the City limits of Lowden may be appointed to the Board by the Mayor with approval of the City Council.

(Ord. 820, Passed July 1, 2019)  
(Ord. 822, Passed December 2, 2019)

5-1-4 ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

(Code of Iowa Sec. 336.5)

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the City or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by appointment of the Mayor, with approval of the City Council. The new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

(Ord. 820, Passed July 1, 2019)

3. Compensation. Trustees shall receive no compensation for their services.  
(Code of Iowa Sec. 336.7)

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.

(Code of Iowa Sec. 336.8(1))

2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

(Code of Iowa Sec. 336.8(2))

3. To direct and control all the affairs of the library.

4. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.

(Code of Iowa Sec. 336.8(3))

5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.

(Code of Iowa Sec. 336.8(4))

6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.

(Code of Iowa Sec. 336.8(5))

7. To authorize the use of the library by non-residents of the City and to fix charges therefor.

(Code of Iowa Sec. 336.8(6))

8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.

(Code of Iowa Sec. 336.8(7))

9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library

buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8))

10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.

(Code of Iowa, Sec. 336.8(9))

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

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

(Code of Iowa Sec. 336.17)

#### 5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

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

(Code of Iowa, Sec. 336.18(1))

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

(Code of Iowa, Sec. 336.18(2)(a and b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.
2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.
4. By establishing branch libraries for lending books or other library materials to non-residents.
5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

(ECIA Model Code Amended in July 2014)

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the City Clerk.

5-1-9 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

Section 392.5, Iowa Code, provides that the Library Board is to continue to function in the same manner until altered or discontinued. No unilateral changes may be made by the Library Board or City Council as to the Library Board composition, the manner of selection, or duties. Consult your City Attorney before making changes to the City's Library Ordinance.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1972. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

(ECIA Model Code Amended in 2020)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 1 MOBILE HOME REGULATION

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

6-1-1 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))

6-1-2 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.

6-1-3 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 one year 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.

6-1-4 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.

6-1-5 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.

6-1-6 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 November 5, 2018).

(Code of Iowa, Sec. 435.26)

6-1-7 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 shall pay an inspection fee of \$100. No additional permits shall be required.

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

6-1-8 RECREATIONAL VEHICLES. For the purpose of this section, the term “recreational vehicles” shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles.

1. Outside of the aforementioned areas, recreational vehicles may be parked for seasonal use (short term use or less than 30 consecutive days) on a driveway within a front yard, but not upon the right-of-way, provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles may be parked or stored (long term use) within the side yard, on a pad within an enclosed garage.

2. Recreational vehicles parked or stored on premises or any lot shall not be used for permanent human occupancy. In residential zoning districts, recreational vehicles shall only allow human habitation for not more than fourteen (14) days in a calendar year.

3. Recreational vehicles shall not be used for business purposes in any zoning district.  
(Amended during 2018 codification)

\*Editor's note. The section in parenthesis should be included at the time the section is first adopted and not during a recodification. In other words, do not add this language to Ordinances already in effect unless you know the exact date the chapter went into effect..

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1	Definitions	6-2-5	Use of the Public Sewers
6-2-2	Use of Public Sewers Required	6-2-6	Protection from Damage
6-2-3	Private Sewage Disposal	6-2-7	Powers and Authority to Inspectors
6-2-4	Building Sewers and Connections	6-2-8	Penalties

6-2-1 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 Director of Public Works of the City of Lowden or the Director'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.

#### 6-2-2 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, 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))

### 6-2-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$100 shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal

system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

#### 6-2-4 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.

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 \$100 for a residential or commercial building sewer permit and \$250 for an industrial building sewer permit shall be paid to the City at the time the application is filed.

The property owner is responsible and has one year to return the street to like or better condition after repair is completed. A written agreement approved by Lowden City Council is required prior to commencing this work.

(Amended during 2023 codification)

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 or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2) Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified 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.

#### 6-2-5 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) 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.

#### 6-2-6 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)

#### 6-2-7 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.

#### 6-2-8 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2 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.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).



as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this Ordinance are on file in the office of the City Clerk for public inspection.

6-3-3 LICENSE REQUIRED. All installation of water service pipes and connections to the municipal water system shall be made by a plumber licensed by this City. The Superintendent shall have the power to suspend the license of any plumber for violation of any of the provisions of this Ordinance. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the City Council meeting at which the plumber will be granted a hearing. At this City Council meeting the Superintendent shall make a written report to the City Council stating the Superintendent's reasons for the suspension, and the City Council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

6-3-4 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.

6-3-5 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. The owner or plumber may appeal such action in the manner provided in Section 6-3-3 of this Ordinance.

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

6-3-6 APPLICATION FOR WATER SERVICE CONNECTIONS.

1. Taps or connections to the water mains shall be made by only authorized City employees of the City of Lowden, upon request for service by the property owner. An access fee of \$125.00 must accompany each application for single-family residential and \$250.00 for commercial and all other residential uses and \$500.00 for industrial uses. (City may set its own fees.)

2. 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.

(ECIA Model Code Amended in 2017)

6-3-7 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.

6-3-8 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.

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

1. Service Pipe.

a. 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 "Type K." All pipe over one and one-half (1½) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. No lead pipes are permitted and if they are already installed must be removed promptly. If the water line that is connected to the home is lead, the water will be off until the line to the home is replaced, and the owners expense. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

b. All water service pipes and their connections to the water system must be inspected and approved by the Public Works Director, before they are covered, and the Director shall keep a record of such approvals. If the Director 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 Public Works Director or his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

2. 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.
3. 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.
4. Maintenance of Service Pipes. All service pipes and fixtures from the street water main to 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))

(ECIA Model Code Amended in 2017)

6-3-9 EXCAVATIONS. 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.

6-3-10 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))

6-3-11 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))

6-3-12 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Superintendent or the Superintendent's 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 two (2) percent or more, the cost of the tests shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than six (6) months. If the meter is found to be accurate or slow less than two (2) percent fast, the patron shall pay the reasonable costs of the tests.

Compulsory Check. Every meter shall be removed from service at least once twenty (20) years and thoroughly tested for accuracy. Any meter found inaccurate beyond a tolerance of two (2) percent shall not be returned to service until properly adjusted.

6-3-13 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.

6-3-14 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.

6-3-15 SERVICE CUT OFF.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6-3-16 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.

6-3-17 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.

6-3-18 RIGHT TO SHUT OFF WATER.

1. 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.

2. 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.

6-3-19 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.

6-3-20 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 Twenty-five Dollars (\$25.00) 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 Twenty-five Dollars (\$25.00) shall be made to cover the cost of removing and reconnecting the meter.

6-3-21 WATER METERS.

1. 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 a radio read meter unless an outside reader is the only resource available.

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.

2. 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.

3. 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.

6-3-22 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.

#### 6-3-23 OWNERS TO PROTECT METERS.

1. 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 added to the consumer's water bill and payment thereof enforced as provided for delinquent water bills. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

2. 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.

3. 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.

6-3-24 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.

6-3-25 INSPECTION OF METERS, 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.

6-3-26 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Lowden, 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.

6-3-27 WATER WORKS PROPERTY. 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.

(ECIA Model Code Amended in 2017)

#### METER TAMPERING

6-3-28 THEFT OF SERVICE; INTERFERENCE WITH METERS.

1. No person shall prevent water from passing through any meter connected directly or indirectly with the public water mains, whether such person is a customer of water service or prevent any meter from accurately registering the amount of water passing through such meter, or prevent or obstruct a meter from accurately registering the quantity of water supplied, or in any way interfere with the purpose, action or just registration of a meter.

2. No person shall, without the consent in writing of the director, divert any water from any pipes, lines or mains of the waterworks, or otherwise use or cause to be used any water unlawfully diverted or retain possession thereof.

3. No person shall refuse to deliver any meter or other appliance loaned to him by the department for the purpose of furnishing water through the meter and registering the quantity thereof.

4. The presence at any time on or about any meter, water lines or mains of the town, whether such meter, if any, is owned or operated by the town or others, of a pipe or any other device which diverts water or prevents the free passage and registration of water or results in the taking of any water except through a meter shall constitute prima facie evidence on the part of the person owning or having custody or control of the premises where such device or pipe is located of the knowledge of the existence thereof and the knowledge of such existence by the person who would benefit by the failure of the water to be accurately metered, and shall further constitute prima facie evidence of intention on the part of such person to violate this section.

6-3-29 UNAUTHORIZED WATER TAPS OR CONNECTIONS. It shall be unlawful for any person other than an authorized employee of the department to tap a water line or main of the town.

6-3-30 UNAUTHORIZED SERVICE LINE EXTENSIONS. After water lines are introduced into a building or upon any premises, the lines shall not be extended by any plumber or any other person to any other building or premises.

6-3-31 NEGLIGENT DAMAGE TO, TAMPERING WITH OR TRESPASSING UPON WATER WORKS AND AUTOMATED ELECTRONIC METERS. It shall be unlawful for any person, individually or in association with others, to willfully break, injure or tamper with any part of the water systems of the city, or to trespass inside the fenced enclosure of any city-owned water department facility or in any other manner to interfere with or prevent the operation of such systems and the water supply therefore, or any portion thereof.

6-3-32 NOTICE OF TERMINATION OF WATER SERVICE. Whenever the department is authorized under any section of this chapter to terminate or disconnect water service, notice thereof shall be given in accordance with written rules and regulations established by town policy.

6-3-33 TERMINATION OF WATER SERVICE FOR VIOLATIONS OF STATE PLUMBING CODE. In the event any building, facility or connection is found to be in violation of any provision of the Iowa State Plumbing Code, 2016 Edition, incorporated by reference into this Code by the provisions of section 22-26 (or such later edition as may be specified by said section), in addition to other penalties or sanctions which may be applicable, the city may suspend or terminate water service to said building, facility or connection until the violation is corrected.

6-3-34 TAMPERING WITH FIRE HYDRANTS, WATER VALVES, ELECTRONIC AUTOMATED METER AND CURB STOPS: No person other than an authorized employee of the Water Department, and for the purpose of said department, or an employee of the Fire Department, and for the purpose of said department, or any other person bearing a permit from the Mayor for a specified time and purpose, SHALL:

1. Unscrew and remove and cap from any fire hydrant;
2. Open or close or tamper with any fire hydrant;

3. Open or close any fire hydrant with any other tool or appliance other than a special five (5) sided wrench which fits the operating nut of the hydrant;
4. Introduce any foreign matter into any fire hydrant;
5. Mutilate or destroy or remove any part of a fire hydrant;
6. Waste water;
7. Open or close or tamper with any water valve whatever on any water main or street pipe line;
8. Open or close or tamper with any corporation cock or curb stop laid or operated by the Water Department.
9. Tamper with electronic components of the automated electronic water meter servicing any building and or structure.

(Amended during 2018 codification)

6-3-20 VIOLATION-PENALTY. Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding five-hundred dollars (\$500).

(Ord. 771, Passed June 5, 2006)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 4 UTILITIES – PRIVATE WELLS AND WATER SYSTEMS

6-4-1	Required Conditions	6-4-6	Health and Safety Standards: Right of Inspection
6-4-2	Permit for New Well	6-4-7	Permit Fees
6-4-3	Annual Renewal of Permit	6-4-8	Termination and Abandonment
6-4-4	Nonrenewal of Annual Permit		
6-4-5	Revocation of Permit		

6-4-1 **REQUIRED CONDITIONS.** Except as hereinafter provided, private wells and water systems shall not be maintained by any individual or property owner, nor shall any new wells be established within the City limits. Private wells and water systems shall be allowed only if one or more of the following conditions are established by the applicant to the satisfaction of the City:

1. **Existing Well.** The well or water system was in existence prior to April 1, 2003, and duly registered with the City, which registration specified the location of the well, by address and legal description, the name and address of the property owner of the well, the name and address of all individuals using the well, and the address and legal description of all properties serviced by the well.

2. **Location.** If no part of the tract of ground from which a private well or water system is proposed is within 300 feet of a City water main.

3. **Undue Hardship.** If the property owner or individual applying for a private well permit can show that denying the permit and not allowing the private well or water system will cause the individual or property owner undue hardship. Undue hardship in this case means that the particular tract of land is so topographically situated that connection to the City water main system would be unfeasible and that the particular conditions causing the unfeasibility of the connection are in no way caused or contributed to by the property owner or permit applicant. The Council shall rule on all questions of undue hardship and their decision shall be fixed.

4. **Shallow Well.** A shallow well, sometimes known as a “sand point” will not be allowed.

6-4-2 **PERMIT FOR NEW WELL.** All individuals who desire to construct or maintain a new private well or water system within the City must first make application to the Clerk for a private well permit. The Council shall establish the contents of the permit application by resolution. No permit for new well or water system shall be granted unless one or of the required conditions under Section **REQUIRED CONDITIONS** are established and the well meets all applicable City, County, State and Federal rules, regulations and laws.

6-4-3 ANNUAL RENEWAL OF PERMIT. Every well, including existing wells and future wells, shall be tested annually, and results of the tests filed with the Clerk. An individual well owner may cause to have a sample of the well water taken to the nearest authorized testing agency for testing, and a copy of such test results shall be filed with the Clerk. Every well shall be tested annually during the month of September of each year, and the test results shall be filed with the Clerk on or before the first day of October of each year. If a well owner fails to comply with this annual test requirement, the Clerk shall send a notice to the well owner at the last known address, advising the well owner no annual test results have been filed with the Clerk. The notice shall further specify that if the well owner does not properly test the well and file the test results with the Clerk within sixty (60) days after the date of the mailing of the notice, the City shall declare the well abandoned, and the owner shall forthwith terminate use of the well as required under Section TERMINATION AND ABANDONMENT of this chapter. In the event a well owner has timely filed the annual test results with the Clerk or timely filed test results after notice and the test results show compliance with all applicable health and safety standards as required by appropriate City, County, State and Federal rules, regulations and laws, the Clerk shall renew the original permit for an additional one-year period.

6-4-4 NONRENEWAL OF ANNUAL PERMIT. In the event a well owner received annual test results that indicate lack of compliance with appropriate City, County, State and Federal rules, regulations and laws, the well owner shall immediately advise the City of the test results and immediately correct the problems and bring the well up to applicable standards. The well owner shall have an additional ninety (90) days after January 1 of each year to correct any problems shown by the annual test. If applicable standards cannot be met or if the problems are not timely corrected, no renewal permit shall be issued and the well owner shall forthwith terminate use of the wells as required under Section – TERMINATION AND ABANDONMENT.

6-4-5 REVOCATION OF PERMIT. If at any time it is determined that a private well or water system does not meet applicable City, County, State and Federal rules, regulations or laws, the permit issued pursuant to this chapter shall automatically terminate without further notice to the well owner. The well owner shall have ninety (90) days to correct the problems so that applicable standards are met. In the event applicable standards cannot be met, the well shall be abandoned and the well owner shall forthwith terminate use of the well as required by Section – TERMINATION AND ABANDONMENT. In the event a private well or water system is not used for any consecutive nine-month period of time, then at the expiration of the current private well permit period, the permit shall not be renewed unless the well owner shows good cause for the non-use and all provisions of this chapter for a new well are complied with.

6-4-6 HEALTH AND SAFETY STANDARDS: RIGHT OF INSPECTION. All private wells and private water systems for which permits are granted pursuant to this chapter shall meet all applicable City, County, State and Federal rules, regulations and laws. All permit holders, as a condition of receiving a permit, grant to the City the right to enter the well owner's property solely to inspect and test any private well and water system maintained upon the permit holder's property. In the event the private well or water system so inspection and tested by the City does not meet applicable standards, the City shall notify the well owner in writing of the failure to meet applicable standards. The well owner shall have ninety (90) days from the date of the

mailing the notice to correct the problems. If the owner fails to timely correct the problems, the permit issued pursuant to this chapter shall terminate without further notice to the well owner, and the well owner shall forthwith terminate use of the well as required under Section TERMINATION AND ABANDONMENT. In the event a private well or water system cannot be brought up to applicable standards in the timely period allowed herein, and the well owner is not otherwise connected to the City's water system, the well owner shall connect to the City water system within 180 days in accordance with this Code and Ordinances.

6-4-7 PERMIT FEES. The following fee schedule applies to permits for an existing well.

1. Initial Permit. No fee is charged for the initial registration permit for an existing well.

2. Annual Renewal Permit. There is no fee for each annual renewal permit, provided the well owner does the test at the owner's own expense. In the event a well owner fails to have the well tested as required pursuant to this chapter and the City makes the test, the costs of testing shall be charged to the well owner, and the well owner shall pay an annual permit fee of ten dollars (\$10.00).

3. Permit Fees for New Wells. Any person desiring to install a new well or water system shall make application to the Clerk for a permit, and prior to start of construction shall pay the following permit fees:

a. For a new well to be used for a supply of potable water, a fee of \$10.00; and in addition, the well owner shall file with the Clerk a certificate from a State authorized laboratory that a State bacteriological test has been made on the water and the water supply is potable.

b. All permit fees shall be paid to the Clerk at the time of the application is filed. In the event the permit is not granted, the application fee shall be returned to the applicant.

6-4-8 TERMINATION AND ABANDONMENT. In the event any private well or water system is no longer being used due to failure to comply with applicable standards, the well owner's connection to the City water system, or other reasons, the well owner or property owner shall cut off the service mains to the well and the well abandoned in such manner as to preclude its further use. The termination of use shall be done by the owner in accordance with the standards and guidelines of the Iowa Department of Natural Resources.

(Ord. 761, Passed May 5, 2003)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 5 UTILITIES - REFUSE COLLECTION

6-5-1	Definitions	6-5-6	Necessity of Permits
6-5-2	Duty to Provide Cans	6-5-7	Burning of Refuse
6-5-3	Administration	6-5-8	Refuse Other Than Garbage
6-5-4	Storage	6-5-9	Sanitary Landfill
6-5-5	Collections	6-5-10	Anti-Scavenging

6-5-1 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.
- e. No barrels, totes, or other containers not primarily used for garbage or rubbish.

6-5-2 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. 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.

6-5-3 ADMINISTRATION. Administration of this chapter shall be by the City Council, or such employee designated by the Superintendent.

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

6-5-4 STORAGE. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

6-5-5 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

6-5-6 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.

6-5-7 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. This Section shall apply to all solid waste as defined by the Iowa Department of Natural Resources and shall specifically include all wastepaper, boxes, building materials, yard waste, tree stumps, and all other materials other than conventional materials used as fuels for a furnace or boiler.

(Ord. 774, Passed July 10, 2006)

2. This section shall not apply to any incinerator operated under a license granted by the Iowa Department of Natural Resources nor to any burning conducted under the direction of the fire department for training purposes.

(Ord. 774, Passed July 10, 2006)

3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels or a campfire whereby the fire must be no larger than 36' in diameter.

(Ord. 774, Passed July 10, 2006)

4. Enforcement. Initial violators of this code will first be given a written warning about the regulations and asked to cease any open burning immediately. Any subsequent violation hereof shall be deemed to be a municipal infraction and shall be subject to a \$100 fine.

5. Burn Pit/Fire Ring. No larger than 36" in diameter and no more than one per property.

(Amended during 2018 codification)

6-5-8 REFUSE OTHER THAN GARBAGE. 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.

6-5-9 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.

6-5-10 ANTI-SCAVENGING. It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

(ECIA Model Code Amended in 2017)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 6 UTILITIES - BILLING CHARGES

6-6-1	Utility Defined	6-6-8	Rate of Water Rent
6-6-2	Districts	6-6-9	Refuse Collection Rates
6-6-3	Disposition of Fees and Charges	6-6-10	Rate of Sewer Rent and Manner of Payment
6-6-4	Billing, Penalty	6-6-11	Determination and Payment of Sewer Rent From Premises With Private Water Systems
6-6-5	Discontinuing Services, Fees		
6-6-6	Residential Rental Property		
6-6-7	Customer Guarantee Deposits		

6-6-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-6-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Lowden, Iowa.

6-6-3 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.

6-6-4 BILLING, PENALTY. Bills for water for building and construction purposes shall be due and payable on demand. Water measured by meter shall be due and payable 15 days from date of bill. When a water bill is not paid within 15 days it becomes delinquent and a 10% (ten percent) penalty will be added to the delinquent water bill. When a water bill is delinquent a second notice shall be mailed by ordinary mail setting forth the amount due including penalty and the date due. **Along with the 10% penalty, if anyone is considered delinquent by the city, there will be an extra \$25.00 fee whether the water is turned off or not.** An opportunity for hearing will be given to all customers facing shut-off. The hearing officer shall be the mayor or city clerk. The hearing shall be held within two business days of the request. The decision of the hearing officer is final.

(Ord. 718, Passed September 14, 1992)

(Ord. 728, Passed December 8, 1994)

(Ord. 808, Passed January 5, 2015)

6-6-5 DISCONTINUING SERVICE, FEES.

1. Whenever any rule or regulation is violated or a bill for water is not paid, the water may be shut off, and it may be cut off from the property where such violation occurred even though two or more parties receive a supply of water from such service. The water shall not be turned on again, except by written order of the clerk, and the payment of all water bills due on the service, together with a charge of \$25.00 for turning the water on during business hours, 7:00 a.m. to 3:00

p.m. Monday through Friday, or \$50.00 for turning water on during off hours or weekends, and such other terms as the council may determine. In case of violation of any rule or regulation, the council may declare forfeited any payment made for water by the person committing the violation.

2. When water has been turned off from any customer, the customer shall not turn it on, or permit it to be turned on, without a written permit from the clerk. Any person shutting off the water from any property for more than five days or for making repairs, shall report such fact, in writing, to the clerk.

3. When the water has been turned off for a voluntary disconnection, there shall be no charge for disconnection, but there shall be a \$25.00 reconnection fee during business hours, Monday through Friday, and \$50.00 for turning water on during off hours or weekends.

(Ord. 787, Passed December 7, 2009)

#### 6-6-6 RESIDENTIAL RENTAL PROPERTY.

1. 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.

2. 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.

3. 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 ten 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))

(ECIA Model Code Amended in 2012)

(ECIA Model Code Amended in 2020)

6-6-7 CUSTOMER GUARANTEE DEPOSITS. Prior to the Clerk giving written permission to turn the water on to any premises, the property owner shall deposit with the clerk two hundred dollars (\$200.00) and a renter of a premises shall deposit two hundred and fifty dollars (\$250.00). A deposit paid by a property owner may be returned to a property owner after 18 months if the water bills have been regularly paid when billed. A renter of a property will receive any remaining balance of deposit upon move out, once their final bill is settled with the City of Lowden. Should a current resident move to a different property within the city after a two-year period, a new customer deposit will be required. Should a resident move to another property within Lowden prior to the two-year period, the customer deposit will be transferred to the new property. No interest will be paid on Customer Deposits.

(Ord. 745, Passed April 3, 2000)

(Ord. 818, Passed July 1, 2019)

(Ord. 821, Passed February 3, 2020)

6-6-8 RATE OF WATER RENT. There shall be a minimum fee of \$8.50 for 0-1000 gallons of water used, and \$8.50 per thousand for all usage over 1,000 gallons for water services attributable to the customer for the property served effective September 1, 2021, but in no event shall the monthly charge be less than seventeen dollars and 00 cents \$17.00.

2022 Rate: \$8.76 for 0-1000 gallons of water used and \$8.76 per thousand for all usage over 1,000 gallons for water services attributable to the customer for the property served effective September 1, 2021, but in no event shall the monthly charge be less than seventeen dollars and fifty-two cents. \$17.52.

2023 Rate: \$9.03 for 0-1000 gallons of water used and \$9.03 per thousand for all usage over 1,000 gallons for water services attributable to the customer for the property served effective September 1, 2021, but in no event shall the monthly charge be less than eighteen dollars and six cents \$18.06.

Bulk water sales outside of City limits 2021 Rate -\$17.00 0-1000 gallons of water used and \$17.00 per thousand for all usage over 1000 gallons.

Bulk water sales outside of City limits 2022 Rate: \$17.52 0-1000 gallons of water used and \$17.52 per thousand for all usage over 1000 gallons.

Bulk water sales outside of City limits 2023 Rate: \$18.06 for 0-1000 gallons of water used and \$18.06 per thousand for all usage over 1000 gallons.

Water Meter Fee. There shall be a minimum fee of \$1.30 per month Water Meter fee for all metered customers.

(Code of Iowa, Sec. 384.84(1))

(Ord. 714, Passed August 5, 1991)

(Ord. 716, Passed March 2, 1992)

(Ord. 743, Passed October 4, 1999)

(Ord. 757, Passed October 7, 2002)

(Ord. 773, Passed April 3, 2006)

(Ord. 794, Passed May 2, 2011)  
(Ord. 800, Passed October 1, 2012)  
(Ord. 811, Passed April 3, 2017)  
(Ord. 814, Passed August 6, 2018)  
(Ord. 827, Passed July 6, 2021)

6-6-9 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residential Fee. There is imposed a fee of \$12.21 (twelve dollars and twenty-one cents) per month upon each Family Unit in the city for the providing of refuse collection service to the family unit. The fact that the service may not be used by the family unit, although available, shall not relieve said family unit from payment of the fee imposed because the availability of the service to the family unit shall be deemed sufficient consideration for the fee.

2. Bulk and Excess Refuse Fees. Bulk items such as furniture, mattresses, box springs, toys etc., which cannot be bagged, containerized or bundled for normal solid waste collection are considered bulk refuse. Decisions as to whether any material is acceptable or not is at the sole discretion of Public Works. No hazardous waste materials or yard waste will be accepted. There will be an imposed fee of \$7.00 - \$75.00 to each Family, Commercial or Rural customer for all bulk items. This fee will be based on the size of the item and or quantity. Excessive quantities of refuse picked up at any property or business may be subject to additional fees of up to \$100.00. Public Works will assign costs at the time of pick-up and payment request will be reflected on the following month's utility bill or by invoice.

3. Commercial Unit I Fee. There is imposed a fee of \$19.07 (nineteen dollars and 7 cents) per month upon each Commercial Unit I in the city for the providing of refuse collection. The fact that the service may not be used by the commercial unit, although available, shall not relieve said commercial unit from payment of the fee imposed because the availability of the service to the commercial unit shall be deemed sufficient consideration for the fee.

3. Commercial Unit II Fee. There is imposed a fee of \$38.11 (thirty-eight dollars and 11 cents) per month upon each Commercial Unit II in the city for the providing of refuse collection. The fact that the service may not be used by the commercial unit, although available, shall not relieve said commercial unit from payment of the fee imposed because the availability of the service to the commercial unit shall be deemed sufficient consideration for the fee.

4. Commercial Unit III Fee. There is imposed a fee of \$75.72 (seventy-five dollars and 72 cents) per month upon each Commercial Unit III in the city for the providing of refuse collection. The fact that the service may not be used by the commercial unit, although available, shall not relieve said commercial unit from payment of the fee imposed because the availability of the service to the commercial unit shall be deemed sufficient consideration for the fee.

5. Commercial Unit IV Fee. There is imposed a fee of \$113.30 (one-hundred and thirteen dollars and 30 cents) per month upon each Commercial Unit IV in the city for the providing of

refuse collection. The fact that the service may not be used by the commercial unit, although available, shall not relieve said commercial unit from payment of the fee imposed because the availability of the service to the commercial unit shall be deemed sufficient consideration for the fee.

6. More than one Business Owned. If two or more places of business are owned by the same individual, partnership, corporation or other entity in of the city, the City Council by resolution may provide that no fee shall be charged to a place of business or commerce so owned if refuse is not actually collected there from.

7. Rural Fee. There is imposed a fee of \$27.82 (twenty-seven dollars and 82 cents) per month upon each rural customer using the refuse collection services provided by the city. Refuse from rural units must be brought to a designated place within the city limits and each monthly utility bill must be settled in full by the due date to avoid discontinuation of service.

8. Temporary Dumpster Rental Fee: City Dumpsters are available for rental at a rate of \$15.00 each week. A weekly rental is Thursday through Wednesday. Dumpster rentals beyond one (1) month require additional approval of Public Works. Damage to City dumpsters other than normal wear and tear will be the sole responsibility of the customer. The customer accepts all risk and liability for the dumpster while on his/her property, including any illegal dumping. No liquid, motor oil, hazardous, electronic, batteries, toxic materials, animal carcasses, explosives or any other illegal items listed by City, State or Federal agencies are permitted in City Dumpsters. Billing will occur on utility bills or invoices.

9. Method of Payment. All bills for refuse collection shall be due and payable monthly. Monthly billing fees will be indicated on a utility bill or city invoice. If all fees are not paid within 15 days from the date of the bill, a 10% (ten percent) penalty will be added to the account. When a garbage bill is delinquent, a second notice is mailed by ordinary mail setting forth the amount due including penalty and the due date. Along with the 10% penalty, if anyone is considered delinquent by the City, there will be an additional \$25.00 delinquent list fee applied to any account not settled in full by the last date indicated in the final notice. Failure to bring an account back in to good standing will result in a lien being placed on a property, individual or business. An opportunity for a hearing will be given to all customers where a lien is being placed. The decision of the hearing officer will be final.

10. Scheduled Rate Increase. Beginning September 1, 2022 - September 1, 2024 a 2 (two percent) increase each year shall apply to refuse collection fees.

2022 Rates: Residential - \$12.46, Commercial - \$19.46, Commercial II - \$38.88, Commercial III - \$77.24, Commercial IV - \$115.57. Rural - \$28.37. Dumpster Fee - \$15.30.

2023 Rates: Residential - \$12.71, Commercial - \$19.85, Commercial II - \$39.66, Commercial III - \$78.79, Commercial IV - \$117.89. Rural - \$28.94. Dumpster Fee - \$15.61.

2024 Rates: Residential - \$12.97, Commercial - \$20.25, Commercial II - \$40.46, Commercial III - \$80.37, Commercial IV - \$120.25. Rural - \$29.52. Dumpster Fee - \$15.95.

(Ord. 725, Passed March 7, 1994)  
(Ord. 736, Passed May 5, 1997)  
(Ord. 759, Passed October 7, 2002)  
(Ord. 789, Passed February 1, 2010)  
(Ord. 793, Passed March 7, 2011)  
(Ord. 801, Passed June 3, 2013)  
(Ord. 813, Passed August 6, 2018)  
(Ord. 826, Passed July 6, 2021)

6-6-10 RATE OF SEWER RENT AND MANNER OF PAYMENT. Each Residential, Commercial, Industrial, Multi-Family unit shall pay a monthly Sewer Connection Project Fee of thirty-five dollars (\$35.00) per month. There shall be a minimum fee of \$13.66 for 0 - 1000 per thousand gallons of metered sewage used and \$13.66 for all usage over 1000 gallons of metered sewage attributable to the customer for the property served effective September 1, 2023, but in no event shall the monthly charge be less than twenty-seven dollars and thirty-two cents- \$27.32. There shall be a minimum fee of \$14.06 for 0 - 1000 per thousand gallons of metered sewage used and \$14.06 for all usage over 1000 gallons of metered sewage attributable to the customer for the property served effective September 1, 2024, but in no event shall the monthly charge be less than twenty-eight dollars and twelve cents \$28.12. There shall be a minimum fee of \$14.49 for 0 - 1000 per thousand gallons of metered sewage used and \$14.49 for all usage over 1000 gallons of metered sewage attributable to the customer for the property served effective September 1, 2025, but in no event shall the monthly charge be less than twenty-eight dollars and 98 cents \$28.98.

(Ord. 819, Passed July 1, 2019)  
(Ord. 722, Passed July 12, 1993)  
(Ord. 730, Passed November 6, 1995)  
(Ord. 735, Passed August 5, 1996)  
(Ord. 758, Passed October 7, 2002)  
(Ord. 772, Passed April 3, 2006)  
(Ord. 800, Passed October 1, 2012)  
(Ord. 811, Passed April 3, 2017)  
(Ord. 813, Passed August 6, 2018)  
(Ord. 814, Passed August 6, 2018)  
(Ord. 817, Passed July 1, 2019)  
(Ord. 819, Passed July 11, 2019)  
(Ord. 825, Passed July 6 15, 2021)  
(Ord. 834, Passed July 3, 2023)

The City will offer a one-time only per year partial sewer reduction for swimming pool fills. The pool must take a minimum of 1500 gallons to be eligible and no wading pools. The City of Lowden's Fire Department does not offer pools fills.

(Amended during 2018 codification)

6-6-11 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 6-6-10 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 6-6-10.

(Code of Iowa, Sec. 384.84(1))

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 7 STREET CUTS AND EXCAVATIONS

6-7-1	Excavation Permit Required	6-7-4	Safety Measures
6-7-2	Application for Permit	6-7-5	Backfilling and Restoration
6-7-3	Permit Fees	6-7-6	Rules and Regulations

6-7-1 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))

6-7-2 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.

6-7-3 PERMIT FEES. The permit fee shall be fifty dollars (\$50.00) 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 fifty dollars (\$50.00) 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.

6-7-4 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 Sheriff 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.

6-7-5 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 City Council is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-7-6 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 VI PHYSICAL ENVIRONMENT

### CHAPTER 8 SUBDIVISION REGULATIONS

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#### GENERAL PROVISIONS

6-8-1 **SHORT TITLE.** This chapter shall be known and may be cited as "The City of Lowden, Iowa, Subdivision Control Ordinance."

6-8-2 **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 Lowden, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

6-8-3 APPLICATION. Every owner who divides any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (Ord. 635, 1980) into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City or within two (2) miles of the corporate limits of the City; shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Code of Iowa, Sec. 354.9)

6-8-4 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City of Lowden, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Ordinance.

Upon the approval of the final plat by the governing body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

## DEFINITIONS

6-8-5 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 Lowden, 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 (date of original Subdivision Ordinance).

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 Lowden, 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 (Ord. 635, 1980) 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

6-8-6 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.

6-8-7 INSPECTION. All improvements shall be inspected 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.

6-8-8 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 Director of public works.

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 Director of public works.

6-8-9 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 Director of public works shall report that said improvements meet all City specifications and Ordinances or other City requirements, and the agreements between subdivider and the City.

6-8-10 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.

6-8-11 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.

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

6-8-12 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.

6-8-13 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.

6-8-14 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.

6-8-15 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.

6-8-16 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.

6-8-17 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)

6-8-18 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.

6-8-19 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.

6-8-20 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 Lowden, 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)

6-8-21 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.

6-8-22 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.

6-8-23 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 6-8-18.

(Code of Iowa, Sec. 354.8 and 355.8)

6-8-24 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.

6-8-25 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.

6-8-26 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 6-8-23 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 Cedar, 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

6-8-27 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.

6-8-28 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 as defined by the zoning or restricted residence district Ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

#### 6-8-29 EXTRATERRITORIAL REVIEW AGREEMENT.

The City of Lowden shall apply the same standards and conditions for review and approval of a subdivision in the extraterritorial review area as established in Section 6-7-3 of the City of Lowden Municipal Code.

The City of Lowden may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of the subdivision in the extraterritorial area. Such resolution shall be certified and recorded with the plat.

Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions with the City unless waived by the Governing Body.

(Code of Iowa, Sec. 354.8 and 354.9)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 9 SIDEWALK REGULATIONS

6-9-1	Purpose	6-9-11	Failure to Obtain Permit; Remedies
6-9-2	Definitions	6-9-12	Inspection and Approval
6-9-3	Cleaning Snow, Ice, and Accumulations	6-9-13	Barricades and Warning Lights
6-9-4	Maintenance Responsibility	6-9-14	Interference with Sidewalk Improvements
6-9-5	Liability of Abutting Owner	6-9-15	Special Assessments for Construction and Repair
6-9-6	Ordering Sidewalk Improvements	6-9-16	Notice of Assessment for Repair or Cleaning Costs
6-9-7	Repairing Defective Sidewalks	6-9-17	Hearing and Assessment
6-9-8	Notice of Inability to Repair or Barricade	6-9-18	Billing and Certifying to County
6-9-9	Standard Sidewalk Specifications	6-9-19	ADAAG Compliance
6-9-10	Permits for Construction or Removal		

6-9-1 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.

6-9-2 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.

6-9-3 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 or designee may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor or designee 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, the owners shall be sent a bill for service.

(Code of Iowa, Sec. 364.12(2b) and (2e))  
(Amended during 2018 codification)

6-9-4 MAINTENANCE RESPONSIBILITY. 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))

6-9-5 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)

6-9-6 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.

6-9-7 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 or designee shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor or designee 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))

6-9-8 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.

6-9-9 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 the Director of Public Works.

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 the Director of Public Works 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 Director of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-9-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City. 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 Director of Public Works. All such permits shall be issued for **\$10.00** 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. **All work shall be completed 90 calendar days from the date of commencement stated in the application.** All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Clerk 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.

(Ord. 726, Passed March 7, 1994)

(Ord. 805, Passed May 5, 2014)

6-9-11 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 or designee 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 or designee shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-9-12 INSPECTION AND APPROVAL. Upon final completion, the Director of Public Works 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 Director of Public Works shall indicate this on both copies of the permit.

6-9-13 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.

6-9-14 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.

6-9-15 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)

6-9-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor or designee 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)

6-9-17 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)

6-9-18 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)

6-9-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 10 BUILDING REGULATIONS AND PERMITS

6-10-1	Permit Required		of Fences
6-10-2	Survey Required	6-10-8	Inspection
6-10-3	Inappropriate Building Materials	6-10-9	Plans and Specifications –
6-10-3A	Portable Buildings		Variations
6-10-3B	Solar Energy Systems	6-10-10	Enforcement
6-10-4	Permit – Application and Fee	6-10-11	Specifications
6-10-5	Permit—Application—Approval of Plans	6-10-12	Exceptions
6-10-6	Special Flood Hazard Area Provision	6-10-13	Violation—Penalty
6-10-7	Regulations for the Construction		

6-10-1 PERMIT REQUIRED. It is unlawful to construct or alter any building or structure in the City, including fences, without first securing a permit therefore.

6-10-2 SURVEY REQUIRED. The applicant shall be required to submit a plot survey by a professional, certified surveyor, registered in the State of Iowa, indicating the position the structure occupies within the legal property lines and revealing the boundaries of the property.  
(Amended during 2018 codification)

6-10-3 INAPPROPRIATE BUILDING MATERIALS. The following are considered inappropriate building materials and shall not be used when constructing or rehabilitating structures in the City of Lowden:

1. Using mismatched shingles of different sizes/colors – must be similar size or color.
2. Using windows and doors as walls.
3. Damaged lumber, junk, trash, debris, flammable materials, scrap metal, salvage, tires, pallets or similar materials.
4. Use of materials for other than the designed purpose.
5. Any other materials not listed above the City Council may deem inappropriate.  
(Ord. 830, Passed March 7, 2022)

6-10-3A PORTABLE BUILDINGS. Carports, tents, cabins, homes built on a trailer or similar type buildings are not permitted. Garden shed's with measurements up to 12 length x 12 width x 12 height to the peak will be permitted. Garden sheds must be 8ft. from any property line. Structure

must be anchored on all four sides. A portable building means any small, compact structure mounted on skids or otherwise constructed so that it can be readily moved from one location to another without change in structure or design, with the exception of the foundation or method of support. Garden shed's will be unoccupied with the primary use as storage. A permit, sketch and pre-approval by city council is required before installation. Permanent foundation added to a garden shed will require a land survey. Buildings poorly maintained and deemed a nuisance by the city will be required to be removed at owner's expense.

(Ord. 830, Passed March 7, 2022)

6-10-3B SOLAR ENERGY SYSTEMS. The purpose of this chapter is to provide regulations for construction, installation, and operation of solar energy systems within the city limits of the City of Lowden.

1. Definitions.

a. Principal Structure: The main structure or building on a lot or parcel.

b. Accessory Structure: A structure which is on the same lot or parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

c. Ground-Mounted Solar Energy System: Solar energy system that is free standing, directly installed to the ground, and is not supported by any building, accessory, or dwelling. For the purposes of this chapter, solar powered lights used to illuminate exterior areas shall not be included in this definition.

d. Roof-Mounted Solar Energy System: A solar energy system mounted directly abutting the roof or as modules fixed to frames which can be tilted for optimal angle.

e. Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation or water heating.

2. Permit Process. All owners of property within City limits shall acquire a building permit from the City of Lowden. Solar installation must be from a licensed and bonded solar installer. Those failing to acquire a building permit are subject to fines as noted in the code of ordinances. Roof-mounted Solar Energy Systems need only an approved building permit as long as all requirements are met. Ground-Mounted Solar Energy Systems are not permitted within the city limits of Lowden.

3. Solar Energy System Requirements.

a. Height: Roof-mounted solar energy systems in residential applications shall not be higher than 10 inches above the roof at any point.

b. Easements: Solar energy systems shall not encroach on any platted public easement.

c. Aesthetics: All solar energy systems shall use colors that blend with the surrounding settings. Reflection angles from collector surfaces shall be oriented away from neighboring windows.

d. Compliance with Federal Regulations: Solar energy systems must comply with applicable State and Federal regulations.

e. Safety: Feeder lines, Utility connects, and any other feature shall have appropriate markings, warnings, and safety features to prevent harm to persons, wildlife, or personal property.

g. General Requirements on Operation: The owner of a solar energy system shall defend, indemnify, and hold harmless the City of Lowden and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the actions or omissions of the operator or the operator's contractors concerning the construction or operation of the solar energy without limitation, whether said liability is premised on contract or tort. Submittal for a building permit for a solar energy system shall constitute agreement to defend, indemnify, and hold harmless the City of Lowden and its officials.

(Ord. 831, Passed October 17, 2022)

6-10-4 PERMIT – APPLICATION AND FEES. Application for such permits shall be made to the city clerk, and shall be accompanied by plans and specifications in duplicate showing the work along with permit fee. Permit fees are non-refundable.

(Ord. 830, Passed March 7, 2022)

Sheds*, decks, sidewalks, fences, or curb and gutter.....	Ten dollars (\$10.00)
Garage, storage unit, or house addition.....	Twenty-Five dollars (\$25.00)
House/Multi Residential Building/Commercial Building.....	One-Hundred dollars (\$100.00)
Water Hook-up .....	Five dollars (\$5.00)
Sewer Permit Fee .....	One dollar (\$1.00)
Sewer Hook-up fee .....	Residential - One hundred seventy-five dollars (\$175.00)
.....	Commercial – Three hundred dollars (\$300.00)
Sewer Frontage Assessment.....	Fifteen dollars (\$15.00) per frontage foot
Water Meter.....	At cost

The permit for work on sheds, decks, sidewalks, fences, and curb and gutter shall expire ninety (90) calendar days from the date of commencement stated in the application for permit. The permit for work on a garage, house addition, or house shall expire one year from the date of commencement stated in the application for permit.

(Ord. 806, Passed May 5, 2014)

\*All sheds are required to be on a permanent foundation.

6-10-5 PERMIT—APPLICATION—APPROVAL OF PLANS. Such applications with plans shall be referred to the city council, who shall examine the same to determine whether the proposed construction or alteration will comply with the ordinance provisions relative thereto. Upon approval, one set of plans shall be returned to the applicant with a permit, and the other shall be retained by the city council. No permit shall be issued until after approval of the plans.

6-10-6 SPECIAL FLOOD HAZARD AREA PROVISION. If a proposed building site is in a location that has a flood hazard as delineated by the Department of Housing and Urban Development "Special Flood Hazard Areas" map, any proposed new construction or substantial improvement (including pre-fabricated and mobile homes) must:

1. Be designed, or modified, and anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Use construction materials and utility equipment that are resistant to flood damage;
3. Use construction methods and practices that will minimize flood damage.

6-10-7 REGULATIONS FOR THE CONSTRUCTION OF FENCES. The following regulations shall apply to the construction of fences.

1. Permit. A permit for a fence is required from the City Council as provided for in Section 6-10-1 "Permit Required". Also, in addition to the provisions of Section 6-10-4 "Permit – Application and Fees", all applications shall require a lot survey to establish lot lines or show proof of survey pins on property.

2. Front Yard. No privacy fences shall be allowed in front yards. Decorative fences can be up to four feet (4') but not be in the sight triangle.

3. Height. Fences or other similar structure, wall, or hedge can be erected up to a height of six feet (6'), except as provided for in 6-10-4 (2).

4. Corner Lots. The side yard adjacent to the street shall be set back ten feet (10') from side property line.

5. Access On Corner Lots. No fences, whether wood, metal, masonry or concrete, nor other obstruction including shrubbery (hedges, trees, bushes) nor any combination of materials, shall be erected or maintained which blocks the access from a front yard through both sides to the rear yard, unless a gate approved by the City Council is installed on at least one side.

6. Materials. Fences shall be constructed of wood, chain-link, PVC/resin, stone and wrought iron or masonry materials only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

7. Retaining Wall. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the separating lots, such retaining walls may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at that location if no retaining wall existed. In no event shall the combination of wall and fence exceed six feet (6').

8. Maintenance. All fences and retaining walls must be maintained in a state of good repair. Hedges and bushes must be kept trimmed and maintained not to exceed height of fence as provided for in Sections 6-10-7 (2) and 6-10-7 (3).

9. Location. All fences, walls or hedges shall be erected entirely within the property lines of the property they are intending to serve provided that the fences, walls or hedges shall conform with the provisions of Section 6-10-7 (4).

10. Exceptions. Fences required by state law to surround or enclose public utilities, public schools or other public buildings are exempt from this Ordinance. Fences for uses such as tennis or sports courts may be a maximum of fifteen feet (15') high if the fence meets all of the required setbacks for an accessory building, as provided for in the Zoning Ordinance.

11. Fence Posts. Fence posts shall be placed on the inside of the fence (side facing installer), unless fencing is installed on both sides of post, eliminating a front or back look.

12. Sight Triangle Area. The Sight Triangle Area is defined as that portion of a corner lot lying within a triangle area formed by measuring back along the property lines adjacent to the intersecting streets to a point on each property line twenty feet (20') from the intersection of said property lines and then connecting the two (2) points thus establishing a third line.

13. Fence Height: Obstruction of View. It shall be unlawful for the owner, occupant or person in control of any corner lot in the City to erect, maintain or permit to grow any obstruction to the view of drivers of motor vehicles over a height of three feet (3') and all trees shall be trimmed so that no foliage hangs down closer than seven feet (7') to the ground within the "sight triangle area" of said lot.

14. Swimming Pools. All residential swimming pools will be required to have fencing as required by Iowa Code section 641.15.4(5)(1). The set back from the fence line will be four (4') feet.

15. Penalty. A violation of these regulations shall be enforced under the provisions of Section I, Title III, "General Penalty" of this Code.

16. Minimum set back is twenty-four (24") inches from property line.

6-10-8 INSPECTION.

1. The building inspector shall review subdivision proposals and other proposed new developments to assure that:

- a. All such proposals are consistent with the need to minimize flood damage;
- b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.

2. The building inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

6-10-9 PLANS AND SPECIFICATIONS--VARIATIONS. It is unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended plan to the city council and approved by it.

6-10-10 ENFORCEMENT. The city council shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this chapter, and to make any tests or examinations of materials or methods to be used for the purpose of seeing that they comply with the provisions of this chapter.

6-10-11 SPECIFICATIONS. All buildings to be used for residential purposes shall have a minimum frontage of sixty feet and shall be placed on lots of no less than seven thousand five hundred square feet; and the buildings shall be in no case erected within seven and one-half feet of the side or rear lot line, nor within fifteen feet of any other buildings, nor within fifteen feet of front property line. The minimum square footage of any building to be used for residential purposes shall be 700 square feet. Only one structure per lot is allowed.

(Amended during 2018 codification)

6-10-12 EXCEPTIONS. The requirements of Section 6-10-11 shall not apply to lots existing prior to the adoption of the ordinance codified in this chapter. However, if any existing building is replaced in whole or in part, it shall not violate the specifications of Section 6-10-11 to any greater extent than the previous structure. Also, any new building or structure or addition shall comply with the requirements of Section 6-10-11 unless special permission is granted by the city council.

6-10-13 VIOLATION—PENALTY. Any person or persons violating any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction, shall be fined an amount not to exceed one hundred dollars for each day in violation.

(Ord. 781, Passed July 2, 2007)

(Ord. 783, Passed October 6, 2008)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 11 NUMBERING OF BUILDINGS

6-11-1	Buildings to be Numbered	6-11-4	Type of Numbers, Size
6-11-2	Numbering System	6-11-5	Enforcement
6-11-3	Mandatory Numbering		

6-11-1 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.

6-11-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

6-11-3 MANDATORY NUMBERING. The placing of numbers is mandatory effective 2014.

6-11-4 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.

6-11-5 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.

(Ord. 837)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 12 STREET TREES

6-12-1	Purpose	6-12-7	Dead or Diseased Trees
6-12-2	Definitions	6-12-8	Tree Topping
6-12-3	Tree Board	6-12-9	Removal of Stumps
6-12-4	Street Tree Species	6-12-10	Protection of Trees
6-12-5	Regulation	6-12-11	Emergency
6-12-6	Obstruction		

6-12-1 PURPOSE. The City acknowledges the importance of trees in beautifying and preserving the appearance of the city. It is the purpose of this Ordinance to promote and protect the public health, safety and general welfare by providing for the regulation of planting, maintenance and removal of trees, shrubs and other plants within the City of Lowden.

#### 6-12-2 DEFINITIONS.

1. "Parking" shall mean that part of the street, avenue or highway in the City of Lowden not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

2. "Property owner" shall mean a personal and private property owner in the City of Lowden as shown by County tax records and plat records of the City.

3. "Public property" shall mean any and all property located within corporate City limits and owned by the City of Lowden or held in the name of the City of Lowden by any of the departments, commissions or agencies within any of the City departments, commissions or agencies of the City of Lowden.

4. "Street tree" shall mean a tree in a public place, except where otherwise indicated. Trees located within the area known as the parking, or located between the edge of the street and sidewalk, are known as street trees.

#### 6-12-3 TREE BOARD.

1. There is hereby created and established a Tree Board for the City of Lowden, which shall consist of five members, citizens and residents of the City, who shall be appointed by the Mayor with the approval of the City Council.

2. Members of the Tree Board shall serve without compensation.

6-12-4 STREET TREE SPECIES.

1. The following trees may be planted within the parking of the City:

Medium-Size Tree

Crabapple (Columnars only)  
Little Leaf Linden  
Redmond Linden

Large-Size Tree

White Oak  
Red Oak  
Black Oak  
Swamp White Oak  
Pin Oak  
Basswood  
Sycamore  
Hackberry  
Hard Maples

2. No tree species other than those listed above may be planted as street trees without written permission of the Tree Board. No conifers or evergreens may be planted in the parking of any City street. The above list of tree species may be amended from time to time as the City deems it necessary. As of November 5, 2018, no new trees may be planted in the parkings (right of ways) of any City street.

(Amended during 2018 codification)

6-12-5 REGULATION.

1. All street trees planted shall have trunks not less than one-half (1/2) inch in diameter at six (6) inches above ground.
2. All street trees shall be planted in line with each other and at spacing of twenty-five (25) feet.
3. No street tree shall be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground utility wire or water or sewer line.
4. No tree shall be planted within fifteen (15) lateral feet from corners or intersections.
5. All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of fifteen (15) feet above the surface of the street and 8 (eight) feet above the surface of the sidewalk.
6. All trees planted on private property shall be planted a minimum of five (5) feet from adjacent properties, based on the known surveyed property line, and all utilities must be located before planting.

6-12-6 OBSTRUCTION.

1. It shall be the duty of any person or persons owning or occupying real property bordering any street upon which property there may be trees to prune such trees in a manner that they will

not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be (8) eight feet over sidewalks and fourteen (14) feet over all streets.

2. The pruning of trees in the public right-of-way is the responsibility of the abutting property owners. If the abutting property owner fails to trim the trees as required herein, the City may serve notice on the abutting property owner requiring that such action be taken within thirty (30) days. If such action is not taken within that time, the City may perform the required action and assess the cost against the abutting property owner for collection in the same manner as a property tax or issue a misdemeanor criminal citation or municipal infraction citation as the City deems just.

#### 6-12-7 DEAD OR DISEASED TREES

1. The abutting property owner shall not be required to remove diseased trees or dead wood on publicly owned property, public right-of-way.

2. The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute, in the opinion of the City, a hazard to life or property or harbor insects or disease which constitutes a potential threat to citizens or other trees or shrubs within the City.

3. The City shall notify, in writing, the owners of any dead or diseased tree on private property, which the City wishes to have removed pursuant to the foregoing paragraph. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event that the owners fail to comply with such provision, after notice, the City shall have the authority to remove such trees and assess the costs against the abutting property for collection in the same manner as a property tax or issue a misdemeanor criminal citation or municipal infraction citation.

#### 6-12-8 TREE TOPPING.

1. It is prohibited, as a normal practice, for any person to top any street tree or other tree on public property. Topping is defined as the severe cutting back of limbs, to stubs larger than three (3) inches in diameter, within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree.

2. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted from this section, at the determination of the City Council.

3. Tree trimming and tree topping conducted by the employees of utility companies shall be exempt from this section.

#### 6-12-9 REMOVAL OF STUMPS.

All stumps of street trees and other trees on public property shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground.

6-12-10 PROTECTION OF TREES.

1. During development, redevelopment, razing or renovating, no more than fifty percent (50%) of the trees shall be cut, damaged or removed, except by specific permission by the Lowden City Council. No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of twenty (20) feet from any tree.

2. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow any gaseous liquid, chemical or other solid substance that is harmful to such trees to come in contact with trees; or set fire or permit fire to burn when such fire or the heat from the fire will injure any portion of the tree.

6-12-11 EMERGENCY. The Mayor may declare a state of emergency in the event of a storm, disaster, tree disease or other cause an order the removal of trees, fallen limbs or debris between the edge of the street and sidewalks at City cost and expense.

(Ord. 796, Passed June 4, 2012)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 13 FLOODPLAIN MANAGEMENT

#### STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

- 6-13-1 Statutory Authority
- 6-13-2 Findings of Fact
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- 6-13-11 All Development
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#### STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

6-13-1 STATUTORY AUTHORITY. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

#### 6-13-2 FINDINGS OF FACT.

- 6-13-18 Flood Control Structural Works
- 6-13-19 Watercourse Alterations or Relocations
- 6-13-20 Subdivisions
- 6-13-21 Accessory Structures
- 6-13-22 Recreational Vehicles
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- 6-13-24 Appointment, Duties and Responsibilities of Floodplain Administrator
- 6-13-25 Floodplain Development Permit
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#### NONCONFORMING USES

- 6-13-27 Structures
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#### PENALTIES FOR VIOLATION

- 6-13-29 Penalties

#### AMENDMENTS

- 6-13-30 Regulations and Standards

#### DEFINITIONS

- 6-13-31 Definitions

1. The flood hazard areas of the City of Lowden are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

6-13-3 STATEMENT OF PURPOSE. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Lowden and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in SECTION 6-13-2(2) of this Ordinance with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

#### GENERAL PROVISIONS

6-13-4 LANDS TO WHICH ORDINANCE APPLY. The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of the City of Lowden. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone AE on the Flood Insurance Rate Map (FIRM) for Cedar County and Incorporated Areas, City of Lowden, Panel 19031C0181C, dated August 19, 2013, which is hereby adopted and made a part of this Ordinance.

6-13-5 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Floodplain Manager shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Manager in the enforcement or administration of this Ordinance.

6-13-6 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

6-13-7 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

6-13-8 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6-13-9 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Lowden or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

6-13-10 SEVERABILITY. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

## FLOODPLAIN MANAGEMENT STANDARDS

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood elevations and floodway data have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

6-13-11 ALL DEVELOPMENT. All development within the special flood hazard areas shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

6-13-12 RESIDENTIAL BUILDINGS. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

6-13-13 NON-RESIDENTIAL BUILDINGS. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level.

When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water.

A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

6-13-14 ALL NEW AND SUBSTANTIALLY IMPROVED STRUCTURES.

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### 6-13-15 FACTORY-BUILT HOMES.

1. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

#### 6-13-16 UTILITY AND SANITARY SYSTEMS.

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

6-13-17 STORAGE OF MATERIALS AND EQUIPMENT. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

6-13-18 FLOOD CONTROL STRUCTURAL WORKS. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

6-13-19 WATERCOURSE ALTERATIONS OR RELOCATIONS. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

6-13-20 SUBDIVISIONS. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance.

Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

6-13-21 ACCESSORY STRUCTURES.

1. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

- a. The structure shall not be used for human habitation.
- b. The structure shall be designed to have low flood damage potential.
- c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- d. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

6-13-22 RECREATIONAL VEHICLES.

1. Recreational vehicles are exempt from the requirements of SECTION 3(E) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SECTION 3(E) of this Ordinance regarding anchoring and elevation of factory-built homes.

6-13-23 PIPELINES. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### ADMINISTRATION

#### 6-13-24 APPOINTMENT, DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.

1. The Floodplain Manager is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

2. Duties of the Administrator shall include, but not necessarily be limited to the following:

a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

c. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

d. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.

e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

#### 6-13-25 FLOODPLAIN DEVELOPMENT PERMIT.

1. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for Permit - Application shall be made on forms furnished by the Administrator (See Application attached hereto and incorporated into this ordinance) and shall include the following:

a. Description of the work to be covered by the permit for which application is to be made.

b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

c. Indication of the use or occupancy for which the proposed work is intended.

d. Elevation of the 100-year flood.

e. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

4. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the

use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

#### 6-13-26 VARIANCE.

1. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

2. Factors Upon Which the Decision of the Council Shall be Based - In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- e. Floodproofing measures.

#### NONCONFORMING USES

6-13-27 STRUCTURES. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

6-13-28 RECONSTRUCTION. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### PENALTIES FOR VIOLATION

6-13-29 PENALTIES. Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$5000.00 (FIVE THOUSAND DOLLARS).

Additionally, the City of Lowden can take any other lawful action as is necessary to prevent or remedy violation. The cost associated with enforcement, prevention, or remedies shall be paid by or assessed to the person violating this Ordinance, including but not limited to attorney fees, court costs, materials, maintenance, repair, removal, reconstruction, regarding, replacement, expert services, professional services, or any other costs incurred by the City of Lowden.

#### AMENDMENTS

6-13-30 REGULATIONS AND STANDARDS. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

#### DEFINITIONS

6-13-31 DEFINITIONS Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. "BASE FLOOD" - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

2. "BASEMENT" - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

3. "DEVELOPMENT" - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading,

paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

4. "EXISTING CONSTRUCTION" - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

5. "EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION" - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

6. "EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION" - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. "FACTORY-BUILT HOME" - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes: and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. "FACTORY-BUILT HOME PARK" - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. "FLOOD" - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. "FLOOD ELEVATION" - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

11. "FLOOD INSURANCE RATE MAP (FIRM)" - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. "FLOODPLAIN" - Any land area susceptible to being inundated by water as a result of a flood.

13. "FLOODPLAIN MANAGEMENT" - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

14. "FLOODPROOFING" - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

15. "FLOODWAY" - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

16. "FLOODWAY FRINGE" - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. "HISTORIC STRUCTURE" - Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. "LOWEST FLOOR" - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of SECTION 3(D)1 of this Ordinance and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "MINOR PROJECTS" - Small development activities (except for filling, grading and excavating) valued at less than \$500.

20. "NEW CONSTRUCTION" - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

21. "NEW FACTORY-BUILT HOME PARK OR SUBDIVISION" - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

22. "ONE HUNDRED (100) YEAR FLOOD" - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

23. "RECREATIONAL VEHICLE" - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. "ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES" – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

25. "SPECIAL FLOOD HAZARD AREA" - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

26. "START OF CONSTRUCTION" - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date.

The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

27. "STRUCTURE" - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

28. "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

29. "SUBSTANTIAL IMPROVEMENT" - Any improvement to a structure which satisfies either of the following criteria:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of

construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed on or after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

30. "VARIANCE" - A grant of relief by a community from the terms of the floodplain management regulations.

32. "VIOLATION" - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

(Amended during 2018 codification)



## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 14 OUTDOOR FURNACES

6-14-1	Purpose	6-14-4	General Requirements
6-14-2	Definitions	6-14-5	Permit Applications
6-14-3	Existing Outdoor Furnaces	6-14-6	Enforcement and Violations

6-14-1 PURPOSE. The Lowden City Council finds that smoke, odors and emissions caused by the use of outdoor furnaces can be detrimental to the public health and deprive residents of the enjoyment of their property. The purpose of this Chapter is to ban the installation and construction of outdoor furnaces and establish regulations and restrictions regarding the existing outdoor furnaces within the City of Lowden, to promote the public health, comfort, safety and welfare of the public.

6-14-2 DEFINITIONS. For the purposes of this Chapter, the following definitions apply:

1. "Existing Outdoor Furnaces" means any outdoor furnace in existence as of November 5, 2018.
2. "Outdoor Furnace" means any equipment, device or apparatus which is installed, affixed or situated outdoors or within another structure for the primary purpose of burning fuel to produce heat or energy used in whole or in part as a heating system to provide heat and/or hot water to any structure.
- c. "Stack" or "Chimney" means any vertical structure enclosing a flue or flues that carry off smoke, exhaust and other emissions from an outdoor furnace.

6-14-3 EXISTING OUTDOOR FURNACES. Any outdoor furnace in existence on November 5, 2018, shall be permitted to remain, subject to the following requirements:

6-14-4 GENERAL REQUIREMENTS.

- a. The owner of any outdoor furnace in existence as of November 5, 2018, shall apply for and receive an outdoor furnace permit from the City Clerk by January 1, 2019. If a permit application is not received for an existing outdoor furnace by December 1, 2018, the outdoor furnace shall be in violation of this ordinance and must be removed.
- b. Outdoor furnaces may not be operated between April 1 and October 15 of each year.
- c. All outdoor furnaces shall be installed, operated and maintained in accordance with the manufacturer's specifications and instructions.

d. All outdoor furnaces shall be laboratory tested and listed to appropriate safety standards, such as UL (Underwriters Laboratories), ANSI (American National Standards Institute) or other applicable safety standards. Outdoor furnaces shall not be located less than thirty (30) feet from the nearest lot line. Outdoor furnaces shall not be located within one hundred (100) feet from any residence not being served by the furnace.

e. Only natural, untreated wood or the manufacturer's listed fuels may be burned in any outdoor furnace. Burning any other materials in the furnace is prohibited. Trash, plastics, gasoline, rubber, naphtha, household garbage, particle board, railroad ties, pressure treated wood or other materials treated with petroleum products, leaves, paper products and cardboard are prohibited.

f. Petroleum products or chemicals shall not be used to start an outdoor furnace.

g. Every outdoor furnace shall be equipped with a stack or chimney. All stacks and chimneys must be constructed as to withstand high winds and other weather elements. In no event shall a stack or chimney extend less than twenty-five (25) feet above the ground.

h. In order to obtain a permit for an existing outdoor furnace, the furnace must be in compliance with all of the provisions of this Chapter and any other applicable county, state or federal regulations. All provisions shall continue to apply to an outdoor furnace after a permit has been issued. No existing outdoor furnace may be moved or replaced by a new outdoor furnace.

i. All existing outdoor furnaces shall be inspected each year prior to operation.

#### 6-14-5 PERMIT APPLICATIONS.

1. An application for an outdoor furnace permit shall be made to the City Clerk on a form provided by the City and shall contain and/or have attached thereto the following information:

a. Name, address, daytime and evening telephone number of the applicant.

b. Address of the lot upon which the outdoor furnace is located.

c. A site plan indicating the location of the outdoor furnace in relation to all lot lines.

d. The name of the manufacturer and model number of the outdoor furnace, together with a copy of the manufacturer's installation, operation and maintenance instructions.

e. A description of the stack or chimney proposed to be used in connection with the outdoor furnace, including its height and a description of any guy wires or other devices to be used to support or stabilize the stack.

f. Such other information as the City Clerk shall require to show full compliance with this Chapter and other ordinances of the City.

2. Permit Fee. The applicant shall pay an application fee for the administration and inspection of the outdoor furnace, which shall be deposited in the City's general fund. The application fee shall be set by the City Council resolution.

3. Applicant. The applicant for an outdoor furnace permit shall in all cases be the owner of the lot on which the outdoor furnace is to be located.

4. The City Clerk shall issue an outdoor furnace permit or deny an outdoor furnace permit application within thirty (30) days of the receipt of a fully completed application. The City Clerk shall deny any application which is not filed in conformity with this section or which proposes an outdoor furnace which would be contrary to any provisions of the ordinances of the City of Lowden. Any denial of an application shall provide, in writing, the reasons for such denial. If an application is denied, the permit fee shall be refunded to the applicant. A denial of an outdoor furnace permit application may be appealed, by the applicant, to the Lowden City Council. The appeal must be in writing and filed in the office of the City Clerk within twenty (20) calendar days after the date of the denial of the permit. The City Council will hold a hearing on the appeal within forty-five (45) days of the date that the appeal is filed with the City Clerk's office.

#### 6-14-6 ENFORCEMENT AND VIOLATIONS.

1. Any person who violates any of the provisions of this Chapter or any of the terms and conditions of any permit, regulation or lawful order of the City made under the authority of this Chapter shall be guilty of a simple misdemeanor and a municipal infraction. Each day that a violation exists or continues shall constitute a separate offense.

2. If any outdoor furnace regulated under this Chapter is installed, constructed, moved, maintained or used in violation of this Chapter or in violation of the terms and conditions issued or made under the authority of this Chapter, a simple misdemeanor citation and/or a municipal infraction citation may be issued to remedy and/or abate the violation.

(ECIA Model Code Amended in 2017)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 15 ACCESSORY BUILDINGS AND STRUCTURES

6-15-1	Timing	6-15-5	Rear Yard
6-15-2	Permit	6-15-6	Number of Accessory Buildings
6-15-3	Location	6-15-7	Materials
6-15-4	Height	6-15-8	Principal Structures

6-15-1 **TIMING.** No accessory building or structure shall be erected on the property more than ninety (90) days prior to the time of completion of the principal structure or use.

6-15-2 **PERMIT.** A building permit must be issued prior to construction of any accessory building or structure.

6-15-3 **LOCATION.** Accessory buildings and structures, other than a private garage, shall be limited to twelve (12) feet in height for sidewalls, and no part of the structure shall be closer than five (5) feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.

6-15-4 **HEIGHT.** A private garage or accessory building or structure may not be taller than the principal structure.

6-15-5 **REAR YARD.** No accessory building or structure shall be erected in any yard other than the rear yard, and the structure shall occupy less than 30 percent of the required rear yard, except for a private garage, which may occupy up to 50 percent of the required rear yard. But in no event shall more than 30 percent of the rear yard be occupied by garage, accessory building or structure.

6-15-6 **NUMBER OF ACCESSORY BUILDINGS.** Only one (1) accessory building or structure, in addition to one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.

6-15-7 **MATERIALS.** Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure and shall be of a matching or complementary color.

6-15-8 **PRINCIPAL STRUCTURES.** Only one (1) principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory use or building may be located on a property that does not have a conforming principal structure in existence.

(ECIA Model Code Amended in 2017)

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 1 ELECTRIC FRANCHISE

7-1-1	Grant	7-1-8	Severability
7-1-2	Indemnification	7-1-9	Term of Agreement
7-1-3	Relocation	7-1-10	Publication Expense
7-1-4	Modern System	7-1-11	Repeal of Conflicting Ordinances
7-1-5	Pruning	7-1-12	Acceptance
7-1-6	Continuous Service	7-1-13	Future Developments
7-1-7	Non-Exclusivity	7-1-14	Closing

7-1-1 GRANT. There is hereby granted to the Company the right and franchise to acquire, construct, erect, maintain and operate in the City of Lowden, Cedar County, Iowa, a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances or equipment and substations for the transmission of electric current (collectively, the “Facilities”) along, under and upon the streets, avenues, alleys and public places in the City of Lowden, Cedar County, Iowa; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City of Lowden, Cedar County Iowa, for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. City agrees to not permit or grant approval for any development or construction that would result in the Company’s facilities violating the National Electric Safety Code, as it exists at the time of the permit or approval.

7-1-2 INDEMNIFICATION. The Facilities shall be placed and maintained so as not to unnecessarily interfere with the travel on the streets, alleys, and public places in the City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of the transmission system.

7-1-3 RELOCATION. Except as provided herein below, the Company shall, at its cost and expense, located and relocate its Facilities in, on, over or under any public street or alley in the city of Lowden in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its Facilities for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, and such relocation is necessary to prevent interference and not merely for the convenience of the city or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its Facilities. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in

exercising its authority under this section. The City shall also provide a reasonable alternate location for the Company's Facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way.

Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing Facilities until the reasonable cost of relocating the same are paid to the Company.

7-1-4 MODERN SYSTEM. The system authorized by this Ordinance shall be modern and up-to-date and shall be kept in a modern and up-to-date condition.

7-1-5 PRUNING. To promote public safety in proximity to its Facilities and to maintain electric reliability, the Company is authorized and empowered to prune or remove at Company expense any trees or shrubs or parts thereto extending into any street, alley, right-of-way or public grounds. The pruning shall be completed in accordance with the then-current nationally accepted safety and utility industry standards, as revised and updated from time to time.

7-1-6 CONTINUOUS SERVICE. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, Acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

7-1-7 NON-EXCLUSIVITY. The franchise granted by this Ordinance shall not be exclusive.

7-1-8 SEVERABILITY. If any section, provision, or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

7-1-9 TERM OF AGREEMENT. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company, as herein provided. The anniversary date shall be the date this franchise is filed with the City Clerk or otherwise becomes effective by operation of law.

7-1-10 PUBLICATION EXPENSES. The expense of the publication of this Ordinance shall be paid by the Company.

7-1-11 REPEAL OF CONFLICTING ORDINANCES. All ordinances, or parts of ordinances, insofar as they are in direct conflict herewith, are hereby repealed.

7-1-12 ACCEPTANCE. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from the passage of this Ordinance.

7-1-13 FUTURE DEVELOPMENTS. The City agrees it will not permit any real estate developments or land uses in the City that would cause the Company's Facilities to violate the

setback or safety requirements of the National Electric Safety Code or any law, regulation or ordinance of the State of Iowa, Cedar County or the City.

7-1-14 CLOSING. This Ordinance sets forth and constitutes the entire agreement between the Company and the City of Lowden with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal any prior electric system ordinance between the Company and the City as of the date this Ordinance is accepted by the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or that delay utility operations.

(Ord. 804, Passed August 5, 2013)

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 2 CABLE FRANCHISE

7-2-1	Grant to Franchise	7-2-5	Repeal of Conflicting Ordinances
7-2-2	Effective Date of Franchise	7-2-6	Regulatory Ordinance
7-2-3	Assignability	7-2-7	Publication of Costs
7-2-4	Validity	7-2-8	Acceptance

7-2-1 GRANT TO FRANCHISE. A non-exclusive right is hereby granted to Farmers & Business (F & B) Men's Telephone Company, its successors and assigns, to establish, construct, operate, maintain, repair, replace, renew, reconstruct and remove a cable television system across public property in the City limits of Lowden, Iowa, for a term which shall expire on September 13, 2018, in accordance with the laws and regulations of the United States of America and the State of Iowa and subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter by resolution or ordinance provide, including the non-exclusive right, privilege and authority:

1. To sell and supply audio and video communication service to persons within the City;
2. To use public property within the City; and
3. To engage in such further activities within the City as may now or hereinafter be consistent with the generally accepted principles applicable to the operation of the cable television system.

7-2-2 EFFECTIVE DATE OF FRANCHISE. The franchise shall become effective from and after the Effective Date of the Ordinance and compliance by F & B Men's Telephone Company with Federal Communications Commission rules and regulations.

7-2-3 ASSIGNABILITY. Triax shall not assign or transfer any right granted under this Ordinance to any other person, company or corporation without prior consent of the City Council, which consent shall not be unreasonably withheld, provided that the company shall have the right to assign this franchise to a corporation wholly owned by the company or to a limited partnership of which the company is a general partner without prior consent of the City.

7-2-4 VALIDITY. Should any section, clause or provision of this Ordinance be declared invalid by a court of record, the same shall not affect the validity of the Ordinance as a whole or any part thereunder other than the part so declared invalid.

7-2-5 REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed, provided, however, that such repeal shall only be to the extent of such conflict.

7-2-6 REGULATORY ORDINANCE. Grantee shall comply with the terms of the Cable Franchise Regulatory Ordinance (Ordinance Number 738). In the event of any conflict between the terms and conditions of this Franchise Agreement and the provisions of the Regulatory Ordinance, the provisions of this Franchise Agreement shall control.

7-2-7 PUBLICATION OF COSTS. The company shall assume the costs of election and publication of this Ordinance as required by law.

7-2-8 ACCEPTANCE. This Ordinance shall be in full force and effect from and after its adoption and approval by the electors, City of Lowden, Iowa, and the written acceptance of F & B Men's Telephone Company.

(Ord. 738, Passed November 2, 1998)

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 3 TELEPHONE AND DATA COMMUNICATIONS FRANCHISE

7-3-1	Franchise	7-3-4	Provisions Apply
7-3-2	Purpose	7-3-5	Validity
7-3-3	Construction of Communication Facilities	7-3-6	Publication Expense
		7-3-7	Acceptance

7-3-1 FRANCHISE. A non-exclusive right and privilege is hereby granted, for a period of twenty-five (25) years, to Farmers and Business Mens Telephone Company, an Iowa Corporation, its successors and assigns, to establish, construct, operate, modify and maintain, in, upon, across, over and under highways, streets, alleys, sidewalks, bridges, public easements, and other public grounds which are or may be dedicated to public use within the corporate limits of the City of Lowden, Iowa, as the same now are or hereafter may be located or extended, for the purpose of distributing telephone services, data and various electronic telecommunications services to the citizens of the City of Lowden, Iowa, and the surrounding territory.

7-3-2 PURPOSE. That said grantee shall have the right to supply, distribute and sell telephone, data and various telecommunications services to persons within the City for any and all purposes.

7-3-3 CONSTRUCTION OF COMMUNICATION FACILITIES. That whenever the grantee, in erecting, constructing or maintaining said communication facilities, shall take up or disturb any pavement, sidewalk, or bridges, or make excavations in the streets, alleys or public places of said city, the grantee shall refill, replace and repair such portion satisfactorily.

7-3-4 PROVISIONS APPLY. That all of the provisions of this ordinance shall apply to the successors or assigns of the grantees with the same force and effect as they do to the grantee itself.

7-3-5 VALIDITY. That should any section, clause or provision of this ordinance be declared invalid by a court of record, the same shall not affect the validity of the ordinance as a whole or any part thereunder other than the part so declared invalid.

7-3-6 PUBLICATION EXPENSE. That the Farmers and Business Mens Telephone Company shall assume the costs of election and publication of this ordinance.

7-3-7 ACCEPTANCE. This ordinance shall be in full force and effect from and after its adoption and approval by the electors, City of Lowden, Iowa, and the written acceptance of Farmers and Business Mens Telephone Company of Wheatland, Iowa.

(Ord. 737, Passed February 11, 1998)

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 4 DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE LOWDEN URBAN RENEWAL AREA NO. 1 IN THE CITY OF LOWDEN

7-4-1	Purpose	Levied on Taxable Property in the
7-4-2	Definitions	Urban Renewal Area
7-4-3	Provisions for Division of Taxes	

7-4-1 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Lowden Urban Renewal Area No. 1. The taxes may be divided each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance. The taxes may be divided in order to create a special fund to pay the principal of and interest on loans, moneys advanced, or indebtedness, including bonds issued by the City of Lowden to finance projects in such areas.

7-4-2 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. "City" shall mean the City of Lowden, Iowa.
2. "County" shall mean the County of Cedar, Iowa.
3. "Urban Renewal Area" shall mean the "LOWDEN URBAN RENEWAL AREA NO. 1", the boundary of which is set out in the Urban Renewal Plan approved and adopted by the City Council and is described as follows:

A tract of land in Cedar County, Iowa, described as the South 300 feet of the Southeast Quarter of the Southeast Quarter of Section 35, Township 82 North, Range 1, West of the Fifth P.M. except for the West 40 feet and except Lot 1, Lot 14, and so much of Lot 15 as is included in the above description, as said Lots are shown in the plat survey recorded in surveyors record 4, page 382 in the Cedar County Auditor's Office.

7-4-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in an Urban Renewal Area, as shown on the assessment roll as of January 1, of the calendar year preceding the first year in which the city clerk certifies to the county auditor the

amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue and the amount of revenue needed to retire debt as a result of projects financed in the area, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the City to pay debt incurred by the City to finance or refinance, in whole or in part, projects in Urban Renewal Area No. 1, and to provide assistance for low and moderate income family housing, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in Urban Renewal Area No. 1 exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in Urban Renewal Area No. 1 shall be paid into the funds for the respective taxing districts as taxes by or for said taxing district in the same manner as all other property taxes. When such debt has been fully paid, all money thereafter received from taxes upon the taxable property in Urban Renewal Area No. 1 shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 740, Passed April 23,1999)