

City of Panora Code of Ordinances

Adopted December 8, 2025

CODIFIED BY:



REGION XII
COUNCIL OF GOVERNMENTS

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-5	Amendment
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1-1-1 DEFINITIONS. The following words and phrases whenever used in the Ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Building" means any man-made structure permanently affixed to the ground.
2. "City" means the City of Panora, 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 Panora, Iowa. 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 Guthrie County, Iowa;
7. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
(Amended in 2010)
8. "Fiscal Year" means July 1 to June 30.

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

10. "May" confers a power;

11. "Month" means a calendar month;

12. "Must" states a requirement;

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

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

15. "Ordinance" means a law of the City of Panora; 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 Panora Municipal Code of 2024 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 catch lines FFF of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(Amended in 2010)

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

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

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

(Amended in 2024)

1-1-9 ALTERING CODE. It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages,

or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby

TITLE I GENERAL PROVISIONS**CHAPTER 2 RIGHT OF ENTRY****1-2-1 Right of Entry**

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1	General Penalty	1-3-3	Scheduled Fine
1-3-2	Civil Penalty – Municipal 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) (Amended in 2008)
(Amended in 2009)
(Amended in 2010)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

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

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 Panora Iowa, 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 Panora Iowa, 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 Panora Iowa.

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

2. Violations, Penalties, and Alternative Relief.

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

Schedule of Civil Penalties

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

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

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

c. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. Civil Citations

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

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

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

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

(1) The name and address of the defendant.

(2) The name or description of the infraction attested to by the officer issuing the citation.

(3) The location and time of the infraction.

(4) The amount of civil penalty to be assessed or the alternative relief sought, or both

- (5) The manner, location, and time in which the penalty may be paid.
- (6) The time and place of court appearance.
- (7) The penalty for failure to appear in court.
- (8) The legal description of the affected property, if applicable.

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

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-4-1 PURPOSE AND INTENT.

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

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

1-4-2 GENERAL.

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

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

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

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

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

1-4-3 FORM OF NOTICE OF HEARING. The notice to parties shall be substantially in the following form, but may include other information:

"You are hereby notified that an evidentiary hearing will be held before the Panora 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	2-1-4	Number and Term of City Council
2-1-2	Form of Government	2-1-5	Term of Mayor
2-1-3	Powers and Duties	2-1-6	Copies on File

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

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Panora, 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 Panora, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected in staggered (4) year terms.

(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. 376.2)

2-1-6 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	2-2-8	Bonds Files
2-2-2	Appointment of Officers	2-2-9	Boards and Commissions
2-2-3	Terms of Appointive Officers	2-2-10	Appointment and Compensation
2-2-4	Vacancies in Offices	2-2-11	City Attorney Appointment and Compensation
2-2-5	Bonds Required		
2-2-6	Surety		

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

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore and shall appoint and may dismiss the Police Chief with the consent of a majority of the City Council. The Mayor shall appoint the following officials: (*Code of Iowa, Sec. 372.4*)

1. Mayor Pro Tem
2. Police Chief
3. Library Board of Trustees
4. Veterans Auditorium Board
5. Parks and Recreation Board

The City Council shall approve the first Fire Chief of the volunteer fire department annually. Future Fire Chiefs shall be elected annually by the members of the volunteer Fire Department, with the approval of the City Council.

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS.

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

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

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

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

2-2-10 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Administrator to serve at the discretion of the Council. The City Administrator is ex-officio City Clerk and has the duties, powers and functions prescribed in this chapter, by State law and other ordinances of the City. The Council shall specify by resolution the compensation to be paid for such services.

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

2-2-11 CITY ATTORNEY APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council. The City Attorney shall receive such compensation as established by resolution of the Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties		Attorney
2-3-2	Books and Records	2-3-10	Powers and Duties of the Superintendent of Electric Utilities
2-3-3	Deposit of Municipal Funds		
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	2-3-12	Resignation
2-3-6	Mayor Voting	2-3-13	Removal of Appointed Officers and Employees
2-3-7	Powers and Duties of the Clerk		
2-3-8	Powers and Duties of the Police Chief	2-3-14	Employee Place of Residence
2-3-9	Powers and Duties of the City	2-3-15	City Administrator

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, 22.3 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, Sec. 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. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

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

4. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by an affirmative vote of not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repass age, 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)
(Amended during 2008)

5. 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.

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

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

8. 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.

9. 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))

10. 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.

11. 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.

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

13. 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 Police Chief.

14. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence

2-3-6 MAYOR VOTING. The mayor is not a member of the council and shall not vote as a member of the council.

(Code of Iowa, Sec. 372.4)

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

2-3-7 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows: The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

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

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

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

Council made upon the Mayor's veto.

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

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

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

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

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

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

5. Records. The Clerk shall maintain the specified City records in accordance with State Code.

6. 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)

7. 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)

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

9. 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)

10. 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))

11. 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.

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

13. The Clerk shall prepare and publish 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)

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

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

15. 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))

16. 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.

17. 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)

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

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

19. 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 chapter 9 taken upon matters considered in such communications and petitions.

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

20. 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))

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

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

22. 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))

23. 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)

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

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

25. 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))

26. 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))

27. 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))

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

(Code of Iowa, Sec. 384.16)

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

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

30. 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))

31. 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))

32. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.
(Code of Iowa, Sec. 372.13(4))

33. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.
(Code of Iowa, Sec. 372.13(4))

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

a. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election.
(Code of Iowa, Sec. 376.6)

b. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.
(Code of Iowa, Sec. 376.4)

c. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.
(Code of Iowa, Sec. 376.4)

d. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.
(Code of Iowa, Sec. 376.4)

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

35. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "PANORA, IOWA" and around the margin the words "MUNICIPAL CORPORATION."

36. The Deputy City Cleric/Finance Administrator shall perform duties relating to City

funds.

37. The Deputy City Clerk/Finance Administrator shall perform duties relating to City funds

2-3-8 POWERS AND DUTIES OF THE POLICE CHIEF. The duties of the Police Chief shall be as follows:

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

1. The Police Chief shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.

2. The Police Chief shall be sergeant-at-arms of the Council chamber when requested by the City Council.

3. The Police Chief shall report to the City Council upon activities as Police Chief when requested.

4. The Police Chief shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.

5. The Police Chief shall have charge of the City jail when such is provided and of all persons held therein. The Police Chief shall execute all orders of the court referring to the jail. The Police Chief shall feed and shelter persons jailed in the usual manner and as required by law. When no City jail is provided, the Police Chief shall make arrangements to convey any persons requiring detention to the County jail as provided by law and agreements with the County.

6. The Police Chief shall, whenever any person is bound over to the district court, convey the prisoner to the County jail.

7. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.

8. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.

9. The Police Chief may appoint one or more assistant Police Chiefs, with approval of the City Council, who may perform the Police Chief's duties and who shall be members of the police force.

10. The Police Chief shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons,

the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the chapter. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the health, safety, and welfare of the City and its citizens until due consideration by the City Council may be had.

11. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.

12. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.

13. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

14. At least every year the Police Chief shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2-3-9 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

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

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

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

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

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

of such Ordinances by the City Council and publication.

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

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

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

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

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

2-3-10 POWERS AND DUTIES OF THE SUPERINTENDENT OF ELECTRIC UTILITIES.
The duties of the superintendent of electric utilities shall be as follows:

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

1. The Superintendent shall be responsible for the management, operation and maintenance of all municipal utilities.

2. The Superintendent shall keep records of accounts payable, revenues, accounts receivable, expenditures made, depreciation of plant and equipment, and a continuous up-to- date inventory of all goods and supplies. The Superintendent shall keep all other records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance.

3. The Superintendent shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities enterprise. The Superintendent shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds

and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

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 firefighting 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. Reports. Report to the Council at the first regular meeting in January of each year. Said report shall include the amount and condition of fire-fighting apparatus, equipment discarded during the year, and the disposition of the same, the number and kind of buildings in which fires occurred, the cause of fires and the total loss incurred, the names of members of the Fire Department in good standing on January 1, and the amount and source of revenues and the amount and purpose of expenditures for the Panora Fire Department Capital Reserve Fund for the previous fiscal year. Such revenues and expenditures in the Panora Fire Department Capital Reserve Fund shall be audited as part of the City's annual financial audit. The Council shall examine and approve such reports before the confirmation of the Fire Chief for the following

(Code of Iowa, Sec. 100.2 & 100.3)

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.

(Code of Iowa, Sec. 100.12)

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.

10. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

11. Scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

2-3-12 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased,

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

2-3-13 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES. Except as otherwise provided by State or City law, all persons appointed to City office or employment may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within thirty (30) days after the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

2-3-14 EMPLOYEE PLACE OF RESIDENCE. In accordance with State Code, employees of the City shall not be required to be a resident of Panora (Code of Iowa, Sec. 400.17), but all critical municipal employees of the City (including full-time management, public works, public safety and treatment plant personnel) shall reside within five (5) miles of the corporate limits of the City following employment by the City; however, the Council may, in its discretion, waive this requirement under appropriate circumstances. Council approval must be obtained each time the employee moves outside the City limit.

2-3-15 CITY ADMINISTRATOR:

1. Appointment and Term. The Council shall appoint by majority vote a City Administrator to serve at the discretion of the Council.

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

3. Administrative Responsibility. . The City Administrator is directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and all Council involvement in administration initiated by the Council must be coordinated through the City Administrator.

4. Duties. The duties of the City Administrator are as follows:

5. To supervise enforcement and execution of the City laws.

6. To attend all meetings of the Council.

7. To recommend to the Council such measures as deemed necessary or expedient for the good government and welfare of the City.

8. To have the general supervision and direction of the administration of the City government and to appoint with approval of the Council such administrative assistants as shall be

deemed advisable.

9. To assist the Mayor in any of the Mayor's duties as requested by the Mayor and as approved by the Council.

10. To assist the Council with the municipal boards and commissions by making recommendations to the boards and commissions about planning, activities and the execution of its policies and programs as agreed on.

11. To cooperate with any administrative agency and make recommendations to the Council for joint or cooperative activities with said agencies.

12. To supervise and direct the official conduct of all employees of the City except the City Attorney.

13. With the approval of the Council, to have the power to employ, reclassify or discharge all employees of the City except the Police Chief and City Attorney, and, subject to the approval of the Council, to fix the compensation to be paid such employees.

14. To have the power to appoint or employ persons to fill all places for which no other mode of appointment is provided and to have the power to administer oaths of office.

15. To supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.

16. To supervise the performance of all contracts for work to be done for the City, make all purchases of material and supplies and see that such material and supplies are received and are of the quality and character called for by the contract.

17. To investigate, summarily and without notice, any affairs and conduct of any department, agency, officer or employee under the supervision of the City Administrator.

18. To provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City and State law.

19. To keep the Council fully advised of the financial and other conditions of the City and of its future needs.

20. To conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

21. To make to the Council, no later than the first regular meeting each month, an itemized financial report showing the receipts and disbursements for the preceding month. Copies of

financial reports must be available at the Clerk's office for public distribution.

22. To perform other duties at the Council's direction.

23. Ex- Officio City Clerk, The City Administrator is ex-officio City Clerk and also performs the duties of Clerk as identified in Chapter 3 of this Code of Ordinance

24. The Deputy City Clerk/Finance Administrator shall perform duties relating to City funds

25. Deputy City Clerk. The City Administrator may nominate for Council appointment a Deputy City Clerk to perform the duties of the Clerk and to perform such other duties assigned to the Deputy City Clerk.

26. Bond. The City Administrator shall be bonded for the faithful performance of duties and in favor of the City, in the sum of fifty thousand dollars (\$50,000.00). The City shall pay the cost of this bond.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 CITY COUNCIL

2-4-1 Powers and Duties 2-	2-4-4 Number and Term of Council
4-2 Exercise of Power 2-	2-4-5 Council Meetings
4-3 Meetings	2-4-6 Appointments

2-4-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

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

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

2. Wards. By ordinance, the City Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.

(Code of Iowa, Sec. 372.13(7))

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

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

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

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

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

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

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

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

7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City Council members, and other elected City officers,

but a change in the compensation of the Mayor does not become effective during the term in which

the change is adopted, and the City Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-4-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

(Code of Iowa, Sec. 364.3(1))

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

(Code of Iowa, Sec. 380.4) (Amended in 2008)

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

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

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

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

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

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

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

c. If the Mayor takes no action on the measure, a resolution becomes effective 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))

2-4-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council are on the 2nd and 4th Monday of each month at 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 the following date at the same time unless a different day or time is 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))

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.

2-4-4 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

2-4-5 COUNCIL MEETINGS. All meetings of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

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

(Code of Iowa, Sec. 21.4)

2. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

3. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

6. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Code of Iowa.

(Code of Iowa, Sec. 21.8)

7. In some instances, the Council may participate in person and the Public may be required to attend electronically but will still be given the opportunity to address the Council

2-4-6 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

1. City Administrator
2. City Attorney
3. Planning and Zoning Commission
4. Zoning Board of Adjustment

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 SALARIES OF MUNICIPAL OFFICERS

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

2-5-1 COUNCIL MEMBER. The salary of each Council member is one hundred dollars (\$100.00) per month, provided that if a Council member is absent, for any reason, for at least two (2) regular sessions of the Council during any month, that Council member shall receive no salary for that month.

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

2-5-2 MAYOR. The Mayor shall receive \$100 per meeting to be paid monthly.

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

2-5-3 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))

2-5-4 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 CITY FINANCE

2-6-1	Purpose	2-6-9	Reserved
2-6-2	Finance Officer	2-6-10	Budget Officer
2-6-3	Budget Adoption	2-6-11	Expenditures
2-6-4	Budget Amendment	2-6-12	Authorizations to Expend
2-6-5	Reserved	2-6-13	Accounting
2-6-6	Accounts and Programs	2-6-14	Budget Accounts
2-6-7	Annual Report	2-6-15	Contingency Accounts
2-6-8	Council Transfer	2-6-16	Cash Control

2-6-1 PURPOSE. The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

2-6-2 FINANCE OFFICER. The Deputy Clerk is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

2-6-3 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify in accordance with Section 384.16
(Code of Iowa, Sec 384.16)

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

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

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

2. Not less than twenty days before the date that the budget must be certified to the County

Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a

sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have such copies of the budget available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

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

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

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

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the 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.

2-6-4 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.

5. 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.

6. 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.

7. 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.

8. 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 2-6-3 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.

2-6-5- RESERVED

2-6-6 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)

2-6-7 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)

2-6-8 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))

2-6-9 RESERVED

2-6-10 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))

2-6-11 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding ten dollars (\$10.00) (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 accepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be accepted.

2-6-12 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.

2-6-13 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 renumbered, 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.

1. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate

payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

(Code of Iowa, Sec. 384.20)

2-6-14 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)

2-6-15 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.

2-6-16 CASH CONTROL. To assure the proper accounting and safe custody of moneys the following shall apply:

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

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

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

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collection-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

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

5. Adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor

(Code of Iowa, Sec. 384.1612.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

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

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

2-7-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.
(Code of Iowa, Sec. 376.3)

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

2-7-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.
(Code of Iowa, Sec. 45.2)

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

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.

2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.

3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.

4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee. Such petition when so verified shall be known as a nomination paper.

(Code of Iowa, Sec. 45.5)

2-7-6 FILING, PRESUMPTION, WITHDRAWS, 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.

2-7-7 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 POLICE DEPARTMENT

2-8-1	Peace Officers Appointed	2-8-3	Departmental Rules
2-8-2	Police Chief; Duties	2-8-4	Contract Law Enforcement

2-8-1 PEACE OFFICERS APPOINTED. The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor, the other members of the department.

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

2-8-2 POLICE CHIEF; DUTIES. The Police Chief has the following powers and duties subject to the approval of the City Council.

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

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and City Council an annual report as well as such other reports as may be requested by the Mayor or City Council.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

2-8-3 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.

2-8-4 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 VETERANS MEMORIAL AUDITORIUM COMMISSION

2-9-1	Memorial Auditorium Commission	2-9-4	Compensation and Vacancies
2-9-2	Powers and Duties	2-9-5	Council Review of Contracts
2-9-3	Qualification and Appointment		

2-9-1 MEMORIAL AUDITORIUM COMMISSION. The Veterans Memorial Auditorium shall be under the management and control of a commission of five (5) members which shall be known as the Veterans Memorial Auditorium Commission.
(Code of Iowa, Sec. 37.9)

2-9-2 POWERS AND DUTIES. The Commission shall manage and control the Memorial Auditorium, shall make and establish rules and regulations for its use and management, and shall have, exercise and perform all of the powers and duties granted to the Commission as contained in Chapter 37 of the Code of Iowa and amendments thereto

2-9-3 QUALIFICATION AND APPOINTMENT. Each Commissioner shall be an honorably discharged soldier, sailor, marine, and airman or Coast Guard member. All commissioners shall be residents of Guthrie County, Iowa, and at least three of the commissioners shall also be residents of the City. The Commissioners shall be appointed by the Mayor with the approval of the Council for staggered three-year terms.
(Code of Iowa, Sec. 37.10)

2-9-4 COMPENSATION AND VACANCIES. Commission members shall receive no compensation for their services. A vacancy on the Commission shall be filled in the same manner as the original appointment for the balance of the unexpired term.
(Code of Iowa, Sec. 392.1)

2-9-5 COUNCIL REVIEW OF CONTRACTS. Contracts and agreements entered into by the Commission are subject to review and approval by the Council, but when so approved and to the extent such contracts and agreements are otherwise valid by law, are valid and not voidable by subsequent actions of the City even if the Commission is dissolved, but no such contract or agreement may conflict with the provisions of Division V, Chapter 384, Code of Iowa, or Chapter 388, Code of Iowa, or any action taken pursuant to the provisions of the same.
(Code of Iowa, Sec. 392.3)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 10 PARKS AND RECREATION BOARD

2-10-1	Parks and Recreation Board Created	2-10-3	Duties of the Board
2-10-2	Board Organization	2-10-4	Reports
		2-10-5	Rules

2-10-1 PARKS AND RECREATION BOARD CREATED. A Parks and Recreation Board is hereby created to advise the Council on the needed facilities to provide open space such as parks, playgrounds and community facilities for other fonts of recreation. It shall also plan and oversee City programs and encourage other programs to enhance the leisure time activities of the City's residents of all ages.

2-10-2 BOARD ORGANIZATION. The Board shall consist of seven (7) members, four (4) of which shall be residents of the City, and three (3) of which shall be residents of rural areas outside the Panora City limits. The members shall be appointed by the Mayor with the approval of the Council, for overlapping terms of four (4) years. The Board shall annually choose from its membership a Chairperson, Vice Chairperson and Secretary. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the taint

2-10-3 DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Board has authority over the properties and personnel devoted to parks and recreation, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks and recreation operations. The Board shall cooperate with the Mayor in the allotment of time of City employees for parks and recreation purposes. The Chairperson shall order supplies by the procedures established by the Council for all departments of the City, and payment will be made by check written by the Clerk for invoices submitted and approved by the Board.

2-10-4 REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable, or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

2-10-5 RULES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized maybe a cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 11 AIRPORT AUTHORITY

2-11-1	Purpose	2-11-3	Mayor and Clerk to Execute
2-11-2	Authorization to Amend	2-11-4	Participation Contributions

2-11-1 **PURPOSE.** The purpose of this Ordinance is to amend the Agreement Creating the Guthrie County Regional Airport Authority, to conform said Agreement with Chapter 330A Iowa Code.

2-11-2 **AUTHORIZATION TO AMEND:** That the City of Panora, Iowa is hereby authorized to amend the Agreement Creating the Guthrie County Regional Airport Authority, as shown by the Amended and Substituted Agreement Creating the Guthrie County Regional Airport Authority.

2-11-3 **MAYOR AND CLERK TO EXECUTE.** The Mayor of the City of Panora, Iowa, is authorized and directed to execute the Amended and Substituted Agreement Creating the Guthrie County Regional Airport Authority, which is attached to this Ordinance on behalf of the City of Panora, Iowa. The Clerk is, likewise, to attest her signature to such amendment. The Guthrie County Regional Airport Authority Agreement is not a part of this chapter and may be amended by resolution of the Council approved at a single meeting of the Council.

2-11-4 **PARTICIPATION CONTRIBUTIONS.** The participation of the City is as set forth in the Amended and Substituted Agreement Creating the Guthrie County Regional Airport Authority. Pursuant to the provisions of Section 330A.15 of the Code of Iowa, the City shall and does hereby provide for the assessment of a levy for each future year of the following direct annual tax on all of the taxable property in the City of Panora, State of Iowa:

1. For each fiscal year beginning in fiscal year 2019/20 and continuing through fiscal year 2034/35, inclusive, an annual levy that results in collecting \$6,420 per year to be turned over to the Airport Authority. At no time may the levy exceed \$.27 per \$1,000 of assessed value.

2. For each fiscal year beginning in fiscal year 2035/36 and continuing through fiscal year 2057/58, inclusive, an annual levy that results in collecting \$3,140 per year to be turned over to the Airport Authority. At no time may the levy exceed \$.27 per \$1,000 of assessed value.

EDITOR'S NOTE: The following ordinances, not codified herein and specifically saved from repeal, have been adopted amending the Guthrie County Regional Airport Authority Agreement and remain in full force and effect

ORDINANCE NO	ADOPTED	ORDINANCE NO.	ADOPTED
143	October 9 , 1989	327	March 11, 2019
326	February 25, 2019		

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-15	Refusing to Assist Officers
3-1-2	Public Peace	3-1-16	Harassment of Public Officers and Employees
3-1-3	Public Morals	3-1-17	Interference with Official Acts
3-1-4	Streets	3-1-18	Discharging Weapons
3-1-5	Public Safety and Health	3-1-19	Throwing and Shooting
3-1-6	Public Property	3-1-20	Unlawful Assembly
3-1-7	Assault	3-1-21	Criminal Mischief
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3-1-11	Engine Back Pressure Breaking	3-1-25	Theft
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3-1-13	Public Exposure	3-1-27	Cigarettes and Tobacco
3-1-14	False Reports to or Communications with Public Safety Entities	3-1-28	Bridges

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

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

1. Engage in fighting or violent behavior or invite or provoke another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

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

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

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

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

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

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

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

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

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

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

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

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

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

3-1-3 PUBLIC MORALS.

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

(Code of Iowa, Sec. 709.9)

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

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)

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

(Code of Iowa, Sec. 716.1)

2. 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))

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

3-1-5 PUBLIC SAFETY AND HEALTH.

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)

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

4. 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.

5. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

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

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.

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 Chief of Police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

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.

6. 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)

7. Impersonating an officer. No person shall falsely represent them self 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)

9. Harassment of City Employees.

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

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

10. 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))

11. 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)

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

(Code of Iowa, Sec. 364.12)

13. 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 Panora, except as provided and approved by the City of Panora, by collecting and discarding such litter in approved areas or approved receptacles.

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

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

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

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

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

(Code of Iowa, 364.12(2))

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

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

4. Damage to public library books or property. No person shall willfully or recklessly tear, deface, mutilate, damage 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.

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. Damage to gravestones or property in cemetery. No person shall willfully or recklessly destroy, mutilate, deface, damage 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 damage 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)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 716.1)

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)

3-1-7 ASSAULT. No person with ought justification, commit any of the following:

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

(Code of Iowa Sec. 708.1 [1])

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

(Code of Iowa, Sec 708.1[2])

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

3-1-8 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec 708.7)

b. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

(Code of Iowa, Sec. 708.7)

c. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

3-1-9 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

3-1-10 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

3-1-11 ENGINE BACK PRESSURE BRAKING. It is 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.

3-1-12 DISORDERLY CONDUCT. No person shall do any of the following:

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

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

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

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

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

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

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

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

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

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

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

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

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

3-1-13 PUBLIC EXPOSURE. Except as hereinafter provided, no person shall expose those parts of his or her body hereinafter listed to another person in any public place, in any privately owned place open to the public, or in any place where such exposure is seen by another person located in any public place. This section does not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or such other places where such exposure occurs incident to the prescribed use of those facilities.

1. A woman's nipple, the areola of a woman's breast, or full breast, except as necessary in the breast feeding of a baby.

2. The pubic hair, pubes, perineum or anus of a male or female, the penis or scrotum of a

male, or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

This section does not apply to exposures occurring in live stage plays, live theatrical performances or live dance performances conducted in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

3-1-14 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES. No person shall do any of the following:

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.

2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.

3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

3-1-15 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested

(Code of Iowa, Sec. 719.2)

3-1-16 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

3-1-17 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

3-1-18 DISCHARGING WEAPONS. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or other firearms of any kind within the City limits except by written consent of the Council.

No person shall intentionally discharge a firearm in a reckless manner.

3-1-19 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles, BB guns or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council.

(Code of Iowa, Sec. 364.12 121)

3-1-20 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term "property" includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term "trespass" means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

1. Entering Property without Permission. Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

(Code of Iowa, Sec. 716.7 Pa)

2. Entering or Remaining on Property. Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

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

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

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

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

3-1-21 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy property.

(Code of Iowa, Sec. 716.1)

3-1-22 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any

court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

3-1-23 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

3-1-24 FRAUD. It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the Code of Iowa.

3-1-25 THEFT. It is unlawful for any person to commit theft as defined in Section 714.1 of the Code of Iowa.

3-1-26 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

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

3-1-27 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells cigarettes or tobacco products.

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

3-1-28 BRIDGES. It is unlawful for a person to fish, dive, or jump from any bridge that crosses the Raccoon River within the city limits of the city of Panora.

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

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

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

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

(Code of Iowa, Sec. 657.1)

a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

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

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

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

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

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

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

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

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

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

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

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

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

m. Trees infected with Dutch elm disease.

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 657.2)

p. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; including but not limited to old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware except for compost piles established and maintained with written permission from the Guthrie County Public Health Department and junk or salvage materials properly stored in accordance with the Panora Municipal Code;

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

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

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

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

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

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

w. Dangerous buildings or structures.

x. Abandoned buildings.

y. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells,

open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

z. 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 Panora Municipal Code of Ordinances.

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

bb. The open burning of trash, refuse, garbage, junk or salvage materials, Shall be prohibited within the City limits. 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.

cc. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Panora Municipal Code of Ordinances.

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

ee. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.

ff. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.

gg. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

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

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

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

k. 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 disturbance of others.

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

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

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

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

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

qq. No person shall perform maintenance or repairs on any vehicle or machinery while in the public right-of-way or Public Street or alley. This provision does not apply when repairs are made in the case of an emergency repair in order to make the vehicle or machinery operable in order to remove it from the street, alley, or right-of-way.

rr. Unoccupied or Incomplete Buildings. Any building or portion of a building which has stood with an incomplete exterior shell for longer than one year or any building or portion thereof which has stood unoccupied for longer than six (6) months and which meets one or more of the following criteria:

ss. Unsecured.

tt. Having housing code or building code violations.

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 657.3)

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

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

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

2. The removal, repair, or dismantling of dangerous buildings or structures.

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

3. The numbering of buildings.

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

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

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

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

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

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

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

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3.

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

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

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

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

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.

5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

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

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

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

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

3-2-8 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-9 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) 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)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 DANGEROUS BUILDINGS

3-3-1	Enforcement Officer	3-3-5	Conduct of Hearing
3-3-2	General Definition of Unsafe	3-3-6	Posting of Signs
3-3-3	Unsafe Building	3-3-7	Right to Demolish
3-3-4	Notice to Owner	3-3-8	Cost

3-3-1 ENFORCEMENT OFFICER. The Public Works Director is responsible for the enforcement of this chapter.

3-3-2 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.
(Code of Iowa, See. 657A.1 & 364.1204)

3-3-3 UNSAFE BUILDING. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the

demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

3-3-4 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

(Code of Iowa, Sec. 364.12 [31V])

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

3-3-5 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.

3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate. *

3-3-6 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF PANORA, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required

repairs or of demolishing the building.

3-3-7 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

(Code of Iowa, Sec. 364.121310)

3-3-8 COSTS. Costs incurred under Section 3-3-6 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.1213 hi)

TITLE III COMMUNITY PROTECTION

CHAPTER 4 TRAFFIC CODE

3-4-1	Short Title	SPECIAL STOPS REQUIRED
3-4-2	Administration and Enforcement	
3-4-3	Definitions	3-4-23 Stop or Yield
3-4-4	Traffic Accident Reports	3-4-24 Through Highways
3-4-5	Police Department to Submit Annual Reports	3-4-25 Authority to Erect Stop Signs
		3-4-26 Stops at Intersections through Highways and Other Intersections
ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS		TURNING MOVEMENTS
3-4-6	Authority of Police and Fire Department Officials	3-4-27 Stop When Traffic is Obstructed
3-4-7	Required Obedience to Provisions of This Chapter and State Law	3-4-28 School Stops
		3-4-29 Stop Before Crossing Sidewalk
TRAFFIC CONTROL DEVICES		PEDESTRIAN RIGHTS AND DUTIES
3-4-8	Traffic control devices	3-4-30 Yield to Pedestrians in Crosswalk
3-4-9	Play Streets	3-4-31 Prohibited Crossing
3-4-10	Crosswalks	3-4-32 Pedestrian on Left
3-4-11	Traffic Lanes	METHOD OF PARKING
3-4-12	Changing State Speed Limits in Certain Zones	3-4-33 Standing or Parking Close to Curb
3-4-13	Parks, Cemeteries and Parking Lots	3-4-34 Standing or Parking on the Left-Hand Side of One-Way Streets
3-4-14	Minimum Speed	3-4-35 Signs or Markings Indicating Angle Parking
3-4-15	Turning Markers, Buttons and Signs	3-4-36 Obedience to Angle Parking Signs or Markings
3-4-16	Authority to Place Restricted Turn Signs	3-4-37 Stopping, Standing or Parking Prohibited in Specified Places
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3-4-19	Careless driving	3-4-40 Persons with Disabilities Parking
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ONE WAY STREETS AND ALLEYS		
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3-4-21	One-Way-Streets and Alleys	
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- 3-4-44 All Night Parking Prohibited
- 3-4-45 Truck Parking Limited
- 3-4-46 Trailers
- 3-4-47 Electric Vehicle Parking
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- 3-4-53 Funeral Processions to be
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3-4-1 SHORT TITLE. This chapter may be known and cited as the "Traffic Code".

3-4-2 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the Police Department.
(Code of Iowa, Sec. 372.13 [4])

3-4-3 DEFINITIONS. Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

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

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

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

4. "Stop or stopping", when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

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

6. "Residential districts" means all areas of the City not included in business districts the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business

7. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations

8. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

9. "Suburban district" means all other parts of the city not included in the business, school or residence districts.

10. "Traffic control device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. "Vehicle" means every device in, upon or by which any person or property is or may be

transported or drawn upon a public highway, street, or alley.
(*Code of Iowa, Sec. 321.1*)

3-4-4 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.
(*Code of Iowa, Sec. 321.266*)

3-4-5 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or damaged, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-4-6 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.
(*Code of Iowa, Sec. 321.229*)

3-4-7 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor Offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.

10. 321.231 Failure of driver of emergency vehicle to excessive caution While on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234A All-terrain vehicles
13. 321.235A Electric personal assistive mobility devices
14. 321.234 Failure to observe seating requirements.
15. 321.236 (Parking) Violation of local ordinance (not a state offense).
16. 321.247 Golf cart operation on city streets
17. 321.256 Failure to obey traffic control device.
18. 321.257 Failure to obey or yield to pedestrian or to official traffic Control signal
19. 321.259 Unauthorized signs, signals or markings
20. 321.260 Unlawful possession of, or interference with traffic control device.
21. 321.262 Damage to Vehicle
22. 321.264 Striking unattended vehicle.
23. 321.265 Striking fixtures upon a highway.
24. 321.275 Motorcycle and motorized bicycles violations.
25. 321.277 Reckless driving.
26. 321.278 Drag racing prohibited.
27. 321.285 Speed restrictions.
28. 321.286 Truck speed limits (highway).
29. 321.287 Bus speed limits (highway).
30. 321.288 Failure to maintain control.
31. 321.294 Failure to maintain minimum speed when directed by Officer.
32. 321.295 Excessive speed on bridge.
33. 321.297 Driving on wrong side of two-way highway
34. 321.298 Failure to yield half of roadway upon meeting vehicle
35. 321.299 Passing on wrong side.
36. 321.302 Overtaking on the right
37. 321.303 Unsafe passing.
38. 321.304 Unlawful passing.
39. 321.305 Violating one-way traffic designation.
40. 321.306 Improper use of lanes.
41. 321.307 Following too closely.
42. 321.308 Following too closely (trucks and towing vehicles).
43. 321.309 Failure to use approved drawbar.
44. 321.310 Unlawful towing of four-wheeled trailer.
45. 321.311 Turning from improper lane.
46. 321.312 Making U-turn on curve or hill.
47. 321.313 Unsafe starting of a stopped vehicle.
48. 321.314 Unsafe turn or failure to give signal.
49. 321.315 Failure to give continuous turn signal.
50. 321.316 Failure to signal stop or rapid deceleration.
51. 321.317 Signal light requirements; see equipment violation.
52. 321.318 Incorrect hand signal.
53. 321.319 Failure to yield to vehicle on right.

54. 321.320 Failure to yield upon left turn.
55. 321.321 Failure to yield upon entering through highway.
56. 321.322 Failure to obey stop or yield sign.
57. 321.323 Unsafe backing on highway.
58. 321.323A Approaching certain stationary vehicles.
59. 321.324 Failure to yield to emergency vehicle.
59. 321.325 Pedestrian disobeying traffic control signal.
60. 321.326 Pedestrian walking on wrong side of highway.
61. 321.327 Pedestrian right-of-way.
62. 321.328 Pedestrian failing to use crosswalk.
63. 321.329 Vehicle failing to yield to pedestrian.
64. 321.331 Soliciting ride from within roadway.
65. 321.332 Unlawful use of white cane.
66. 321.333 Failure to yield to blind person.
67. 321.340 Driving in or through safety zone.
68. 321.341 Failure to properly stop at railroad crossing.
69. 321.342 Failure to obey stop sign at railroad crossing.
70. 321.343 Failure to stop certain cargo or passenger vehicle at railroad Crossing.
71. 321.344 Unlawful movement of construction equipment across Railroad track
72. 321.344B Immediate safety threat – penalty
73. 321.353 Unsafe entry into sidewalk or roadway.
74. 321.354 Stopping on traveled part of highway.
75. 321.358 Stopping, standing, or parking where prohibited.
76. 321.360 Prohibited parking in front of certain buildings.
77. 321.361 Parking too far from curb/angular parking.
78. 321.362 Parking without stopping engine and setting brake.
79. 321.363 Driving with obstructed view or control.
80. 321.365 Coasting upon downgrade.
81. 321.366 Improper use of median, curb, or controlled access facility.
82. 321.367 Failure to maintain distance fire-fighting vehicle.
83. 321.368 Crossing unprotected fire hose.
84. 321.369 Putting debris on highway/roadway.
85. 321.370 Removing injurious material.
86. 321.371 Clearing up wrecks.
87. 321.372 School bus provisions.
88. 321.377 Excessive speed of school bus.
89. 321.381 Driving or towing unsafe vehicle.
90. 321.381A Operation of low-speed vehicles
91. 321.382 Operating underpowered vehicle.
92. 321.383 Failure to display reflective device on slow-moving Vehicles.
93. 321.384 Failure to use headlamps when required.
94. 321.385 Insufficient number of headlamps.
95. 321.386 Insufficient number of headlamps-motorcycles and Motorized bicycles.
96. 321.387 Improper rear lamp.
97. 321.388 Improper registration plate lamp.

- 98. 321.389 Improper rear reflector.
- 99. 321.390 Reflector requirements.
- 100. 321.391 Improper type of reflector.
- 101. 321.392 Improper clearance lighting on truck or trailer.
- 102. 321.393 Lighting device color and mounting.
- 103. 321.394 No lamp or flag on rear-projecting load.
- 104. 321.395 Parking on certain roadways without parking lights.
- 105. 321.397 Improper light on bicycle.
- 106. 321.398 Improper light on other vehicle.
- 107. 321.402 Improper use of spotlight.
- 108. 321.403 Improper use of auxiliary driving lights.
- 109. 321.404 Improper brake light.
- 110. 321.404A Light-restricting devices prohibited
- 111. 321.405 Self-illumination.
- 112. 321.408 Back-up lamps.
- 113. 321.409 Improperly adjusted headlamps.
- 114. 321.415 Failure to dim.
- 115. 321.418 Alternate road-lighting equipment
- 116. 321.419 Improper head lighting when night driving.
- 117. 321.420 Excessive number of driving lights.
- 118. 321.421 Special restrictions on lamps
- 119. 321.422 Lights of improper color-front or rear.
- 120. 321.423 Special light/signal provision.
- 121. 321.430 Defective braking equipment.
- 122. 321.431 Brake performance ability.
- 123. 321.432 Defective audible warning device.
- 124. 321.433 Unauthorized use of emergency audible warning devices on Motor vehicle.
- 125. 321.434 Use of siren or whistle on bicycle.
- 126. 321.436 Defective or unauthorized muffler system.
- 127. 321.437 Mirrors.
- 128. 321.438 Windshields.
- 129. 321.439 Defective windshield wiper.
- 130. 321.440 Defective tires.
- 131. 321.441 Unauthorized use of metal tire or track.
- 132. 321.442 Unauthorized use of metal projection on wheels.
- 133. 321.444 Failure to use safety glass.
- 134. 321.445 Failure to maintain or use safety belts.
- 135. 321.446 Failure to secure child.
- 136. 321.449 Special regulations.
- 137. 321.450 Hazardous materials.
- 138. 321.454 Width and length violations.
- 139. 321.455 Excessive side projection of load – passenger vehicle.
- 140. 321.456 Excessive height.
- 141. 321.457 Excessive length.
- 142. 321.458 Excessive projection from front of vehicle.

- 143. 321.459 Excessive weight – dual axels (each over 2000 lb. over).
- 144. 321.460 Spilling loads on highways.
- 145. 321.461 Excessive tow-bar length.
- 146. 321.462 Failure to use required towing equipment
- 147. 321.463 Maximum gross weight.
- 148. 321.463 Maximum gross weight.
- 149. 321.466 Excessive weight – dual axels (each 2000 lb. over)
- 150. 321.17 Misdemeanor to violate registration Provision
- 151. 321.32 Registration card, carried and exhibited.
- 152. 321.37 Display of Plates
- 153. 321.38 Plates, method of attaching, limitations prohibited.
- 154. 321.91 Penalty for abandonment
- 155. 321.99 Fraudulent use of registration
- 156. 321.180B Graduated driver's licenses for persons aged Fourteen through seventeen

TRAFFIC CONTROL DEVICES

3-4-8 TRAFFIC CONTROL DEVICES. The Council shall establish by resolution, and recommendation of the chief of police. Cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, 'limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be landed for traffic and play streets. The Council shall also have the power to designate and indicate by resolution intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

3-4-9 PLAY STREETS. The Chief of Police has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

3-4-10 CROSSWALKS. The Council is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or road-way, and at such other places as traffic conditions require.

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

3-4-11 TRAFFIC LANES. Where traffic lanes have been marked on street pavements at such places as traffic conditions require, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing

another vehicle or preparatory to making a lawful turning movement.
(Code of Iowa, Sec. 372.13[4] & 321.255)

SPEED REGULATIONS

3-4-12 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 set by State Code.

(Code of Iowa, Sec. 321.290)

3-4-13 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

(Ord. 349, October 22)

1. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles Per hour is unlawful where posted for designated streets or parts thereof.

2. Special 30MPH Speed Zones. A speed in excess of thirty (30) miles per hour is following designated streets or parts thereof.

a. On Iowa Highway 44 from East Third Street to 575 feet on East Eighth Street.

b. On Highway 44 from West Third Street to West Fifth Street.

c. On S.E. Third Street from the 300 block of South Street to 300 feet south (Guthrie County Highway P28).

d. On Highway 44 in front of school between DOT installed flashing lights when lights are flashing.

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

a. On Iowa Highway 4 from Iowa Highway 44 to just north of Clay Street.

b. On the East Corporate Line Road from Iowa Highway 44 to the North corporate line.

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

a. On Iowa Highway 44 from West Fifth Street to the West corporate line.

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

a. On Iowa Highway 4 from just north of Clay Street to 200 feet north of N.E. Second Street;

b. On Iowa Highway 44 from 575 feet east of East Eighth Street east to the east corporate line.

6. Special 10 MPH Speed Zones. A speed in excess of ten (10) miles per hour is unlawful on any alley in the City.

3-4-14 MINIMUM SPEED. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

TURNING MOVEMENTS

3-4-15 TURNING MARKERS, BUTTONS AND SIGNS. The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-4-16 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-4-17 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

3-4-18 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-4-19 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or

stopping.

2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

(Code of Iowa, Sec. 321,277A)

3-4-20 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS

3-4-21 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-4-22 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

3-4-23 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Chief of Police is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

SPECIAL STOPS REQUIRED

3-4-24 STOP OR YIELD. Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Chapter 61 of this Traffic Code.

3-4-25 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways: Highway 4 and 44

(Code of Iowa, Sec. 321.345 and 321.350)

3-4-26 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police 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.

3-4-27 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 Chief of Police 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.

TURING IN MOVEMENTS

3-4-28 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.

3-4-29 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.

3-4-30 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

3-4-31 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

PEDESTRIANS' RIGHTS AND DUTIES

3-4-32 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall

cross in the crosswalks only. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328, 321.327)

3-4-33 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians walking on or along a roadway, shall walk on the left side of the roadway at all times.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-4-34 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

3-4-35 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-4-36 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-4-37 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings

3-4-38 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.

2. In front of a public or private driveway.
3. Within ten (10) feet of an intersection or any street or alley
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.
(Code of Iowa, Sec. 321.236[1])
16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.
(Code of Iowa, Sec. 321.358[15j])
17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

3-4-39 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbing's to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-4-40 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

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

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

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

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

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

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

3-4-41 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

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

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking

permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321I, 42D)

- a. Use by an operator of a vehicle not displaying a persons with disabilities parking permits;
- b. Use by an operator of a vehicle displaying a 'persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;
- c. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

3-4-42 PRIVATE PROPERTY. No person shall drive onto or stop, stand, park or leave unattended any vehicle upon privately owned property or area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of such privately owned property or facility. A violation of this section shall place such vehicle in the status of an illegally parked vehicle, and upon complaint of the owner, lessee or person in charge of the privately owned property or facility, said vehicle may be dealt with pursuant; provided, however, no vehicle shall be deemed so illegally parked on land zoned commercial or industrial unless the owner, lessee or person in charge of such privately owned property or facility shall first post in a conspicuous location a sign or signs designating the specific use of the off-street parking facility.

STOPPING, STANDING OR PARKING

3-4-43 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-4-44 PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area that is not zoned Business Commercial (BC) during the period of time when snow is falling and for a period of forty-eight (48) hours after cessation of snowfall, unless after cessation of snowfall the snow has been removed or plowed from said street, alley, or parking area and the snow has ceased to fall.

Except on the west side of North 1st Street, no person shall park, abandon or leave unattended any vehicle on any public street, alley or City-owned off street parking area that is zoned Business Commercial (BC) between 1:00 a.m. and 7:30 a.m. when snow is falling or 'within forty-eight (48) hours after cessation of snowfall, unless after cessation of snowfall the snow has been removed or plowed from said street or alley and the snow has ceased to fall.

Parking is allowed on the west side of North 1st Street between Main Street and Market Street any time including during and after snowfall.

(Ord. 236 — Oct. 07 Supp.)

3-4-45 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-4-46 TRUCK PARKING LIMITED. Trucks licensed for five tons or more shall not be parked at the following locations on the streets named:

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

2. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any streets within the business district. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

3. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 11:00 p.m. and 7:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

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

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

3-4-47 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.

3-4-48 ELECTRIC 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.

3-4-48 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established 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.

MISCELLANEOUS DRIVING RULES

3-4-49 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area exempt as a driveway

3-4-50 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.

3-4-51 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-4-52 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-4-53 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-4-54 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

3-4-55 TRUCK ROUTE. When truck routes have been designated in accordance with any motor vehicle exceeding established weight limits shall comply with the following.

1. Every motor vehicle licensed for five tons or more, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the City and none other:

2. Any motor vehicle licensed for five tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.

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

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

(Code of Iowa, Sec. 321.471 & 472)

5. Permits for Excess Size and Weight. The Council may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

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

3-4-56 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

3-4-57 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.

3-4-58 ENGINE AND COMPRESSION BRAKES.

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

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

3-4-59 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, willfully to injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

3-4-60 OPEN CONTAINERS IN MOTOR VEHICLES.

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

(Code of Iowa, Sec. 321.284)

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

(Code of Iowa, Sec. 321.284A)

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

BICYCLE REGULATIONS

3-4-61 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 low-speed electric bicycle.

(Code of Iowa, Sec. 321.1)

3-4-62 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-4-63 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred (300) feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

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

(Code of Iowa, Sec. 321.236 110j)

3-4-64 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense

3-4-65 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians. Motorized bicycles/e-bikes shall obey the laws pertaining to non-motorized bicycles.

3-4-66 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride

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

3-4-67 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

3-4-68 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-4-69 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-4-70 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

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

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

SNOWMOBILES

3-4-71 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.

3-4-72 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321G.9 [2])

c. City designated snowmobile route.

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

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

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

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

3-4-73 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 except during timeframe designated by council resolution except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-4-74 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

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

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

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

3-4-75 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.

3-4-76 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 require.

3-4-77 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-4-78 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

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))

3-4-79 PROHIBITIONS. Operation of ATVs, off-road motorcycle or off-road utility vehicle are allowed under the following criteria.

3-4-80 OPERATION OF ATV’S AND UTV’S. All-terrain vehicles and off-road utility vehicles may be operated on City streets and alleys only in accordance with Section 321.23A of the *Code of Iowa* and this chapter.

1. All-terrain vehicles and off-road utility vehicles are authorized on streets and alleys within the City for the following purposes:

a. Streets/Sidewalks. Snow removal when snowplow, blade or snow blower is attached thereto.

b. Gardening and/or lawn work. Specifically, gardening projects at your residence or in the parking directly adjacent to your residence. A trailer may be utilized to take limbs to the City brush dump (must take most direct route, no State HYW may be utilized).

c. Special event authorized by the City Council

2. Recreational use of an ATV is not authorized. UTV's will be allowed to access all residential streets within the Corporate City Limits.

3. Regulations. An ATV or UTV operated on City streets or alleys shall be operated in compliance with the following regulations:

a. Equipment. The ATV or UTV shall be equipped as required by Sections 321I.12 and 321I.13 of the *Code of Iowa*, including (but not limited to) a functioning muffler, speedometer, headlights, tail lights, and brakes.

b. No person shall operate an ATV or UTV on any City street, alley or right-of-way unless such person possesses a valid driver's license or by special permit for disabilities. All operators must be 16 years of age or older. An operator under 18 years of age shall be required to take and pass an IDNR approved ATV Education course and must carry a valid safety certificate while operating the vehicle as proof that the IDNR approved ATV Education Course was successfully completed.

c. Traffic Regulations. Any person operating an ATV or UTV 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.

d. Speed. No ATV or UTV shall be operated at a speed in excess of the lesser of 25 miles per hour or the speed posted; nor shall any ATV or UTV be operated at a speed greater than is reasonable and proper for the existing conditions.

e. Lights. An ATV or UTV shall be operated with lighted headlights and taillights, at all times.

f. Unattended. No person shall leave an ATV or UTV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/operators shall comply with all parking regulations in the City.

g. Hours. No ATV or UTV shall be operated in the City between the hours of sunset to sunrise, except for emergency situations or to perform snow removal activities.

h. Occupants. The number of occupants shall not exceed the number of seats installed by the manufacturer of an UTV and no more than one person on an ATV.

i. seatbelts. No person shall operate an ATV or UTV without wearing a properly adjusted and fastened seatbelt if so equipped.

j. Financial Responsibility. The owner of the ATV or UTV must provide proof of current financial responsibility and in accordance with Chapter 321.20B of the *Code of Iowa*. No ATV or UTV shall be operated on city streets unless the operator can provide proof of off-premises liability insurance.

k. An ATV or UTV may pull a trailer as a method of transporting cargo. Trailers pulled by an ATV or UTV shall not be used as a means of providing for additional riders or passengers. Any trailer pulled by an UTV shall not exceed in width the width of a standard UTV. Trailers in tow shall have operable taillights and brake lights from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.

4. Locations.

a. Trails. ATV's and UTV's shall not be operated on any recreational, bike, or walking trail unless the trail is specifically designated to allow the use of such vehicles.

b. Sidewalks. ATV's and UTV's shall not be operated upon sidewalks unless the vehicle is engaged in snow removal or sidewalk maintenance activities.

c. ATV's and UTV's shall not be operated upon that portion of a street right of way between the curb or edge of street paving and the sidewalk, commonly referred to as the "parking," unless engaged in snow removal, maintenance or landscaping activities for the abutting property owners.

d. City Parks and Other Land. ATV's and UTV's shall not be operated in City parks or upon other City owned land unless for special event authorized by the City Council.

e. Private Property. ATV's and UTV's shall not be operated on private property without the express consent of the property owner.

f. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

g. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

h. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

i. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

j. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

k. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city

(Code of Iowa, Sec. 321I.10[5])

3-4-81 OPERATION ON ROADWAYS. A person shall not operate an ATV's or UTV's under any of the following conditions:

1. In a careless, reckless, or negligent manner so as to:
 - a. Endanger any person
 - b. Cause injury or damage to person or property
 - c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.

3-4-82 HIGHWAY USE – AGRICULTURAL PURPOSES. ATV's or UTV's shall not be operated on a highway unless one or more of the following conditions apply:

1. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, "incidental to the vehicle's use for agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the ATV or UTV or to obtain food or a nonalcoholic beverage for the operator.

(Code of Iowa, Sec. 321.234A)

3-4-83 REGISTRATION REQUIREMENTS. No person shall operate an ATV or UTV on any public street or alley, for any purpose unless the operator has proof of a valid Registration with the Iowa Department of Natural Resources. The following conditions apply:

1. The Owner of each All-terrain vehicle or Off-road Utility Vehicle shall be required to provide proof of ownership, including but not limited to bill of sale, IDNR registration or registration from the appropriate out-of-state authority, and proof of liability insurance as required by Iowa Code §§321.20B and 321A.21.
2. All-terrain vehicles or Off-road Utility Vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. All-terrain Vehicles or Off-road Utility Vehicles registered in another state are required to also display a valid IDNR User Permit in addition to displaying a current registration decal and carrying the certificate on board.
4. Exempt Vehicles. Registration shall not be required for:
 - a. All-terrain Vehicles and/or Off-road Utility vehicles used exclusively as farm implements.
 - b. All-terrain or Off-road Utility Vehicles owned by the United States, this State or

another State, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official purposes, but not for recreational or commercial purposes.

c. All-terrain vehicles used in accordance with Iowa Code §321.234A

3-4-84 NEGLIGENCE. The owner and operator of an ATV, UTV, or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV, UTV, or snowmobile. The owner of an ATV, UTV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV, UTV, or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, UTV, or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18)

3-4-85 ACCIDENT REPORTS. Whenever an ATV, UTV, or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

3-4-86 VIOLATION AND PENALTY. A person who has violated this chapter is guilty of a simple misdemeanor that may be punishable as a criminal citation. Persons violating this section may also be prosecuted and subject to the penalties set out in Section 321I.36 if the *Code of Iowa*. Specifically, scheduled violations are as follows:

1. Equipment Violation – \$50.00

2. Unlawful Operation – \$100.00

3. Excessive Speed – \$100.00

4. Failure to Prove Financial Liability – \$250 to \$500 as specified in Section 321.20B of *Code of Iowa*

Scheduled violations are payable at the office of the City Clerk. If such fine is not paid within thirty (30) days, a \$7 administrative fee will be added and be filed in the same manner as delinquent utility accounts with the DAS.

GOLF CARTS

3-4-87 GENERAL REGULATIONS. No person shall operate a golf cart within the City.

PENALTIES AND PROCEDURE

3-4-88 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.

3-4-89 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.

3-4-90 LOCAL PARKING FINES. Scheduled fines are \$25 unless otherwise specified by State Code. Payable by mail or in person at the City Clerk's office within thirty days of the violation.
(Code of Iowa, Sec. 321L.4 (2))

3-4-91 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.

CONTROLLED ACCESS FACILITIES

3-4-92 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare.
(Code of Iowa, Sec. 306A.1)

3-4-93 DEFINITION. The term "controlled access facility" means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.
(Code of Iowa, Sec. 306A.2)

3-4-94 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.
(Code of Iowa, Sec. 306A.4)

3-4-95 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Project No. F-402. On the Primary Road System extension improvement, Project No. F-402(7), Primary Road No. 4, within the City, described as follows:

From the junction with Iowa 44 Station 0+00 thence northerly to the north corporation line (Station 27+06)

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-402+F-402(7), on file in the office of the Clerk.

2. Project No. FN-44-4(2)-21-39. On the Primary Road System extension improvement, Project No. FN-44-4(2)-21-39, Primary Road No. 44, within the City, described as follows:

From Station 1059+89 at the west corporate line easterly to Station 1104+41.1 at West Second Street

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-44-4(2)-21-39, on file in the office of the Clerk.

3-4-96 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.

2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.

4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

(Code of Iowa, Sec. 306A.3 and 321.366)

3-4-97 PARKING RESTRICTED. The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Minor Street Approaches. Parking shall be prohibited on all minor street approaches for a distance of thirty-five (35) feet in advance of the stop sign.

2. Minor Street Exits. Parking shall be prohibited on the exit side of a minor street for a distance of thirty-five (35) feet.

3. Intersection. Parking shall be prohibited on the Primary Road Extensions a distance of fifty-five (55) feet in advance of the near crosswalk and a distance of twenty-two (22) feet beyond the far crosswalk.

4. Project No. FN-44-4(2)-21-39. Parking of any nature is prohibited on Project No. FN-44-4(2)-21-39 in any of the following specifically designated locations:

On the extension of Primary Road No. 44 from within ten (10) feet of the edge of the through traffic lanes from the west corporate line (Station 1059+89) to Union Street (Station 1104+41.1) with a single lane of parallel parking permitted on both sides outside of a line ten (10) feet distant from the edge of the through traffic lane.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE PROTECTION

3-5-1	Establishment and Purpose	3-5-7	Organization
3-5-2	Volunteer Fire Fighters	3-5-8	Approval by Council
3-5-3	Fire Fighter's Duties	3-5-9	Election of Officers
3-5-4	Worker's Compensation And	3-5-10	Mutual Aid
	Hospitalization Insurance	3-5-11	Fees
3-5-6	Fires Outside City Limits		

3-5-1 ESTABLISHMENT AND PURPOSE. A volunteer powers 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. Must be at least age eighteen (18) shall be appointed to serve as a volunteer fire fighter.

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 and agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

3-5-7 ORGANIZATION. The Fire Department consists of the Fire Chief, first and second

Assistant Fire Chiefs.

3-5-8 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

3-5-9 ELECTION OF OFFICERS. The department shall elect a Fire Chief, first and second Assistant Fire Chiefs and such other officers as its constitution and bylaws may provide, but the election of the Fire Chief and Assistant Fire Chiefs shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

3-5-10 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

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

3-5-11 FEES. Fees for firefighting and other emergency assistance, including but not limited to response to hazardous conditions, hazardous substances and or hazardous waste shall be established by resolution. Liability is hereby established for the fees and expenses in any person who is a property owner or tenant of a property to which the Panora Volunteer Fire Department responds. In addition, liability for fees and costs is hereby established in any person or persons who are responsible for fire, emergency situation, hazardous conditions, hazardous substance and/or hazardous waste to which the Fire Department is responding.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 EMERGENCY MEDICAL SERVICES DEPARTMENT

3-6-1	Department established	3-6-5	Duties
3-6-2	Organization	3-6-6	Compensation
3-6-3	Standard Operation	3-6-7	Reports
3-6-4	Officers		

3-6-1 DEPARTMENT ESTABLISHED. The Emergency Medical Service Department shall be established as a propriety department within the City of Panora.

3-6-2 ORGANIZATION. The department consists of the EMS Director and such other certified personnel, whether full, part time, or volunteer, as may be authorized by the Council. The Council shall approve volunteers of the Emergency Medical Service Department on an annual basis.

3-6-3 STANDARD OPERATING GUIDELINES AND BYLAWS. The Council and Emergency Medical Service Department shall adopt Standard Operating Guidelines. These guidelines will contain the general policies, guidelines, rules and regulations governing the operation of the department. Also, the Emergency Medical Service Department shall adopt bylaws, as, it may deem necessary to accomplish the objectives for which it is organized, and any changes or amendments therein must be approved by the Council before being effective.

3-6-4 OFFICERS. The Emergency Medical Service Department shall have an EMS Director that shall be hired by the City Administrator to oversee the daily functions, well-being and overall departmental policies and procedures. The Emergency Medical Service Department shall elect a President and such other officers as its bylaws may provide, which officers shall be subject to the approval of the EMS Board and Council. In case of absence of the President, the officer next in rank shall be in charge and have and exercise all the powers of the President. These officers will make up the EMS Board, who shall be the governing body of the department for situations that involve day to day function of the department.

3-6-5 DUTIES. It is the duty of the Emergency Medical Service Department to take charge of all vehicles and apparatus of the Ambulance Service and work and manage the same under the supervision of the EMS Director in the most effective manner.

3-6-6 COMPENSATION. Full and part time members of the Emergency Medical Service Department are designated by certification and receive such compensation as shall be determined by resolution of the City Council. Volunteers shall be compensated as determined by the Standard Operating Guidelines and or Bylaws.

3-6-7 REPORTS. The Emergency Medical Service Department shall compile and submit to the Mayor and Council an annual report of the status and activities of the department, as well as such other reports as may be requested by the Mayor or Council.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 CURFEW FOR MINORS

3-7-1	Preamble	3-7-4	Offenses
3-7-2	Findings and Purpose	3-7-5	Defenses
3-7-3	Definitions		

3-7-1 PREAMBLE. The City of Panora 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)

3-7-2 FINDINGS AND PURPOSE. The City of Panora 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.

3-7-3 DEFINITIONS. In this chapter:

1. Curfew Established. A curfew applicable to minors is established and shall be enforced as follows:

a. Unless accompanied by a responsible adult, no minor fifteen (15) years of age or younger shall be in any public place during the following times: ten o'clock (10:00) p.m. to five o'clock (5:00) a.m.

b. Unless accompanied by a responsible adult, no minor sixteen (16) years of age through seventeen (17) years of age shall be in any public place during the following times:

(1) Sunday through Thursday- ten o'clock (10:00) p.p. to five o'clock (5:00)

(2) Friday and Saturday- twelve o'clock (12:00) midnight to five o'clock a.m.

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.

2. 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.

3. 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.

4. Minor means any person under age 17 years of age.

5. 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.

6. 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.

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

8. Remain means to:

- a. Linger or stay; or
- b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

9. 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.

10. "Knowingly" means knowledge which a responsible adult should reasonably be

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

11. "No secured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing no secured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

12. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or with written authorization from a parent or guardian to have custody or control of a minor.

13. "Emancipated" means unmarried and still under the custody or control of a responsible adult.

14. Penalties.

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

b. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a simple misdemeanor

c. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.

d. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a simple misdemeanor.

3-7-4 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.

3-7-5 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 police 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 Panora, 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 Panora, 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 police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

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

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. 364.1)

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

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

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

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

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

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

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

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

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

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

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

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

f. Any vehicle left unattended on jacks, blocks, or elevated in any way constituting a safety hazard or threat to the public health or welfare. (Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

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

3-9-3 REMOVAL OF ABANDONED VEHICLES.

1. The Chief of Police or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in 3-9-4. The Chief of Police or Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

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

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police or Mayor if the Chief of Police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle

identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

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

3-9-4 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 Chief of Police or Mayor if the Chief of Police 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;

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

(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 Chief of Police or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-8-6.

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 3-8-5.

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

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

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

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

- a. the identity of the last registered owner cannot be determined, or
- b. the registration contains no address for the owner, or
- c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

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

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

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

3-9-5 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 Chief of Police or Mayor if the Chief of Police 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 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
- 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. 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 Chief of Police 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 Panora, 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.

1. Whenever the Chief of Police or Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-9-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:

- a. the owner of the property.
 - b. the occupant of the property.
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.

3-9-9 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))

3-9-10 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 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))

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.

3-9-11 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 10 NOISE CONTROL

3-10-1	Scope of Regulations	3-10-5	Excluded Sounds
3-10-2	Definitions	3-10-6	Sound Equipment Permit
3-10-3	Noise Disturbance Prohibited	3-10-7	Other Laws and Ordinances
3-10-4	Included Sounds		

3-10-1 SCOPE OF REGULATIONS. This chapter applies to the control of all noise originating within the limits of the City, except in the following cases: (a) a State or federal agency has adopted a different standard or rule than that prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable, or (b) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

3-10-2 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
2. "Emergency work" means any work performed for the purpose of alleviating or resolving an emergency.
3. "Motorcycle" means any two or three-wheeled motor vehicle.
4. "Motor vehicle" means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: "motor vehicle" includes most motorcycles)
5. "Noise" means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
6. "Noise disturbance" means those sounds defined as "noise disturbances" in Section 3-10-4 of this chapter.
7. "Powered model vehicle" means any self-propelled airborne, waterborne or landborne model plane, vessel or vehicle which is not designed to carry persons, including, but not limited

to, any model airplane, boat, car or rocket.

8. "Public right-of-way" means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

9. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

10. "Recreational vehicle" means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a "motor vehicle" or "motorcycle" (if two or three-wheeled) and not a "recreational vehicle." (Examples of recreational vehicles are a snowmobile, a minibike, a stock car or motorboat.)

11. "Residential property" means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

12. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

13. "Sound equipment" means any radio, record player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except, however, "sound equipment" does not include (a) sirens and other equipment used to alert persons to the existence of an emergency, (b) equipment used by law enforcement and other public safety officials in the performance of their official duties, (c) church carillons, bells or chimes, (d) mobile radio or telephone signaling devices and (e) automobile and truck radios, tape decks or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than fifty (50) feet from such automobile or truck.

3-10-3 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make or continue or cause to allow to be made or continued any noise disturbance within the City.

3-10-4 INCLUDED SOUNDS. Except for sounds excluded in Section 3-10-5, the term "noise disturbance" means any of the following sounds:

1. **Injurious or Disturbing Sounds Generally.** Any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an adverse physiological or physical effect on human beings or devalues or injures property.

2. Selling by "Hawking" or "Barking." The sound of selling by shout or cutely when made within the area of the City zoned residential or commercial.

3. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing or handling of boxes, crates, containers, building materials, garbage cans, trash receptacles or similar objects between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m. within any area of the City zoned residential or at the real property boundary of residential property.

4. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m. at the real property boundary of residential property.

5. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m. at the real property boundary of residential property.

6. Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m. at the real property boundary of residential property.

7. Off-road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m. at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this subsection 7.

8. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation drilling or other such construction work which is received between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m. at the real property boundary of residential property.

9. Sound Equipment. The sound made by sound equipment operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible from any public right-of-way within the City between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m. or upon any school grounds or in any school zone during normal school hours, unless the person using, operating or causing to be used or operated the sound equipment possesses a current sound equipment permit and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

10. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.

11. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.

12. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass.

13. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler- equipped lawn and garden equipment operated between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m.

14. Chain Saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of nine o'clock (9:00) p.m., and six-thirty o'clock (6:30) a.m.

3-10-5 EXCLUDED SOUNDS. Any other provision of Section 3-10-4 or other section of this chapter to the contrary notwithstanding, the term "noise disturbance," as used in this chapter, does not mean or include the following sounds:

1. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.

2. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purposes, or for the essential testing of such device when conducted between the hours of six-thirty o'clock (6:30) a.m. and nine o'clock (9:00) p.m.

3. Church Bells. The sound emitted by church carillons, bells or chimes.

4. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than fifty (50) feet.

5. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.

6. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.

7. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.

8. Mosquito Spraying Equipment. The sound made by City-owned or hired mosquito

spraying equipment.

3-10-6 SOUND EQUIPMENT PERMIT. No person shall use, operate or cause to be used or operated any sound equipment upon the public rights-of-way or in any building or upon any premises, public or private, if the sound emitted thereby is plainly audible from the public right-of-way within the City unless such person has obtained a sound equipment permit in accordance with this section and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

1. Application for Permit. Applications for sound equipment permits shall be made in writing to the Council and shall contain the following information:

- a. Name and address of applicant.
- b. The type of event for which the sound equipment will be used.
- c. The location where the sound equipment will be used,
- d. The proposed date and duration of the event and the hours of operation of the sound equipment.
- e. A general description of the sound equipment, including whether the sound source will be located inside a building or outside as well as the license number of any motor vehicle upon which said sound equipment is to be operated if applicable.
- f. Any other information as may be required by the Council.

2. Permit Fee. The fee for a sound equipment permit shall be as established by resolution of the Council.

3. Issuance of Permit. Permits may be issued by the Council. Except as hereinafter provided, if the application contains the required information and is accompanied by the required fee, the sound equipment permit shall be issued with reasonable dispatch.

4. Limitations. A sound equipment permit shall not be issued if the sound to be emitted by the sound equipment would be a noise disturbance under Section 3-10-4 (other than subsection 9) of this chapter. A sound equipment permit issued in violation of this subsection 4 is void and of no force and effect.

5. Conditions. The Council may impose reasonable conditions and requirements to be met or fulfilled by the sound equipment permit holder preliminary to or at the time of the use or operation of the sound equipment. Such conditions and requirements shall be those conditions and requirements necessary or advisable to protect the health, welfare and quality of life of the residents of the City and may include, without limitation, restrictions on the time of day the sound equipment can be used or operated, restrictions on the level of the sound to be produced

and restrictions on the number of minutes or consecutive minutes that the sound equipment may be used or operated during any one hour or day.

6. Permissibility. Any other language to the contrary in this chapter notwithstanding, sound made by sound equipment for which a valid sound equipment permit has been issued under this Section 3-10-6 shall be permissible hereunder and shall not constitute a violation of this chapter regardless of the fact that said sound equipment may be operated upon the public right-of-way or in a building or upon premises, public or private, that is plainly audible from a public right-of-way within the City.

3-10-7 OTHER LAWS AND ORDINANCES. No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by State or federal statutes or this Code of Ordinances.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 PARK REGULATIONS

3-11-1	Purpose	3-11-5	Parks Closed
3-11-2	Use of Drives Required	3-11-6	Camping
3-11-3	Fires	3-11-7	Animals
3-11-4	Littering		

3-11-1 **PURPOSE.** The purpose of this chapter is to facilitate the enjoyment of park Facilities by the general public by establishing rules and regulations governing the use of park facilities.
(Code of Iowa, See. 364.12)

3-11-2 **USE OF DRIVES REQUIRED.** No person shall drive any car, cycle or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City. Specifically, no vehicle may be driven on the downtown square without city approval, anytime during the year.

3-11-3 **FIRES.** No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

3-11-4 **LITTERING.** No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

3-11-5 **PARKS CLOSED.** No person shall enter or remain in the parks between the hours of ten o'clock (10:00) p.m. and five o'clock (5:00) a.m. Sunday thru Thursday and eleven o'clock (11:00) p.m. and five o'clock (5:00) a.m. Friday and Saturday.

3-11-6 **CAMPING.** Camping is not allowed at city parks.

3-11-7 **ANIMALS.** No animals are allowed in the ball fields at Michael Mills Park. Any owner found in violation of this will be subject to the fines and fees designated in 4-1-25 Appendix Fees.

TITLE III COMMUNITY PROTECTION

**CHAPTER 12 REGULATING PEDDLERS, SOLICITORS
AND TRANSIENT MERCHANTS**

3-12-1	Purpose	3-12-11	Advertising
3-12-2	Definitions	3-12-12	Duty of Police to Enforce
3-12-3	License Required	3-12-13	Waste Retention and Refuse Disposal
3-12-4	Application for License	3-12-14	Lights and Noise Makers
3-12-5	Location Restrictions	3-12-15	Sign Displaying Name of Owner
3-12-6	Permanent Location (Home Base)	3-12-16	List of Approved Food and Beverage Items
3-12-7	Pushcart Dimensions	3-12-17	Bonds
3-12-8	F.D.A. Standards for Pushcart Operators and Vendors	3-12-18	Insurance
3-12-9	Hand Washing Facilities	3-12-19	Fees
3-12-10	Hours of Operation		

3-12-1 **PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating pushcarts, peddlers, solicitors and transient merchants

3-12-2 **DEFINITIONS.**

1. Peddler. Any person who goes from house to house, from place to place, or from street to street conveying or transporting goods, non-potentially hazardous foods, wares or merchandise or exposing the same for sale, or making sales and delivering articles to purchasers. All potentially hazardous foods are prohibited from sale. If a vehicle or pushcart is used by a peddler for the sale of any food items, all requirements of this chapter relating to pushcarts, vehicles and foodstuffs shall be applicable.

2. A "solicitor" Any person who goes from house to house, from place to place, or from street to street soliciting or taking orders for sale of goods, non-potentially hazardous foods, wares or merchandise, including but not limited to magazines, books, photographs, periodicals, or personal property, for future delivery or for a service to be performed in the future. All potentially hazardous foods are prohibited from sale.

3. "Merchant" Any person who engages in a temporary business of selling and delivering goods, no potentially hazardous foods, wares or merchandise within the city who in furtherance of such purposes leases, uses or occupies any vehicle, trailer, tent, railroad car, or other place in the city for the exhibition and retail sale of such goods, wares or merchandise. All potentially hazardous foods are prohibited from sale. Transient merchant shall not include the temporary sale of goods, non-potentially hazardous foods, wares, or merchandise by a permanent merchant on private property adjacent to the merchant's permanent place of business. Said

temporary sales shall not exceed 7 days in duration nor take place more than once every 30 days.

4. Vendor. Vendor shall include peddlers, solicitors and transient merchants Potentially Hazardous Food. Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, untracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

5. Pushcart. A non-motorized vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures. A motorized vehicle shall not be considered a pushcart. All potentially hazardous foods are prohibited from sale.

3-12-3 LICENSE REQUIRED.

1. No person shall engage in the business of pushcart operator or vendor in the city without license, with the exception of those individuals and organizations identified in subsection (9) of this section. Only one natural person may engage in such activity under one license.

2. Each pushcart shall be separately licensed and may operate only at the location specified in the license as approved by the City Administrator or a duly authorized representative.

3. A pushcart license shall not be transferable from person to person nor from an approved location to another location without approval of the City Administrator or a duly authorized representative.

4. The City Administrator may revoke any license issued under this chapter where the licensee, in the application for the license or in the course of conducting his/her business has made fraudulent, false or incorrect statements, or has violated this chapter or has otherwise conducted his/her business in an unlawful manner. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint, and the time and place of hearing. Such notice shall be mailed to the licensee at his last known address at least 5 days prior to the date set for hearing.

5. The city reserves the right, in the event public safety or congestion so requires, to limit the number of pushcarts to a maximum of one per block and/or a maximum number within the Business Commercial District. Licenses will be issued in the order of priority based on the first date and time the application is stamped received by the City Clerk.

6. Each pushcart operator and vendor shall obtain the necessary licenses and/or permits as may be required by the county, state, or federal governing bodies. All applicants shall comply with all applicable county, state or federal laws, rules and regulations.

7. Each transient merchant shall prominently display his/her license at all times while

engaging in a temporary business of selling and delivering goods, no potentially hazardous foods, wares, or merchandise within the city.

8. The license issued pursuant to this chapter is to be carried at all times by the licensee when he/she is engaged in the particular activity for which the license was issued and shall, upon the request of customers or city employees, exhibit the license as evidence of compliance with all requirements of this chapter.

9. This chapter shall not apply to the selling of personal property at wholesale to dealers in such articles; to newsboys; to merchants or their employees in delivering goods in the regular course of business, to drug retail persons calling on physicians, pharmacists and hospitals; to vendors of milk and other products distributed or sold to regular customers on established routes; to local residents and farmers who offer for sale their own produce and selling as a sole proprietor; or to nonprofit organizations defined and authorized by Chapter 504A of the Iowa Code or authorized and organized under statutes or regulations of the United States government, or approved by the Internal Revenue Service; churches, public and private schools and colleges that are located in Guthrie County, Iowa: nonprofit clubs and lodges when not ordinarily conducted as a business that do not meet the requirements of Chapter 504A of the Iowa Code and are located in Guthrie County, Iowa. This chapter does not prohibit any auction sales required by statute or by order of any court, or prohibit any auction sales conducted pursuant to law. This section does not exempt any of the above-cited individuals, groups and/or organizations from meeting the requirements of Section 3-12-5(2).

3-12-4 APPLICATION FOR LICENSE.

1. Applicant for a license under this chapter shall file with the City Clerk a sworn application in writing which shall give the following information.

- a. Name and physical description of applicant;
- b. Permanent home address and also the local address of applicant;
- c. A brief description of the nature of the business and the goods to be sold;
- d. Proposed location, address, route, and/or area in which the business is to be operated;
- e. The name and address of employer, if any;
- f. The length of time for which the right to do business is desired;
- g. If employer is a corporation, the state of its incorporation, whether it is authorized to do business in Iowa, and evidence that the corporation has designated a resident agent in the city upon whom legal service may be made and that the corporation will be responsible for the acts of its employees in the city;

h. A statement as to whether or not applicant has been convicted of any crime misdemeanor, or violation of any municipal ordinance other than a traffic violation, the nature of the offense and the penalty imposed;

i. The last municipalities, not exceeding 3, where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those cities.

2. In determining whether a license under this chapter should be granted or denied the following standards shall be taken into consideration:

a. If the proposed activity is likely to cause undue congestion of a public area.

b. If the applicant has had an unreasonable number of complaints for misrepresentation, fraud, or selling defective merchandise.

c. If the applicant has been convicted of a violation of a similar ordinance within the last 6 months.

d. If the applicant has been convicted within the last 5 years of any public offense relating to fraud or misrepresentation.

e. If the proposed activity is likely to cause excessive or unusual noise

3-12-5 LOCATION RESTRICTIONS.

1. The pushcart shall be so situated as to be in conformance with all applicable restrictions and ordinances of the city and specifically approved by the City Council or by a duly authorized representative.

2. No person, firm, corporation, or other organization shall sell, display, or otherwise offer for sale any merchandise or other materials on any sidewalk, street, public right-of-way, or other public property without first obtaining approval by the City Council or by a duly authorized representative. Application for such license shall be made in writing to the City Clerk. Said application along with the appropriate department reports shall then be forwarded to the City Council or to a duly authorized representative for action to approve or disapprove.

3. Persons, firms, corporations or other organizations having valid contracts with the City of Panora authorizing activities hereinbefore described in subsection (2) above are excepted from the terms of said paragraph for the activities specifically authorized in the contract.

4. The City Council reserves the right to require the relocation of any licensed pushcart or transient merchant to a new location in the event public safety or congestion so requires, based on the discretion of the Council.

5. No transient merchant shall be permitted to operate from one location for more than 7 consecutive days and no other transient merchant shall be permitted to operate another business at that location within the immediate 30 days following the previous transient merchant.

6. The City Council may by resolution, following a request by a pushcart operator, vendor or permanent merchant, grant exceptions to the time constraints of Section 3-12-5(5) and the license requirements of Section 3-12-5 based upon just cause.

7. All pushcart operators and vendors shall comply with all requirements of the City of Panora Zoning Ordinance (Title V, Chapter 4, Municipal Code, City of Panora), except that transient merchants shall not be required to provide off-street parking facilities as required by Section 165.28(8) of the City of Panora Zoning Ordinance, however, if off-street parking facilities are provided the design and maintenance of said facilities shall be in accord with the specifications and standards set forth in Section 5-4-17(8) of the City of Panora Zoning Ordinance.

8. No vendor vending from a motor vehicle shall conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life, or property, or an obstruction to adequate access to fire, police, sanitation, or emergency vehicles. Furthermore, no vehicle shall remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose.

3-12-6 PERMANENT LOCATION (HOME BASE). Every pushcart licensee shall maintain a permanent location within the City of Panora for the storage and preparation of food and beverages carried by the licensee's food carts, and for the cleaning and servicing of carts. Such permanent location shall not be located in any Residential Zoning District as defined in Sections of the City of Panora Zoning Ordinance unless conforming to all requirements of the Home Occupation Section of the Zoning Ordinance being Section 5-4-5 of the Municipal Code. Such permanent location shall comply in all respects with requirements of the U.S.D.A. Food and Drug Administration Food Service Sanitation Ordinance passed in 1976, amended in 1981, and as may be amended hereafter. Each pushcart shall return to the permanent location at least once daily for cleaning and servicing. Said location shall be identified in writing to the city, and shall be accessible for inspection.

3-12-7 PUSH CART DIMENSIONS. No pushcart shall have dimensions exceeding 4 feet in width, 8 feet in length, and 8 feet in height. All pushcarts must be aesthetically pleasing in appearance, and shall be maintained in a neat and orderly fashion. Each pushcart shall be capable of being moved and kept under control by one person traveling on foot. The City Administrator may grant a special license to a handicapped person to operate a pushcart propelled by an electric motor, providing that the applicant meets all other conditions for a license. During transit of the pushcart (whether it be towed by vehicle, carried by trailer, or pushed by hand) the pushcart operator shall be subject to all of the duties applicable to the driver of a motor vehicle as provided by law except as to the provisions which by their very nature can have no application.

3-12-8 F.D.A. STANDARDS FOR PUSH CART OPERATORS AND VENDORS. Each pushcart operator and vendor shall meet U.S.D.A.-F.D.A. Food Service Sanitation Ordinance standards and Iowa Department of Agriculture Food Service Sanitation Code for food storage, preparation and dispensing.

3-12-9 HAND WASHING FACILITIES. Each pushcart operator and vendor shall provide hand washing facilities for the employees of the licensee when required by U.S.D.A.-F.D.A. regulations.

3-12-10 HOURS OF OPERATION. No pushcart operator or vendor shall operate before 8:00 a.m. nor after 9:00 p.m. on any day unless specifically approved by the City Administrator or duly authorized representative.

3-12-11 ADVERTISING. No advertising other than that specifically relative to the products being sold on the pushcart shall be placed on the cart.

3-12-12 DUTY OF POLICE TO ENFORCE. It shall be the duty of the police officers of the City of Panora to examine all places of business or persons in their respective territories subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating the same.

3-12-13 WASTE RETENTION AND REFUSE DISPOSAL. Each pushcart operator and vendor shall provide a waste retention tank when required by U.S.D.A.-F.D.A. regulations. All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained onto sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location of a pushcart. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an (U.S.D.A.-F.D.A. ordinance) approved container located on his cart. Failure to do so shall be grounds for license revocation and initiation of action on such bonds required in Section 3-12-18.

3-12-14 LIGHTS AND NOISE MAKERS. No pushcart operator or vendor, nor anyone in his behalf shall shout, make any outcry, blow a horn, or use any other sound device including any loud speaking radio or amplifying system for the purpose of attracting attention to any goods, wares or merchandise which such pushcart operator or vendor proposes to sell.

3-12-15 SIGN DISPLAYING NAME OF OWNER. Affixed permanently and prominently to each pushcart shall be a sign no smaller than 12 inches by 12 inches displaying the name, address and telephone number of the pushcart owner.

3-12-16 LIST OF APPROVED FOOD AND BEVERAGE ITEMS. The U.S.D.A. Food and Drug Administration has published laws and regulations regarding approved food and beverage items which may be sold by pushcart operators and vendors. No items of any kind, other than

those food and beverage items allowed in the U.S.D.A.-F.D.A ordinance shall be sold or dispensed by pushcart operators and vendors.

3-12-17 BOND. An applicant for a license under this chapter shall file with the City Clerk a surety bond in the amount of \$1,000, conditioned that the applicant shall comply fully with all ordinances of the city and laws regulating pushcart operators and vendors, and guaranteeing to any resident of the city that all money paid will be accounted for and applied according to the representation of the licensee, said bond to continue in force as to such surety for not less than one year from the date of execution of such agreement. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. In lieu of the requirements of this section, an applicant for a license under this chapter may provide proof of insurance as set out in section 3-12-18.

3-12-18 INSURANCE. Each pushcart licensee shall provide proof of general liability insurance, including products liability coverage, in the amount of \$1,000,000 or more per occurrence and \$1,000,000 for property damage. All other licensees shall provide proof of general liability insurance including products liability in the amount of \$300,000 per occurrence and \$100,000 for property damage. A certificate of insurance shall be delivered to the City Clerk prior to the issuance of a license. The City of Panora and its employees shall be named as additional insured's against any liabilities that may arise in connection with the operations of the licensees

3-12-19 FEES.

1. License fees for pushcarts under this chapter are as follows: \$10 per day, or \$60 per month, or \$300 per year. Fees for all other licenses issued under this chapter are as follows: \$10 per day, \$25 per week, \$50 per month, or \$150 per year.

2. Fees will not be prorated or refunded unless the license is revoked by the City Administrator or duly authorized representative.

TITLE III COMMUNITY PROTECTION

CHAPTER 13 DRUG PARAPHERNALIA

3-13-1 Definitions

3-13-3 Prohibition

3-13-2 Exemption

3-13-1 DEFINITIONS. As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

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

(Code of Iowa, Sec. 124.414)

3-13-2 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

3-13-3 EXEMPTION. "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa, Sec. 124.414)

TITLE III COMMUNITY PROTECTION

CHAPTER 14 FIREWORKS ORDINANCE

3-14-1	Definitions	3-14-6	Restrictions on the Use of
3-14-2	Fireworks		Consumer Fireworks
3-14-3	Violations	3-14-7	Permits Required
3-14-4	Prohibitions	3-14-8	Seizure of Fireworks
3-14-5	Sale of Consumer Fireworks	3-14-9	Emergency

3-14-1 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" means First-Class Consumer Fireworks and Second- Class Consumer Fireworks described in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.

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.

3-14-2 FIREWORKS. The sale, use or exploding of fireworks within the City are subject to the following:

(Code of Iowa, Sec. 727.2)

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

a. Personal Injury: - \$250,000.00 per person.

b. Property Damage: - \$50,000.00.

c. Total Exposure: - \$1,000,000.

(Code of Iowa, Sec. 727.2)

2. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

3-14-3 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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

3-14-4 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.

3-14-5 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.

3-14-6 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

1. A person shall not use or explode Consumer Fireworks except on days and during times permitted under the State Code of Iowa

2. 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.

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

4. 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.

5. 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.

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

(Code of Iowa, Sec. 727.2)

3-14-7 PERMITS REQUIRED. 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.

Application for a permit must be made, in writing, and filed at the Office of the City Clerk, at least 30 days in advance of the proposed display.

3-14-8 SEIZURE OF FIREWORKS. 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.

3-14-9 EMERGENCY. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-15	Impoundment: Redemption Conditions
4-1-2	Immunizations	4-1-16	Microchip Requirements
4-1-3	At Large Prohibited	4-1-17	Animals Injured by Motorists Responses Required
4-1-4	Animal Nuisances	4-1-18	Tethering and Shelter for Dogs
4-1-5	Impounding	4-1-19	Tethering and Shelter Dogs Violation
4-1-6	Kennel Dogs	4-1-20	Feral Cats Colony
4-1-7	Animal Neglect and Cruelty to Animals Prohibited	4-1-21	Managed Feral Cats
4-1-8	Livestock Neglect	4-1-22	Maintaining a Feral Cat Colony
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4-1-11	Annoyance or Disturbance	4-1-25	Appendix Fees
4-1-12	Owner's Duty		
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4-1-14	Impoundment: Holding Period – Notice To Owner – Disposition Of Animals.		

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

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean any animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. "Abandonment" means an owner's intentional act of abdicating reasonable care or control of an animal in a location where any reasonable person would know the animal has little chance of finding food, potable water, or shelter.
4. "Adequate shelter" means a structurally sound, adequately ventilated, weatherproof structure that is comprised of non-toxic materials and interior floors that minimize injury and discomfort to the animal. The structure must be clean and of a suitable size as to limit overcrowding by properly accommodating the specific animal. The structure must protect the animal from extreme conditions. The animal must be able to lie down fully and rise to its feet, in a natural manner, consistent with the animal's species.
5. "Allow," for the purposes of this ordinance, shall include human conduct that is intentional,

deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

6. “Animal” means a nonhuman vertebrate.

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

7. “Animal at large” means off the premises of the owner and not under control of a competent person.

8. “Basic medical care” means medical care required by the species, including, but not limited to, periodic examinations by a veterinarian, prompt veterinary care when required, age and species appropriate vaccinations, basic grooming, and internal and external parasite control.

9. “Caregiver” means any person who provides food, water, or shelter to or otherwise care for a cat.

10. “Custody” means the possession, control over, and responsibility for an animal by a person who may or may not be the owner.

11. “Disposition” means adoption, foster care, or euthanasia.

12. "Euthanasia" means the humane destruction of an animal accomplished by a method approved by the most recent Report of the American Veterinary Medication Association Panel on Euthanasia.

13. “Feral cat” means any wild or untamed cat. A feral cat is not a stray cat.

14. “Feral cat colony” means a group of homeless, wild or untamed cats living or growing together.

15. “Harness” means a properly-fitting apparatus that is not abrasive and that restrains the animal by the body and shoulders without the involvement of the neck.

16. “Intact” means a dog over six months old or a cat over five months old that has not been altered (spayed/neutered).

17. “Live trap” means any device designed to catch and restrict an animal without causing any harm to the animal.

18. “Nuisance” means disturbing the peace by habitually or continually howling, crying, or screaming, or the habitual and significant destruction, desecration, or soiling of property against the wishes of the owner of the property.

19. "Owner" means any person having title to, or an ownership interest in, or custody of, or keeping, maintaining, or possessing one or more animals. “Owner” does not include a feral- cat caretaker participating in the Trap-Neuter-Return Program, as described in Section 55.19.

20. "Potable water" means water that is safe for drinking.

21. "Possession" means custody of an animal.

22. "Rescue Group" is any for-profit or non-profit entity or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in suitable homes when possible and the care and maintenance of feral cat colonies within the city.

23. "Reasonable period" means a period of time not to exceed eight hours in a 24-hour period, or a time that is otherwise approved by the City of Panora.

24. "Stray cat" means any cat that is homeless and is not considered to be feral.

25. "Tethering device" means a chain, rope, or other restraining device which attaches to a dog.

26. "Toy group" means the breeds of dogs grouped under the heading of "toy" by the American Kennel Club

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

(Code of Iowa, Sec. 351.33)

4-1-3 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large within the corporate limits of the City and to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

(Code of Iowa, Sec. 351.41)

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

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

2. Causes unsanitary, dangerous or offensive conditions.

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

(Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING.

1. Any dog 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 Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of dogs 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 will be returned. If the impounded dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor."

(Code of Iowa, Sec. 351.39)

4. 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 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.

4-1-7 ANIMAL NEGLECT AND CRUELTY TO ANIMALS PROHIBITED.

1. Physical Abuse. It is unlawful for any person to willfully or maliciously kill, torture, beat, mutilate, or burn any animal. Each offense may constitute a separate violation. A Panora Police Officer may require an examination of the animal by a licensed veterinarian upon suspicion of abuse.

2. Care and Maintenance. It is unlawful for any person having charge, care, custody or control of any animal, as owner or otherwise, to fail to provide adequate food, potable water, basic medical care, and shelter required for the specific species or breed of the animal to maintain proper health and comfort of the animal.

3. Animal Poisoning. It is unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

4. Killing of Birds. It is unlawful for any person to take or kill any bird(s), or to rob or destroy any nest, egg, or young of any bird in violation of the laws of the state.

5. Malicious Impounding. It is unlawful for any person to maliciously impound the animal of another individual.

4-1-8 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

4-1-9 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership or custody, or the person may deliver the cat or dog to an animal shelter, animal rescue organization, or pound.

4-1-10 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

4-1-11 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles, or other vehicles.

4-1-12 OWNER'S DUTY. It is the duty of the owner of any dog, cat, or other animal, which has bitten or attacked a person, or any person having knowledge of such bite or attack, to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

4-1-13 IMPOUNDMENT AUTHORIZED WHEN. A Panora Police Officer shall place all animals which he or she takes into custody in a designated animal impound facility. The following animals may be taken into custody by the officer or designee and impounded without the filing of a complaint:

1. Any animal running at large contrary to the provisions of this Chapter;
2. Any abandoned animal;
3. Animals which are not vaccinated for rabies in accordance with the requirements of this Chapter;
4. Any animal to be held for quarantine;
5. Any animal defined in Sections 4-1-13 or not confined as required by 4-1-18 of this

Chapter

4-1-14 IMPOUNDMENT: HOLDING PERIOD – NOTICE TO OWNER – DISPOSITION OF ANIMALS. Animals shall be impounded for a minimum of three (3) working days before further disposition, except as otherwise provided herein.

Any animal which is impounded and is microchipped, or wearing a current rabies tag and other identification designating the owner of the animal, and where such owner may be contacted, shall be impounded for a minimum of five (5) calendar days before further disposition. Reasonable effort shall be made to notify the owner of any animal microchipped or wearing other identification during that time. Written notice shall be sent within forty-eight (48) hours of impoundment and be deemed given when sent to the last known address of the listed owner

4-1-15 IMPOUNDMENT: REDEMPTION CONDITIONS. The owner of any impounded animal, or such owner's authorized representative, may redeem such animal before disposition, provided he or she pays the fees and charges as listed below, according to the amounts in Appendix A of this Chapter:

1. The impound fee;
2. The daily board charge;
3. Veterinary costs incurred during the impound period, including rabies vaccination;
4. Microchip, if required;
5. A transportation fee, if transportation of an impounded animal by specialized equipment was required;
6. Any other expenses incurred to impound an animal in accordance with State or local laws;
7. Any unpaid or past due Animal Services fees and fines incurred by the owner.

4-1-16 MICROCHIP REQUIREMENTS.

1. Dogs – Owners are encouraged to have identifying tags on their dog at all times while off premises. At the minimum, the owner's phone number or address is required. Identifying microchips implanted in their dogs is also acceptable. If owners take such action, they shall be exempt from the requirement that such dogs wear identifying tags at all times while off the premises.

2. Cats – Owners are encouraged to have identifying tags on their cat at all times while off premises. At the minimum, the owner's phone number or address is required. Identifying microchips implanted in their dogs is also acceptable. If owners take such action, they shall be

exempt from the requirement that such cats wear identifying tags at all times while off the premises

3. If an animal is impounded without wearing identification, the owner shall be required to purchase tags or microchip identification before the animal may be released to the owner.

4-1-17 ANIMALS INJURED BY MOTORISTS' RESPONSE REQUIRED.

1. Every operator of a motor or other self-propelled vehicle upon the streets of the City shall, immediately upon injuring, striking, maiming, or running down any domestic animal, give such aid as can reasonably be rendered. He or she shall immediately notify the City of Panora or the Panora Police Department, furnishing requested facts relative to such injury.

2. It shall be the duty of such operator to comply with the instructions given by the agency contacted, and shall, if instructed, remain at or near the scene until such time as the appropriate authorities arrive.

4-1-18 TETHERING AND SHELTER FOR DOGS. A person commits an infraction or misdemeanor if the person wantonly or cruelly tethers a dog outside for a period exceeding ten (10) consecutive hours in a 24-hour period or between the hours of 10:00pm and 7:00am, or violates any of the following provisions:

1. While tethered, a dog shall be able to move about freely. The tether shall be a minimum of ten linear feet and have swivels on at least one end. Tow chains shall not be used.

2. While tethered, a dog shall wear a collar, harness, or similar device which fits properly to prevent injury or obstruction of respiration and to which the tether shall be attached. Choke, pinch, prong, or other chain collars shall not be used.

3. An enclosure to confine a dog or dogs shall be a minimum of 50 square feet per dog of the toy group and 70 square feet for all other breeds. The enclosure shall be of sufficient height and construction to provide a safe barrier for the dog or dogs.

4. A dog shall have access to a shelter which shall be large enough for the dog to stand, turn around, and lie down inside without touching the sides or top. A shelter shall be windproof and waterproof and the opening shall be large enough for the dog to enter and exit while standing upright.

5. A tethered dog shall have access to clean and sanitary shelter. The shelter shall be appropriate for the existing weather conditions.

4-1-19 TETHERING AND SHELTER FOR DOGS: VIOLATIONS.

1. Any person who knowingly violates the provisions of this section shall be guilty of a violation, punishable by a fine of not less than twenty-five dollars (\$25) for a first offense, and a

fine of not less than fifty dollars (\$50) for the second offense. Subsequent offenses shall be considered criminal offenses.

Beginning forty-eight (48) hours after a charge of violating this section, each day that a defendant fails to correct the deficiencies in the method used to restrain a dog that he or she owns or that is in his or her custody or control, so as to bring it into compliance with the provisions of this section, shall constitute a separate offense.

2. Nothing in this section shall prevent the seizure of a dog for a violation of this section pursuant to the authority granted in this article.

3. Nothing in this section shall be construed to affect any protections afforded to dogs or other animals under any other provision of this article.

4-1-20 FERAL CAT COLONY. It is unlawful for any person to maintain a feral cat colony unless the colony is a managed colony in which food, water, and shelter are provided in conjunction with the implementation of the Trap-Neuter-Return (TNR) Program as set forth in section 4-1-23 of this chapter.

4-1-21 MANAGED FERAL CATS. The animal care and control division or its designee in the City of Panora, in order to encourage the stabilization of the feral cat population in the City may implement the Trap-Neuter-Return (TNR) Program as follows:

1. Live-trap any free-roaming cat in a humane manner,
2. Have the cat surgically altered, ear-notched (if feral), and vaccinated against rabies, and
3. Give a written report annually to the Panora City Council on the following:
 - a. Number of colonies and location within the city limits
 - b. Total number of cats in colonies
 - c. Number of cats and kittens spayed and neutered pursuant to the TNR program
 - d. Number of cats and kittens placed in permanent homes

4-1-22 MAINTAINING A FERAL CAT COLONY. Feral cat colony caregivers shall:

1. Take responsibility for feeding and watering the cat colony regularly throughout the year, while ensuring that the food storage area(s) are secure from insect, rodent, and other vermin attraction and harborage.
2. Work to sterilize, vaccinate and ear-notch all adult cats that can be captured. Implanting a microchip is recommended; and

3. Remove droppings, spoiled food, and other waste from the premises as often as necessary, and at least every seven (7) days, to prevent odor, insect or rodent attraction or breeding, or any other nuisance.

4. Provide contact information in the event that complaints are received by the City of Panora concerning management of the colony.

5. Register the Feral Cat Colony with the City of Panora.

6. Obtain written permission of the owner of any property, to which the Caregiver requires access to provide colony care.

7. In the event kittens are born to a colony cat, the Caregiver shall take reasonable steps likely to result in the removal of the kittens in homes or foster homes for the purpose of subsequent permanent placement.

8. Obtaining proper medical attention to any colony cat that appears to need it.

4-1-23 ORDINANCE ENFORCEMENT. The City of Panora shall have the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.

2. The right to seize or remove cats from a colony that is creating a nuisance as defined above and the Caregiver has been given 48 hours to remove and relocate and has failed to do so.

3. The right to seize or remove a colony of cats when the Caregiver regularly fails to comply with the requirements of section 4-1-22 and a replacement/substitute cannot be located within 30 days of notice to the Rescue Group.

4-1-24 DOG AND CAT CURBING REQUIREMENTS. No person knowingly shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private property, in the City without the prior permission of the owner of such property; however, if an animal defecates on property described in this Section, the animal's owner or keeper promptly shall remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities. The owner of any animal in violation of this section shall be fined the amount in accordance with the "Animal Nuisance" fees listed in Appendix A of this Chapter.

4-1-25 APPENDIX A FEES. Fees for second, third, and subsequent violations are for those occurring within a 12-month period. In addition, if the animal does not have any identification, fines are double the amount listed below. If such fine is not paid within thirty (30) days, it shall be increased by \$25 along with a \$7 administrative fee and be filed in the same manner as delinquent utility accounts with the Iowa Setoff Program.

Any funds collected under this Chapter shall only be used by the City of Panora for animal control purposes.

	First Offense	Second Offense	Third Offense	Subsequent Offenses
Impound fees	\$25.00	\$50.00	\$75.00	\$25.00
Animal Nuisance	\$25.00	\$50.00	\$100/Criminal	
Board fees per day for pets	\$10.00	\$10.00	\$10.00	

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2 DANGEROUS AND VICIOUS ANIMALS

4-2-1	Definitions	4-2-4	Seizure, Impoundment, and
4-2-2	Keeping of Dangerous Animals		Disposition
	Prohibited	4-2-5	Exception
4-2-3	Keeping of Vicious Animals		
	Prohibited		

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

1. “Dangerous Animal” means:
 - a. Any animal which is not naturally tamed 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; or
 - b. Any animal declared to be dangerous by the Council; or
 - c. Any nondomesticated member of the order carnivore which as an adult exceeds the weight of 20 pounds; or
 - d. Any of the following animals which shall be deemed to be dangerous animals, per se: lions, tigers, jaguars, leopards, cougars, lynx, bobcats, wolves, coyotes, foxes, badgers, wolverines, weasels, skunks, mink; raccoons, bears, monkeys and chimpanzees, bats, alligators, crocodiles and caimans, scorpions, snakes and reptiles that are venomous, snakes that are constrictors over six feet in length, gila monsters, opossums, apes, baboons and macaques, and piranhas.
2. “Vicious Animal” means:
 - a. Any animal, except for a dangerous animal per se that has bitten or clawed a person or persons and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal has bitten or clawed a person or persons; or could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or has attacked any domestic animal or fowl on one or more occasions without provocation; or
 - b. Any animal with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or otherwise to endanger their safety; or

c. Any animal with a history, tendency, or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

d. Any animal that snaps, bites, or manifests a disposition to snap or bite;

e. Any animal that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;

f. Any animal trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of a law enforcement agency.

4-2-2 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

2. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

4-2-3 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor for any reason within the City a vicious animal.

4-2-4 SEIZURE, IMPOUNDMENT AND DISPOSITION.

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

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the City, the Mayor shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed to possess dangerous or vicious animals, or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a Notice to Remove Dangerous or Vicious Animal, which notice

shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused physical harm or death to any person, in which case the Mayor or responding Officer shall cause the animal to be immediately destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

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

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

5. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied with within three (3) days, or if the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to cause the seizure, impoundment, or destruction of such dangerous or vicious animal, which may be carried out by the Panora Police Department or any other law enforcement agency having jurisdiction within the city. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, shall constitute a simple misdemeanor.

6. Any animal which is under impoundment shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment shall be paid by the owner if the animal is determined to be vicious or dangerous. If the animal is not determined to be vicious or dangerous, the costs of impoundment shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required impoundment which shall be paid by the owner.

4-2-5 EXCEPTIONS. Under special circumstances, exceptions may be made at a hearing of the City Council to allow any of the aforementioned animals to remain within the City. These exceptions will be made on a case-by-case basis and will not set the precedence for future exceptions. Decisions to allow a dangerous or vicious animal to remain in the City can be reversed at any time through a council decision.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1	Public Library	5-1-7	Non-Resident Use of the
5-1-2	Library Trustees		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	5-1-10	Injury of Books or Property
5-1-6	Power to Contract with Others	5-1-11	Theft
	For the Use of the Library	5-1-12	Notice Posted

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

5-1-2 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven (7) resident members and two (2) nonresident members. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident members are to be appointed by the Mayor with the approval of the County Board of Supervisors.

(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the City. The nonresident members of the Board shall be bona fide citizens and residents of the unincorporated County and all shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows

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. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into 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 or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made. Vacancies in the board shall be filled by the City Council, and the new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

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. Unless a contract for free service exists.

(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 moneys available by gift or otherwise for the erection of library

buildings, and of all other moneys belonging to the library including fines and rentals collected, under the rules of the board. Salary expenditures shall be made in accordance with the City's adopted compensation and classification system.

(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 on behalf of the Library. 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 Count, 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.

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 or the warrant writing officer is the City Clerk.

Code of Iowa, Sec. 384.20 & 392.5

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.

5-1-10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously, or wantonly to tear, deface, mutilate, injure, or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

5-1-11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

5-1-12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

3. 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.

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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 UTILITIES - SANITARY SYSTEM

6-1-1	Definitions	6-1-7	Abatement and Violation
6-1-2	Use of Public Sewers Required	6-1-8	Use of Public Sewers
6-1-3	Superintendent	6-1-9	Protection from Damage
6-1-4	Private Sewage Disposal	6-1-10	Powers and Authority of Inspectors
6-1-5	Building Sewers and Connections	6-1-11	Penalties
6-1-6	Inspection Required	6-1-12	Service Outside the City

6-1-1 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. Part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

(IAC 567-69.3(1))

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

5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

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

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

8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect

such sewage as may be discharged therefrom

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

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

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

12. "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.

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

14. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater's are not intentionally admitted.

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

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

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

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

19. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. "Slug" 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.

21. "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.

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

23. "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.

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

6-1-2 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))

6-1-3 SUPERINTENDENT. The Superintendent shall exercise the Following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections

and manholes constructed showing the location and grades thereof.

6-1-4 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-1-4, 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, set by resolution, shall be paid to the City at the time the application is filed.

3. A permit fee may be required by council resolution for a private sewage disposal system. It 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 6-2-3, 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)7)

6-1-5 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. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

3. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

4. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

6-1-6 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

6-1-7 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

1. 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. Permit inspection fee to be set by resolution for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the City at the time the application is file. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such

permit may be required to have executed unto the City of Panora and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Panora pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Panora and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

2. 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.

3. 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.

4. 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.

5. 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 whole 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. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved

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

Vitrified Clay Pipe (VCP)

(1) Pipe and Fittings - ASTM C-700 "Standard Specification for 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 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

13. 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.

6-1-8 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any storm water, 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. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

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 flashings, 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 (65C).

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 PH 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- 1-7, 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 6-1-5(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. 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.

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.

6-1-9 PROTECTION FROM DAMAGE. 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)

6-1-10 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, 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 6-1-5.

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.

6-1-11 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-1-6 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).

6-1-12 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - WATER SYSTEM

6-2-1	Enforcement/Purpose	6-2-30	Organization
6-2-2	Definition of Terms	6-2-31	Establishment of ESU Rates, Charges and Policy Regarding Expenditures of Utility Revenues
6-2-3	Service Connections	6-2-32	Determination of ESU's Storm Water Management Charges
6-2-4	Mandatory Connections	6-2-33	Establishment of Rate per ESU
6-2-5	Permits	6-2-34	Appeal of Impervious Surface Calculations
6-2-6	Application for Water Service Connections	6-2-35	Rate Determination Compliance with Bond Covenants
6-2-7	Water Supply Control	6-2-36	Billing Procedures Delinquent Accounts and Collection Procedures
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**STORM WATER MANAGMENT AND
UTILITY**

6-2-27	Definitions
6-2-28	Declaration of Purpose; Establishment of District
6-2-29	Powers, Duties and Responsibilities

6-2-1 ENFORCEMENT/PURPOSES. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.

The Superintendent shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

6-2-2 DEFINITION OF TERMS.

1. In this ordinance the words Water Works of City shall mean the City of Panora acting through its qualified officers or employees.

2. A water main shall be defined as any pipe laid by the City of Panora or agents thereof in streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.

3. A service pipe shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may ultimately serve.

4. A consumer shall be any person using water furnished by the City of Panora, Iowa.

6-2-3 SERVICE CONNECTIONS. The city is responsible only for cost and expenses related to the maintenance of the water service line from the public water source to the main connection. All costs and expenses incident to the installation, connection, disconnection, or maintenance of the water service line from the main to the individual building served shall be borne by the property owner. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.

1. A residential, commercial or industrial property located within the City on a street, alley or right-of-way must connect to the City water system.

2. When the consumer tears down any structure that was connected to City water service,

the consumer is responsible to disconnect the water service at the water main.

3. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the water main shall be turned off at the corporation stop and made absolutely watertight.

4. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

5. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Public Works Director and provision is made so that each house, building or premises may be shut off independently of the other.

6-2-4 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.

6-2-5 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Superintendent. The application for the permit shall be filed with the Superintendent on blanks furnished by the Superintendent. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Superintendent. The Superintendent shall issue the permit, bearing the Superintendent's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped.

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

6-2-6 APPLICATION FOR WATER SERVICE CONNECTIONS. Taps or connections to the water mains shall be made by only authorized City employees of the City of Panora, upon request for service by the property owner. There shall be a connection charge in an amount set by resolution of the Council, plus any additional costs estimated as necessary by the City prior to connection, paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

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 thirty percent (30%) for overhead expenses.

6-2-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others. The plumber making said installation or connection shall be licensed by the city or state.

6-2-8 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.

Service Pipe.

1. No water service pipe or tap for any building shall be less than three-quarter ($3/4$) inches in diameter. All pipe up to and including one and one-half ($1\frac{1}{2}$) inch inside diameter shall be "Type K." All pipe over one and one-half ($1\frac{1}{2}$) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

2. All water service pipes and their connections to the water system must be inspected and approved by the 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.

a. 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.

b. Depth of Service Pipe. Service pipe must be laid at least five and one-half ($5\frac{1}{2}$) 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 ($5\frac{1}{2}$) feet below the established grade.

c. 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))

d. 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.

e. Before any permit to excavate in any street for making or repairing, a water connection is granted, the applicant including all plumbers shall have on file with the City Clerk a affidavit of certificate of liability insurance in the amount of \$500,000 of liability approved by the Mayor and City Clerk conditioned upon the faithful observance of all ordinances of the municipality and that the municipality will be saved harmless from all suits and damages for negligence in maintaining barricades for the protection of persons lawfully using the streets.

6-2-9 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))

6-2-10 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))

6-2-11 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.

6-2-12 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.

6-2-13 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.

6-2-14 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.

6-2-15 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.

6-2-16 RIGHTS 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.

6-2-17 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.

6-2-18 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.

6-2-19 WATER METERS. 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. 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.

1. 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.

2. 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.

3. All newly installed meters or meters replaced after the effective date of these Ordinances must be installed with remote meter reading equipment.

6-2-20 OWNERS TO PROTECT METERS. 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.

1. No one shall in any way interfere with the proper registration of water meters. 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.

2. 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.

6-2-21 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.

6-2-22 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.

6-2-23 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Panora, 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.

6-2-24 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.

6-2-25 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.

6-2-26 SEPARATE WATER METER. A separate additional meter may be installed for the

purpose of measuring water usage outside a residence or business when such water is not discharged into the public sanitary sewer system and is used specifically for irrigation, swimming pools, yards, gardens or other uses for which sanitary sewer service charges are not applicable. The property owner must purchase the additional meter and remote reading device from the City and pay for its installation. The property owner is responsible for the installation of the additional service line required for the meter and said installation shall be in accordance with the Superintendent's directives. The City shall retain ownership of the meter and shall have the right to inspect said meter from time to time to ensure proper operation of the meter and to check for illegal bypassing of any other meter on the premises. All water measured through the additional meter shall be exempt from sanitary sewer service charges.

1. Before any property owner makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this section and if all fees required under this section have been paid, shall be issued and materials provided to the property owner. Work under any permit must be completed within six months after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these sections.

2. The property owner is responsible for the cost to install the meter and all related materials. This cost shall be detailed in the annual fee schedule adopted by the City Council.

3. The second meter shall be termed "Seasonal Use" from April through October. The meter shall be deemed "vacant" during November through March provided no usage is recorded. During seasonal use the current monthly usage rate charges will be applied but the total water usage recorded through the second meter will be exempt from the sanitary service charges. During the vacant period an "availability" charge will be billed. If this meter is on a second service line to the structure it shall be shut off and on at the main during seasonal and vacant periods. If water usage is recorded during the vacant period, full charges will be applied to this usage.

WELLS

6-2-27 PURPOSE. The purpose of this section is to protect the public health, safety and welfare and assure an adequate and safe water supply to the residents of the City by prohibiting the construction of private wells within the corporate City limits that could become points of entry of pollutants into the City's water supply or otherwise interfere with the municipal water system.

6-2-28 WELLS PROHIBITED. No person shall construct a well of any type within the corporate City limits.

6-2-29 SPECIAL EXCEPTION. The Council may, upon written Application to the City, grant

a special exception to the prohibition set forth in Section 6-2-28 upon such conditions and limitations as the Council, in its sole discretion, may prescribe. The City shall be under no obligation to grant any special exceptions whatsoever. The City's authority to grant such special exceptions shall include the authority to set appropriate fees for administration, oversight and monitoring as the Council deems appropriate.

6-2-30 EXISTING WELLS. Any private well that may exist within the City limits as of the date of the adoption of the 2002 Code of Ordinances of the City is deemed to hold a special exception permit.

6-2-31 REVOCATION OF SPECIAL EXCEPTION. The City may revoke any special exception permit at any time upon reasonable notice to the owner, if the City should determine that the private well constitutes an unreasonable hazard of threat to the municipal water supply or source.

6-2-32 REGISTRATION OF EXISTING WELLS. The owner of any existing private well shall register the existence of the well with the City. Failure to register any such well will cause the special exception permit granted in this chapter to existing wells to be rescinded automatically.

6-2-33 VIOLATION; PENALTY. Any person who constructs, operates, maintains or uses a private well within the corporate City limits in violation of this chapter shall be in violation of this Code of Ordinances and may be cited for a municipal infraction. Each day in which any such violation continues shall be deemed a separate offense. The City may also seek alternative relief which may include, but not be limited to, abatement, injunctive relief or collection for correction costs.

STORM WATER MANAGEMENT AND UTILITY

6-2-34 DEFINITIONS. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Bonds" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.
2. "Contributor" or "user" means any person owning, operating, or otherwise responsible for property within the City which directly or indirectly discharges storm water or surface or subsurface waters to any portion of the storm water management system, including direct or indirect discharges to the City's storm water drainage system, or which is directly or indirectly protected by the City's flood protection system or storm water drainage system. The term "contributor" or "user" means any person responsible for the direct or indirect discharge of storm water or surface or subsurface waters to the City's storm water drainage system.
3. "Costs of construction" means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs

of the following:

- a. Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefor;
- b. Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;
- c. Architectural, engineering, legal and other professional services;
- d. Insurance premiums during construction to the extent not paid for by a contractor for construction and installation;
- e. Any taxes or other charges which become due during construction;
- f. Expenses incurred by the City on in its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
- g. Principal and interest on any bonds; and
- h. Miscellaneous expenses incidental thereto.

4. "Debt service" means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing debt.

5. "Developed property" means real property upon which a structure or impervious surface has been placed or constructed, thus increasing the amount of rainwater or surface water runoff.

6. "Director" means the City Engineer as director of the storm water management utility.

7. "Dwelling unit" means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

8. "Equivalent Service Unit" (ESU) means the average impervious area of a single-family residential property located within the City as periodically determined and established as provided in this chapter.

9. "ESU rate" means the dollar value periodically determined and assigned to each ESU as a charge for storm water management services, and expressed as \$X.XX per ESU.

10. "Exempt property" means public rights-of-way including public streets, alleys, sidewalks and public drainage facilities.

11. "Extension and replacement" means costs of extensions, additions and capital improvements to or the renewal and replacement of capital assets of or purchasing and installing new equipment for the system or land acquisition for the system and any related costs thereto or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

12. "Fiscal year" means a 12-month period commencing on July 1 and ending on June 30 of the succeeding year.

13. "Flood protection system" means the system of levees, floodwalls, floodgates, storm sewer gate wells, and storm water pumping stations lying adjacent to rivers, creeks, and streams within the City, including associated control and operating equipment and facilities whether adjacent to such rivers, creeks, or streams or remotely located, which are intended to provide flood protection to properties adjacent to such rivers, creeks and streams.

14. "Impervious area" means the number of square feet or hard surfaced areas which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property, including but not limited to roofs, roof extensions, patios, porches, driveways, sidewalks, concrete/asphalt pavement, gravel surfaces and athletic courts.

15. "Multifamily residential property" means a residential structure designed with two or more dwelling units to accommodate two or more families or groups of individuals living separately and not sharing the same living space.

16. "Non-operating revenues" refers to revenues derived from activities other than the basic operations of the storm water management system, but excluding interest income on bond proceeds and on contributed capital.

17. "Nonresidential property" means any property developed for commercial, industrial, governmental, or institutional use, including churches, hospitals, and other charity supported institutions and including multiuse properties incorporating residential uses, but excluding undeveloped property and property used exclusively for agricultural purposes.

18. "Operation budget" means the annual operating budget for the storm water management utility adopted by the Council for the succeeding fiscal year.

19. "Operations and maintenance expense" means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including recordkeeping, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred

in accordance with sound accounting practice.

20. "Single-family residential property" means a detached residential structure designed as a single dwelling unit to accommodate one family or group of individuals living together and sharing the same living space, but excluding multi-class (i.e., commercial, residential, industrial, institutional, etc.) properties which include single-family residential uses.

21. "Revenues" means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

22. "Storm water drainage system" means the system of publicly or privately owned or operated rivers, creeks, ditches, drainage Channels, pipes, basins, street gutters and lakes within the City through which or into which storm water runoff, surface water or subsurface water is conveyed or deposited.

23. "Storm water management charge" means the charge authorized by State law and this chapter which is established to pay operations and maintenance, extension, replacement and debt service of the storm water drainage system.

24. "Storm water management utility" or "utility" means the enterprise fund utility created by this chapter to operate, maintain and improve the system and for such other purposes as stated in this chapter.

25. "Storm water management utility system" or "system" means the existing storm water management facilities, storm water drainage system, and flood protection system of the City and all improvements thereto which by this chapter are constituted as the property and responsibility of the utility, to be operated as an enterprise fund to, among other things, conserve water; control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

26. "Superintendent" means the City Public Works Director.

27. "Total annual revenue requirements" refers to the total amount of revenue required in one year to meet all expenditures incurred during that year for the financing of construction and for the operations and maintenance, including administration and renewal and replacement funding, of the storm water drainage system, including facilities for the collection, transportation, and treatment of storm water, and of the flood control protection system, including river levees and storm water pumping stations.

28. "Undeveloped property" means real property that has no impervious area, but for which

there shall still be a storm water charge as established by the Council.

6-2-35 DECLARATION OF PURPOSE; ESTABLISHMENT OF DISTRICT. The City Council finds, determines and declares it to be conducive to the health, welfare, safety and convenience of the City and its residents that a storm water management utility district be established within the City. Consequently, pursuant to Iowa Code 384.84(1), a storm water management utility district, to be known as The Panora Storm Water Management Utility, is established, and it is ordained and declared that the City shall be and constitute the storm water management utility district, and that the utility shall comprise and include elements of the City's storm water drainage and flood protection systems which provide for the collection, treatment and disposal of storm water, surface water and groundwater. It is further found, determined and declared that the elements of the storm water management utility are of benefit and provide services to all real properties, developed or undeveloped, within the incorporated City limits, including property not directly served by the storm water drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water; the reduction of hazard to property and life resulting from storm water runoff and flooding; improvement in general health and welfare through reduction of undesirable storm water conditions and flooding; and improvement to the water quality in the storm water and surface water system and its receiving waters,

It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the City and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge storm water or surface or subsurface waters, directly or indirectly, to the City storm water drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the storm water drainage and flood protection improvements comprising the storm water management utility.

6-2-36 POWERS, DUTIES AND RESPONSIBILITIES. The storm water management utility and its staff shall have the following powers, duties and responsibilities:

1. Prepare ordinances as needed to implement this chapter and forward the ordinances to the Council for consideration and adoption, and adopt such regulations and procedures as are required to implement this chapter and carry out its duties and responsibilities.
2. Administer the acquisition, design, construction, maintenance and operation of the utility system, including capital improvements designated in the comprehensive drainage plan,
3. Administer and enforce this chapter and all ordinances, regulations and procedures adopted relating to the design, construction, maintenance, operation and alternation of the utility system, including but not limited to the quantity, quality and/or velocity of the storm water conveyed thereby.
4. Inspect private storm water detention systems as necessary to determine the compliance

of such systems with this chapter and any ordinances or regulations adopted pursuant to this chapter.

5. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the Council.

6. Review plans, approve or deny, inspect and accept extensions to the storm water drainage system.

7. Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by State, regional and/or Federal agencies as adopted or amended.

8. Analyze as needed, the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility, and make recommendations to the Council regarding adjustments to such fees, charges, fines and other revenues.

9. Prepare an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending and replacing the system.

6-2-37 ORGANIZATION. The Council shall be the governing body of the storm water management utility. The storm water management utility shall be under the direction, management and control of the City Engineer who shall function as its director and advise the Superintendent in the day-to-day functions of the utility. In that capacity, the director shall supervise the day-to-day operation of the storm water management utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted pursuant to this chapter and shall carry out the policy directives of the Council acting in its role as governing body of the storm water management utility.

6-2-38 ESTABLISHMENT OF ESU, RATES AND CHARGES, AND POLICY REGARDING EXPENDITURE OF UTILITY REVENUES. For purposes of this chapter, an ESU shall be equivalent to 3,000 square feet of impervious property.

1. Except as provided in this chapter, every contributor owning or occupying a single-family residential property, multifamily residential property, or a nonresidential property shall pay to the City, at the same time payment is made for water service, sanitary sewer or solid waste refuse, a storm water management charge to be determined and billed as provided in this chapter. In the event the owner and the occupant of a particular property are not the same, the liability for payment of the storm water management charge attributable to that property shall be joint and several as to the owner and occupant. The storm water management charge shall be a monthly service charge and shall be determined by this chapter and the ESU rate which is established in this chapter and from time to time adjusted as provided in this chapter.

1. The storm water management ESUs and storm water charges provided in Section 6-2-39 shall be applied and computed for each contributor during the customary billing periods as to

all bills mailed by the City's finance director, and such charges shall thereafter be paid and collected as provided in this chapter.

2. The ESU rate to be applied to residential and nonresidential properties shall hereafter be determined and established by ordinance. The director shall determine the ESU rate to be applied to residential and nonresidential properties within the City and shall certify the same promptly thereafter to the finance director. The finance director shall inform the Council of the rate so calculated at the time that the budget for the storm water management utility is submitted to the Council for its review and approval.

3. If at any time the director determines that the ESU rate and/or the budget for the storm water management utility system require adjustment, the director shall report such determination to the Council. The Council may at any time adjust the ESU rate by adoption of an ordinance amending this section, and may at any time adjust the budget for the storm water management utility system by adoption of an appropriate resolution.

4. The Council hereby establishes a formal policy regarding the expenditure of storm water management utility revenues as follows:

a. The finance administrator shall develop and implement a cost accounting system, capable of accurately recording and segregating charges to the system by all departments of the City, to include the cost of personnel, machinery, contract equipment and construction, supplies, depreciation, and any and all miscellaneous expenses and purchases.

b. No revenues generated by the storm water utility user fee shall be used for any purpose other than storm water expenses.

6-2-39 DETERMINATION OF ESUS; STORM WATER MANAGEMENT CHARGE.

1. The storm water management charge shall be based on the Number of ESUs determined for the particular type of use in each of the different zoning districts for each property, as described in the following chart. Where water covers a portion of the land on the lot, credit will be given toward reducing the total ESUs for the property at a rate of 0.1 ESU for every 300 square feet of water that is present for at least 25% of the year (but in no case will there be a negative ESU rate for a property).

Storm Water Equivalent Service Units (ESU)		
USE		# of ESUs
PUBLIC INSTITUTIONAL ZONING DISTRICTS		
Total square feet of impervious surface/3000		
PUBLIC TRAILS and PUBLIC IMPROVED PARKS		
AGRICULTURAL ZONING DISTRICT		
Agricultural Land	I Just Land	0
	Dwellings/Buildings RESIDENTIAL ZONING DISTRICTS	1
Single Family Detached House	On lots up to 12,500 square feet	1
	On lots over 12,500 square feet	1 + 0.04 for every 1000 square feet over 12,500 square feet for the first 1.5 acres and then 0.1 for every acre, up to a maximum of 7 ESUs
Undeveloped Residential Lots	On lots up to 12,500 square feet	0.48
	On lots over 12 500 square feet of contiguous area	0.04 for every 1000 square feet over 12,500 square feet for the first 1.5 acres and then 0,1 for every acre, up to a maximum of 6 ESUs
Multi-family Residential	Apartments	Total square feet of impervious surface/3000/(# of units)
	Condominiums	0.8/dwelling unit
	Mobile Homes	0.7/dwelling unit
Commercial and Mixed Commercial/Residential	Total square feet of impervious surface/30001(# of units or tenants)	
ARTERIAL COMMERCIAL ZONING DISTRICT		
Single Family & Multi-Family Residential		same as in Residential Zoning Districts
Commercial	Lot < 40' wide	1.3/lot minus amount paid by residential tenants on lot
	Lot > 40' wide	4.0/lot minus amount paid by residential tenants on lot
	Unless impervious area is greater than 25,000 sq. t., then:	Total square feet of impervious surface/3000/(# of units or tenants)
BUSINESS COMMERCIAL ZONING DISTRICT (Central Business District 1		
Single Family& Multi-Family Residential		same as in Residential Zoning Districts
Commercial	Lot <30' wide	1.0/lot minus amount paid by residential tenants on lot
	Lot >30' wide	2.5/lot minus amount paid by residential tenants on lot
INDUSTRIAL ZONING DISTRICTS		
Single Family & Multi-Family Residential		same as in Residential Zoning Districts
Other Uses	Developed	Total square feet of impervious surface/3000/(# of units or tenants)
	U n d e v e l o p e d	2.0/lot

2. As to a new single-family residence, the storm water management charge attributable to a newly developed property shall commence upon the earlier of the following:

- a. The issuance of a permanent water meter; or
- b. If no water meter is issued for the development or if development has halted, on the date that the director or the director's designee determines in reasonable judgment that the development is substantially complete or has been halted for at least three months.

3. For separately metered occupancy units with joint users of common impervious areas, the director shall calculate and allocate the pro rata storm water management charge among the users.

4. Any owner or occupant of property aggrieved by the director's Calculation of the storm water management charge or allocation among users as provided in this section may appeal such determination to the director as provided in Section 6-2- 41 of this chapter.

5. An adjustment to the storm water charge may be granted by the Director who is hereby authorized to establish procedures and standards for the adjustment of fees.

6-2-40 ESTABLISHMENT OF RATE PER ESU. The monthly rate or charge per ESU (equivalent service unit) shall be \$6.50.

6-2-41 APPEAL OF IMPERVIOUS SURFACE CALCULATION. Any owner or occupant of property aggrieved by the initial or any subsequent determination of the storm water management charge for such property, as provided in Section 6-2-39 of this chapter, may appeal such determination and calculation to the director, utilizing information supplied by the appealing owner or occupant, provided such information is verified as correct by a certified professional engineer or surveyor at the owner or occupant's expense.

1. An appeal by the owner or occupant of a property must be filed in writing within 90 days after the initial or first monthly billing of the storm water management charge for that property or within 90 days after any billing showing a recalculation of the storm water management charge for that property. For an appeal occurring within 90 days of the initial billing of a property, any adjustment of the storm water management charge resulting from such appeal shall be retroactive to the date of the initial billing. For an appeal occurring within 90 days of a billing showing a recalculation of the storm water management charge, any adjustment of the storm water management charge resulting from such appeal shall be retroactive to the date the recalculated bill went into effect.

2. Appeals by the owners, occupants or occupant organizations of multifamily residential properties or nonresidential properties shall include a statement of the type of use of the property, total property area, and/or total impervious area, as appropriate for the particular grounds for appeal. Appeals by the owners of single-family residential properties shall include a statement or data showing the actual square footage of the lot or parcel and may be accompanied by plats,

County Assessor's records or survey data. The director may request additional information from the appealing party.

3. Based upon the information provided by the utility and appealing party, the director shall make a final calculation of the storm water management charge. The director shall notify the parties, in writing, of the director's decision within 90 days after receipt of the appeal. If still aggrieved, a party may request, in writing, a review by the City Clerk of the director's decision. Such request must be filed with the City Clerk within 30 days after the director's decision, shall cite specific error by the director and shall include the calculation of the storm water management charge which the appealing party believes to be correct. The City Clerk shall review the record presented and render a written decision within 30 days after receipt of the request for review. The City Clerk may request additional information from either party. If still aggrieved, a party may request review of the City Clerk's decision by the Council in the same manner as above provided for review by the City Clerk. The filing of an appeal shall not excuse the payment of the storm water management charge when due. However, the City shall refund any portion of the charge paid subsequent to the filing of the appeal which is adjudged to be excessive, with interest at the rate provided by law

6-2-42 RATE DETERMINATIONS; COMPLIANCE WITH BOND COVENANTS. In calculating the ESU rate as provided in Section 6-2-38 of this chapter, the director shall include in the budgeted expense and revenue amounts sufficient funds as will ensure compliance with any and all rate covenants applicable to any outstanding bonds, notes or other obligations issued in connection with the construction and operation of the storm water management utility system.

For purposes of complying with any covenant relating to the issuance of additional bonds, notes or other obligations ranking on a parity with outstanding bonds issued in connection with the construction and operation of the storm water management utility, the director shall, prior to Council consideration of the resolution to take additional action for the issuance of such additional bonds, and with such assistance from the City's independent accountants as the director deems necessary, calculate the ESU rate necessary to produce revenues sufficient to comply with such covenant and shall certify the rate to the City Clerk. The Clerk shall inform the Council of the revised ESU rate at the time that the resolution to take additional action for the issuance of such bonds is submitted to the Council for its review and approval. Upon Council approval of such resolution, the Clerk shall publish the revised ESU rate once in a newspaper of general circulation, shall give notice thereof to contributors if and as required by applicable State or Federal law, and shall proceed to impose and collect the rate commencing with the next available billing cycle.

6-2-43 BILLING PROCEDURES; DELINQUENT ACCOUNTS AND COLLECTION PROCEDURES. The procedures for billing of the storm water management service charges provided in Sections 6-2-38 through 6-2-40 of this chapter and for the collection of delinquent storm water management service charges shall be the same as the billing procedures for the water and sanitary sewer utilities of the City.

Contributors who are not billed by the City for water, sanitary sewer or refuse shall be directly

billed for storm water management services by the City. In such instances, the billing and collection of storm water management charges shall be subject to the same rules and procedures as to delinquency in payment, certification of delinquency, and property lien as provided in the City water and sanitary sewer utilities.

6-2-44 EXPENSES OF COLLECTION OF STORM WATER MANAGEMENT CHARGES.

The incremental cost of collecting and accounting for all storm water management charges, including reasonable compensation to the Superintendent, finance administrator, City Clerk, City Administrator; the maintenance of all books, records; the employment of necessary personnel; the cost of all books, records, materials and supplies; the obtaining and maintaining of all office and storage space; and all other costs and expenses reasonably necessary in connection therewith or incidental thereto may be a part of the cost of operating the storm water utility and may be incurred when the City Clerk, in the exercise of his or her judgment, may so determine.

6-2-45 ANNUAL REVIEW OF ESU RATE. Under this chapter, the director shall review the ESU rate annually and revise the rate as necessary to ensure that the system generates adequate revenues to pay total annual revenue requirements.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - REFUSE COLLECTION

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6-3-1 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 solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

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.
5. "Collector" means any person authorized to gather solid waste from public and private places.
6. "Director" means the director of the State Department of Natural Resources or any designee.
7. "Discard" means to place, cause to be placed, throw, deposit or drop.
8. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
9. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
10. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.
11. "Owner" means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
12. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.
13. "Residential premises" means a single-family dwelling and any multiple-family dwelling up to and including two (2) separate dwelling units.
14. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

15. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

16. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

17. "Sanitary disposal project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director.

18. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

6-3-2 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.

6-3-3 ADMINISTRATION. Administration of this chapter shall be by the Superintendent of refuse, or such employee designated by the Superintendent.
(Code of Iowa, Sec. 372.13(4))

6-3-4 STORAGE. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

6-3-5 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.

6-3-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the Superintendent of refuse 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.

6-3-7 BURNING OF REFUSE. 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.

1. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

2. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-3-8 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.

6-3-9 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.

6-3-10 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.

SOLID WASTE CONTROL

6-3-11 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Title III Chapter II or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

6-3-12 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

6-3-13 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(MC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567-23.2[34])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[30])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[30])

6. Back Yard Burning. The open burning of residential waste on the property where such waste is generated, at dwellings of four-family units or less.

(IAC, 567-23.2[3f] and 567-20,2[45541])

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

(IAC, 567-23.2[3g])

8. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

(IAC, 567-23.2[2])

6-3-14 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises. As used in this section, "yard waste" means any debris

such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

6-3-15 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

6-3-16 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

6-3-17 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2) (IAC, 567-102.142j and 400-27.1412J)

6-3-18 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

a. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of not less than twenty (20) gallons or more than thirty-five (35) gallons in nominal capacity, and shall be leak proof and waterproof. The total weight of any container and contents shall not exceed seventy-five (75) pounds. The maximum number of containers that can be set out for collection is five (5). Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

(1) Be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container;

(2) Have handles, bails or other suitable lifting devices or features;

(3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying;

(4) Be of lightweight and sturdy construction. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used.

b. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served by seven o'clock (7:00) a.m. of the scheduled collection day. Containers or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

6-3-19 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

6-3-20 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Guthrie County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

COLLECTION OF SOLID WASTE

6-3-21 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 6-3-25, from single-family dwellings and any multiple family dwellings up to and including two (2) separate dwelling units. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises by collectors licensed by the City.

6-3-22 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

6-3-23 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

6-3-24 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

6-3-25 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

6-3-26 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

6-3-27 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:

- a. Name and Address. The full name and address of the applicant, and if a corporation,

the names and addresses of the officers thereof

b. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

c. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.

d. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

a. General Liability:

(1) Bodily Injury \$500,000 per person; \$1,000,000 aggregate

(2) Property Damage: \$50,000 each occurrence

b. Automotive Liability:

(1) Bodily Injury \$500,000 per person

(2) \$500,000 each occurrence

c. Property Damage:

(1) \$50,000 each occurrence

d. Excess Umbrella Coverage:

(1) \$1,000,000

3. Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

4. License Fee. A license fee in an amount set by resolution of the Council shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

5. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.

6. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.

7. License Not Transferable. No license authorized by this chapter may be transferred to another person.

8. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.

9. Grading or Excavation Accepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

6-3-28 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

COLLECTION OF RECYCLABLE MATERIAL

6-3-29 FINDINGS. The collection, marketing and processing for future use of recyclable materials are hereby deemed to be in the best interest of the City and a public benefit to the residents and citizens.

6-3-30 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Aluminum cans" means empty all-aluminum beverage and food containers; except those aluminum beverage cans returned by the resident for redemption at a can and bottle redemption center.

2. "Bimetal containers" means empty beverage or food containers consisting of sides and bottom and an aluminum top.

3. "Boxboard" means cardboard containers constructed in a non-fluted manner; i.e., cereal and shoeboxes. Expressly excluded is treated boxboard which includes pop and beer package containers.

4. "Corrugated paper" means paperboard or cardboard boxes constructed in a fluted manner. Expressly excluded is corrugated paper which has become soiled.

5. "Glass containers" means bottles and jars made of flint, green or amber glass, except those glass jars returned by the resident for redemption at a can and bottle redemption center. Expressly excluded are non-container glass, blue glass, and jars made exclusively from high density polyethylene.

6. "Magazines" means printed material printed on slick or glossy paper containing contaminants not found in newsprint.

7. "Mixed paper" means any combination of junk mail, magazines, catalogs, typing, computer or notebook style paper, boxboard and paper bags. Expressly excluded are materials which have been soiled.

8. "Newspaper" means paper of the type commonly referred to as newsprint and distributed at fixed intervals. Expressly excluded are newspapers which have been soiled.

9. "Polyethylene Terephthalate (PET) containers" means plastic soda bottles or other containers composed of the polymer PET.

10. "Recyclable material" means any used material having an economic value in the secondary materials market and includes aluminum and tin cans and articles, bimetal cans, boxboard, glass containers, corrugated paper, magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated, plastic polyethylene terephthalate (PET) bottles, plastic high density polyethylene (HDPE) containers, old useable clothes, and other materials designated by the City as having value.

11. "Steel cans" means empty, all-steel food and beverage containers.

12. "Tin cans" means empty, all-tin food and beverage containers.

6-3-31 RECYCLABLE MATERIAL SEPARATED. Owners and occupants of residential units shall separate recyclable materials from other residential waste in order that recyclable materials may be collected separately from residential waste.

6-3-32 COLLECTION OF RECYCLABLE MATERIAL. The City may, by contract or resolution or in any manner deemed necessary for the health, safety and welfare of the City's citizens, provide for the collection, disposal and marketing of all recyclable materials from residences, multiple dwellings, places of business and public buildings at the expense of the City

or as a service fee accompanying other City-provided utility services.

6-3-33 COLLECTION SERVICE. The collection of recyclable materials at residences, which include single-family dwellings and any multiple family dwellings up to and including two (2) separate dwelling units within the City limits, shall be conducted only by the City or its duly authorized and licensed agents. Collection for multiple family residential units, commercial or industrial customers shall be performed only by collectors licensed by the City. Collection of recyclable materials shall be performed under the provisions of this chapter of this Code of Ordinances.

6-3-34 PREPARATION OF RECYCLABLES. Recyclable materials shall be prepared as follows:

1. Glass bottles and jars shall be rinsed of all food and beverage residue with lids removed and discarded; labels and neck rings may remain.
2. Aluminum, tin, bimetal and steel cans and containers shall be rinsed of all food and beverage residue with lids removed and discarded. Labels may remain.
3. Plastic PET and HDPE containers shall be rinsed of all residue with lids removed and discarded. Labels may remain.
4. Newspapers shall be bundled together or placed inside a paper bag or sack, but not tied.
5. Mixed paper shall be bundled and/or placed inside a paper bag.
6. Cardboard and corrugated paper shall be broken down or flattened and all contents removed.
7. Old usable clothing shall be clean and dry with all buttons and zippers remaining on the clothes.

6-3-35 PLACEMENT OF RECYCLABLES. Recyclable materials shall be placed for collection as follows:

1. Container. Recyclables must be placed in recycling containers provided by the City. Said recycling containers will be provided for the use of the owner or occupant of each residential property and shall remain at all times the property of the City.
2. Placement. Recyclable materials shall be placed in the recycling container with newspapers on the bottom, mixed paper and all other recyclable paper products on top, and all other recyclable materials in the middle.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - ELECTRIC UTILITY

6-4-1	Purpose	6-4-4	Service Rules and Deposit
6-4-2	Policy Direction	6-4-5	Rates
6-4-3	Superintendent	6-4-6	Customer Deposit

6-4-1 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric system.

6-4-2 POLICY DIRECTION. The Superintendent shall establish appropriate rules and regulations governing the operation and maintenance of the electric system. The Mayor and the Council shall approve all rules and regulations.

6-4-3 SUPERINTENDENT. The Superintendent, under direction of the City Administrator, is responsible for establishing and executing policies approved by the Mayor and the Council.

6-4-4 SERVICE RULES AND REGULATIONS. The rules and regulations for the electric service are contained in the Panora Municipal Electric Service Rules. Also, an official copy of the rules and regulations as adopted is now on file in the office of the Clerk. The rules and regulations contained therein shall apply to all users of the municipal electric system.

6-4-5 RATES. The rates for electric service shall be as follows, but the utility reserves the right to negotiate for large consumers:

1.
 - a. Customer Service Charge = \$ 25.00
 - b. Dual Fuel Service Charge = \$ 3.00
 - c. Cost of energy consumed = \$ 0.0777 per KWH
 - d. Cost of energy consumed for commercial demand = \$ 0.0595 per KWH (Customers with a supply size over 300 KVA)
 - e. Energy Cost Adjustment = Calculated cost adjustment due to variability in the price, transmission, and other unforeseen changes in market, regulatory and equipment cost. Energy Cost Adjustments are billed per KWH and set by resolution.

2. Electric Heat Rate (Separately Metered, aka "Heat Plus" or "Dual Fuel"). Customers with a separate meter for electric heat, pay for that electric usage related to heat only at a rate equal to the wholesale energy (not including demand) cost per KWH that the Utility paid in the previous month PLUS \$0.022 per KWH.

3. Demand Rates. For their demand, farm and commercial customers pay a rate equal to

the wholesale demand rate (per KW) that the Utility paid in the previous month PLUS \$7.42 per KW.

4. Interconnection Rate. For customers that own and operate a 10 KW or less distributed generation facility, the Utility shall purchase the excess electricity at the following pricing:

Fiscal Year	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Rate	\$0.02437	\$0.02424	\$0.02415	\$0.02483	\$0.02484

5. Minimum Rates. The minimum charge for classes is as follows:

- a. Residential: \$25.00 per month.
- b. Farm and Commercial: \$25 per month.
- c. Farm and Commercial with Demand: \$25 per month.

6-4-6 CUSTOMER DEPOSITS. There shall be required from customer of the Electric Utility an applicable deposit, in an amount set by resolution of the governing body, as described in the utility service rules document (*section 3.2*) intended to guarantee the payment of bills for service

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - BILLING CHARGES

6-5-1	Utility Defined	WATER SERVICE CHARGES
6-5-2	Utility Service Manual	6-5-13 Service Charges
6-5-3	Districts	6-5-14 Rates and Services
6-5-4	Disposition of Fees and Charges	6-5-15 Rates and Services Outside City
6-5-5	Billing Penalty	6-5-16 Billing for Water Services
6-5-6	Discontinuing Service Fees	6-5-17 Temporary Vacancy
6-5-7	Residential Rental Property	6-5-18 Rates Continued Until Amended
6-5-8	Customer Guarantee Deposits	
6-5-9	Lien For Nonpayment	SEWER SERVICE CHARGES
6-5-10	Lien Exemption	6-5-19 Sewer Service Charges Required
6-5-11	Lien Notice	6-5-20 Special Rates
		6-5-21 Private Water Systems
RESUSE COLLECTION FEES		6-5-22 Payment of Bills
6-5-12 Refuse Collection Fees		6-5-23 Special Agreements Permitted

6-5-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, electric and refuse collection systems operated by the City.

6-5-2 UTILITY SERVICE MANUAL. The Utility Customer Service Manual is the administrative guide for procedures and rules regarding delivery of water and billing for utilities.

6-5-3 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Panora, Iowa.

6-5-4 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.

6-5-5 BILLING, PENALTY. Utility bills shall be due on the 20th of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the twentieth of the month in which due and bills paid after said day shall have added a penalty of one and a half (1.5) percent of the amount of the bill for utility service. When the 20th falls on Saturday or Sunday, the city Clerk shall accept payment on the next office day without penalty see utility service manual for additional reference.

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

6-5-6 DISCONTINUING SERVICE FEES.

1. If any account is not paid within the given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The Public Works Director, or his or her authorized representative, shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to pay the bill for water on or before the seventh (7th) day after mailing of written notice that the water supply will be shut off. The City Clerk shall send such notice within forty-eight (48) hours following the delinquent date, or on the first office day following such first day after the delinquent date. When a Sunday or legal holiday intervenes during the notice period, such days shall not be counted. The Clerk shall notify each delinquent customer that service will be disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to discontinuance.

b. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If a hearing is requested, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

c. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut- off date or discontinuance of service."

d. When a hearing is requested by a customer, the City Administrator and/or Mayor shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence. The decision of the City Administrator and or Mayor is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$25 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against

another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3) (a) (3)

5. There will be no extension of water service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.

6. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate to be set by Ordinance.

6-5-7 RESIDENTIAL RENTAL PROPERTY. 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.

1. 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.

2. 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.

3. Change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))

(Code of Iowa, Sec. 384.84(3)(e)) (Amended in 2012)

6-5-8 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered.

Such deposit shall be equal to the estimated typical bill for the type of use contracted for, and be set to the nearest five (\$5.00) dollars. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

6-5-9 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

6-5-10 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for the charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit to the tenant if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to the water service.

6-5-11 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail, not less than thirty (30) days prior to certification of the lien to the County Treasurer.

REFUSE COLLECTION FEES

6-5-12 REFUSE COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fee for solid waste collection and disposal service and recycling service, used or available, per month for each single-family dwelling and each dwelling unit of a multiple-family dwelling up to and including two (2) separate dwelling units is as follows:

October 1, 2022 to September 30, 2024 - \$13.23

October 1, 2024 to September 30, 2026 - \$13.89
October 1, 2026 to September 30, 2028 - \$14.59

2. Landfill Fee. There shall be levied and collected a fee for Guthrie County Landfill Association related expenses in the amount of \$3.30 per month for each municipal utility customer, excluding municipal utility customers outside the City limits.

3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 6-5-10 of this Code of Ordinance. Solid waste collection may be discontinued in accordance with the provisions contained in section 6-5-18 if the combined service account becomes delinquent, and the provisions contained in Section 6-5-12 relating to lien notices shall also apply in the event of a delinquent account.

4. Commercial Rate. Rates for commercial establishments shall be established by the City Council.

WATER SERVICE CHARGES

6-5-13 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

6-5-14 RATES AND SERVICES Water service shall be furnished at the following monthly rates within the City until amended:

1. To all customers: Rate as of June 15th, 2026
Water Availability Charge: \$54.10

Gallons Used Per Month

100 to 3,000 Gallons	\$7.40 per 1,000 gallons
3,001 to 10,000 Gallons	\$18.80 per 1,000 gallons
10,001 to 100,000+ gallons	\$29.00 per 1,000 gallons

Water Rates will increase 5% annually on June 15, rounded up to the next 10th of a \$1.00.

2. To wholesale customers:
 - a. The water rate for Xenia Rural Water shall be \$14.09 per 1,000 gallons used.
3. To the Lake Panorama association: The water rate for the Lake Panorama Association shall be:
 - a. \$7.95 per 1,000 gallons used.

6-5-15 RATES AND SERVICE OUTSIDE CITY. Water service shall be provided to any

Customer located outside the corporate limit of the City, which the City has agreed to serve.

Gallons Used Per Month	Rate as of Jun 15 th , 2025
0 to 3,000 gallons	\$83.20
3,000 to 30,000 gallons	\$21.10
30,001 to 100,000 gallons	\$18.60
100,001 to 500,000 gallons	\$17.70
500,000 to 1,000,000 gallons	\$17.20
All over 1,000,001 gallons	\$16.00

6-5-16 BILLING FOR WATER SERVICE. Water service shall be billed as part of a Combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 20th day of the month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of one and one-half percent (1.5) of the amount due shall be added to each delinquent bill.

6-5-17 TEMPORARY VACANCY. A property owner may request water service to be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time (which must be a minimum of thirty days). The amount of the fees for shutting the water off at the curb valve and for restoring service is set by resolution by the Council. During any vacant period in which service is disconnected the “water availability charge” will be billed monthly. The City will not drain pipes or pull meters for temporary vacancies. For those customers that own vacant lots with no structures on the lot, no “water availability charge” will be billed.

6-5-18 RATES CONTINUE UNTIL AMENDED. The water rates set forth in sections shall continue beyond specified term until subsequently amended.

SEWER SERVICE CHARGES

6-5-19 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

1. Purpose. The purpose of this section is to collect from all users of the City sewer system the cost in whole or in part of constructing, maintaining and operating the main sewers and sewage treatment plant in proportion to the service provided to each user.

2. Sewer System Defined. For use within this chapter a “sewer system” is composed of main sewers, sewage pumping stations, treatment and disposal plants including aerated lagoons, lateral sewers, drainage conduits or channels and sewer connections in public streets for private property.

3. Established Customers. There are established as just and equitable monthly charges, rates or rentals for the use of and the service rendered by the sanitary utilities which shall be paid by the owner of each and every lot, parcel or real estate or building or premises situated within the corporate limits of the city that is connected with and uses the sanitary utilities by or through any part of the sewage system of the city, or that in any way uses or is served by the sewage system of the city, or that in any way uses or is served by the sewage treatment plant or otherwise discharges sanitary sewage, industrial waste, water or other liquid either directly or indirectly into the sewage system of the city, in accordance with the following schedule. For those customers that own vacant lots with no structures on the lot, no “sewer availability charge” will be billed.

MONTHLY USAGE	RATE AS OF JUNE 15, 2026
Sewer Availability Charge:	\$24.16
Flow Charge: Per 1000 gallons	\$8.61

Sewer Rates will increase 5% annually thereafter on June 15.

4. Established Industries.

a. An “industrial user” shall be any individual, business, corporation or other legal entity discharging any waters or wastes in excess of (1) a five-day biochemical oxygen demand greater than two hundred parts per million by weight, or (2) containing more than two hundred parts per million by weight of suspended solids, or (3) containing more than twenty parts per million by weight of Ammonia Nitrogen, or (4) having an average daily flow greater than five percent of the average sewage flow of the city.

b. All industrial users shall pay a rate according to the following:

MONTHLY USAGE	AS OF JUNE 15 TH , 2026
Sewer Availability Charge:	\$24.16
Flow Charge: Per 1,000 gallons	\$8.61
Sewer Rates will increase 5% annually thereafter on June 15	
Surcharge for extra strength waste:	Surcharge:
1. BOD	1. \$0.97
2. SS	2. \$0.56
3. Ammonia	3. \$12.62
4. FOG	4. \$1.80

This rate is exclusive of any tax for any period or fraction thereof and a surcharge to be calculated according to the following formula:

$$SC = (R_p(P_i - P_n) + R_s(S_i - S_n)(R_A(A_i - A_N)) \times 8.34 \times v$$

For purposes of this calculation, the symbols are defined as follows:

SC – Surcharge, \$
 R_p – Unit BOD cost of treating normal sewage \$/lb
 P_i – BOD in the industrial waste, p.p.m.
 P_n – BOD in normal sewage, p.p.m. (200)
 R_s – Unit suspended solids cost of treating normal sewage \$/lb.
 S_i – Suspended solids in the industrial waste, p.p.m.
 S_n – Suspended solids in normal sewage, p.p.m. (200)
8.34 – lb/million gallon-mg/L
 v – Wastewater volume, million gallons
 R_A – Unit ammonia cost of treating normal sewage \$/lb.
 A_i – Ammonia in industrial waste, p.p.m.
 A_N – Ammonia in normal sewage, p.p.m. (20)

The surcharge values for R_p and R_s as shown above are as follows:

R_p (BOD Charge)	\$/lb BOD
R_s (SS Charge)	\$/lb SS
R_A (Ammonia Charge)	\$/lb Ammonia
FOG	\$/lb for all fats, oil and grease over 100 mg/l

c. No industrial user, under any circumstance, shall be permitted to discharge 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, in organic chemical discharges.

5. Established Outside City Limits. The schedule of monthly service charges, rates or rentals as specified in Sections 3 and 4 shall apply respectively to general customers within the city limits and industrial customers, whether within or outside the city limits. General customers outside the city limits shall pay the following rate:

MONTHLY USAGE	RATES AS OF JUNE 15, 2026
Flow Charge for all flow	\$10.55/1,000 gallons
	Sewer Rates will increase 5% annually thereafter on June 15
Surcharge for extra strength waste:	
1. BOD	\$0.97
2. SS	\$0.56
3. Ammonia	\$12.62
4. FOG	\$1.80

These rates are exclusive of tax for any period or fraction thereof.

6. Computation Procedure. The service charge, rate or rental as provided in Sections 3, 4, and 5 shall be applied to the quantity of water used and discharged into the sewage system of the city as determined by the water meter readings of the municipal waterworks of the city or by separate sewage flow meters and samplers and by such privately owned water supplies as may contribute to the sewage system, and in the case of unmetered water supplies, the quantity of water used and discharged into the sewage system of the city shall be determined to the satisfaction of the city's wastewater utility at the expense of the owner of the unmetered water supply. If the estimated quantity of water from any unmetered supply equals in excess of an average of 3,000 gallons per day, the city may require that such water supply be metered at the expense of the owner of such water supply. The city shall be considered an owner within the meaning of this chapter as to city-owned property

6-5-20 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges rates would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec 384.84)

6-5-21 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the city wither by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

6-5-22 PAYMENT OF BILLS. All sewer services charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 6-5-17 of this Code of Ordinances. Sewer service may be discontinued in accordance with provisions contained in Section 6-5-6 if the combined service account becomes delinquent, and the provisions contained in 6-5-12 relating to lien notices shall also apply in the event of a delinquent account.

6-5-23 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character maybe. These rates are exclusive of tax for any period or fraction thereof.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

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

6-6-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or paving 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))

6-6-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-6-3 PERMIT FEES. The permit fee shall be set by resolution 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 set by resolution 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.

6-6-4 PERMIT REQUIREMENTS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. The person who makes the application shall pay a fee in an amount set by resolution of the Council, and a separate permit shall be required for each excavation. The written application

for such permit shall be filed with the City and shall contain the following:

- a. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
- b. A statement of the purpose, for whom and by whom the excavation is to be made;
- c. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
- d. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

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

4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

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

- a. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
- b. Property Damage - \$50,000.00 per accident.
- c. Property Damage - \$50,000.00 per accident.

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

7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be

deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

9. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

10. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

6-6-5 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 Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-6 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation. The city of Panora requires that any pavement repaired or replaced must be concrete, and the restoration of the pavement or surfacing be in as good a condition as it was 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 of Panora is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-6-7 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 7 SIDEWALK REGULATIONS

6-7-1	Purpose	6-7-15	Special Assessment of Construction and Repair
6-7-2	Definitions	6-7-16	Notice of Assessment for Repair of Cleaning Cost
6-7-3	Cleaning Snow, Ice and Accumulation	6-7-17	Hearing and Assessment
6-7-4	Maintenance Responsibility	6-7-18	Billing and Certifying to County
6-7-5	Liability of Abutting Owner	6-7-19	ADAAG Compliance
6-7-6	Ordering Sidewalk Improvements	6-7-20	Awning
6-7-7	Repairing Defective Sidewalks	6-7-21	Encroaching Steps
6-7-8	Notice of Inability to of Repair	6-7-22	Openings and Enclosures
6-7-9	Standard Sidewalk Specifications	6-7-23	Fires or Fuels on Sidewalks
6-7-10	Permits for Construction or Removal	6-7-24	Defacing
6-7-11	Failure to Obtain Permits Remedies	6-7-25	Debris on Sidewalk
6-7-12	Inspection and Approval	6-7-26	Merchandise Display
6-7-13	Barricades and Warning Lights	6-7-27	Sales Stands
6-7-14	Interference with Sidewalk Improvements	6-7-28	Discharging Roof and Sump Pump Drains

6-7-1 **PURPOSE.** The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-7-2 **DEFINITIONS.** As used in this chapter, the following terms have these meanings:

1. **Defective Sidewalk.** Any public sidewalk exhibiting one or more of the following characteristics:

- a. Vertical separations equal to three-fourths (3/4) inch or more.
- b. Horizontal separations equal to three-fourths (3/4) inch or more.
- c. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. Spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. Spalling over less than fifty (50) percent of a single square of the sidewalk with one

or more depressions equal to three-fourths (3/4) inch or more.

f. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. A sidewalk with any part thereof missing to the full depth.

h. A change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession

6-7-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-7-4 MAINTENANCE RESPONSIBILITY. In addition to the abutting property owner's duty to remove snow and ice as described in the prior section, upon order and notice as provided in sections 6-8-6 and 6-8-7, 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, except that the abutting owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

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

Spittgerber v. Bankers Trust Co., 8 N.W.3d 135 (Iowa 2024))

6-7-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk based on either the failure of the abutting owner to properly repair, replace, reconstruct, or otherwise maintain said sidewalk after being properly ordered and notified to do so, or the failure of the abutting owner to remove snow and ice regardless of notice from the City to do so, the City may

notify in writing the said abutting owner that it claims the injury was caused by their said negligence. 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; *Splittgerber v. Bankers Trust Co.*, 8 N.W.3d 135 (Iowa 2024))

6-7-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-7-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-7-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.

3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent 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 Superintendent 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 Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without

charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-7-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-7-12 INSPECTION AND APPROVAL. Upon final completion, the Superintendent 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 Superintendent of Public Works shall indicate this on both copies of the permit.

6-7-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property

6-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

6-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The

notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-7-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

6-7-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

6-7-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Act Guidelines (ADAAG).

6-7-20 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

6-7-21 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council

6-7-22 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

6-7-23 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

6-7-24 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

6-7-25 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

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

6-7-26 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

6-7-27 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

6-7-28 DISCHARGING ROOF AND SUMP PUMP DRAINS. Conduits carrying drainage from roofs and sump pumps may drain to City streets and alleys only so long as no conduits run over the sidewalk and so long as they are in accordance with Section 6-8-9 of this Code of Ordinances. Conduits may run under the sidewalk, but if any sidewalk is damaged or removed in laying them, such sidewalk must be replaced.

TITLE VI PHYSICAL ENVIROMENT

CHAPTER 8 STREETS

STREET USE AND MAINTENACE

- 6-8-1 Traveling on Barricaded Streets or Alleys
- 6-8-2 Use for Business Purposes
- 6-8-3 Washing Vehicles
- 6-8-4 Burning Prohibited
- 6-8-5 Maintenance of Parking or Terrace
- 6-8-6 Failure to Maintain Parking or Terrace
- 6-8-7 Dumping of Snow
- 6-8-8 Driveway Culverts
- 6-8-9 Discharging Roof Pump Drains onto Streets and Alleys

VACATION AND DISPOSAL OF STREETS

- 6-8-10 Power to Vacate
- 6-8-11 Planning and Zoning Commission
- 6-8-12 Notice of Vacation Hearing
- 6-8-13 Findings Required
- 6-8-14 Disposal of Vacated Streets or Alleys
- 6-8-15 Disposal by Gift Limited

STREET USE AND MAINTENACE

6-8-1 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

6-8-2 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

6-8-3 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

6-8-4 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

6-8-5 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the

curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

(Code of Iowa, Sec. 364.12120)

6-8-6 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[20]

6-8-7 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

6-8-8 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided

6-8-9 DISCHARGING ROOF AND SUMP PUMP DRAINS ONTO STREETS AND ALLEYS. Conduits carrying drainage from roofs and sump pumps may drain to City streets and alleys only so long as:

1. No conduits are over roadways, sidewalks or alleys.
2. No cutting is made of any pavement or curb.
3. Drains do not carry or cause any visible sediment to flow into a road or sidewalk.
4. Conduits only extend into the City's right-of-way to a point at least 5 feet outside the outside edge of curb, and if no curb is present, at least 5 feet from pavement or gravel except any drainage conduits or systems existing in a Business Commercial zoning district at the time of adoption of the ordinance codified in this section may remain where they are and will not have to be removed. Drainage conduits or systems not within a Business Commercial district must be

brought into compliance with these standards within 60 days of the effective date of these provisions.

VACATION AND DISPOSAL OF STREETS

6-8-10 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

6-8-11 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

6-8-12 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

6-8-13 FINDINGS REQUIRED. No street, alley, portion, thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

6-8-14 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

6-8-15 DISPOSAL BY GIFT LIMITED. The city may not dispose of real property by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7 [3]),

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 TREES

6-9-1	Definitions	6-9-4	Trimming Trees to be Supervised
6-9-2	Planting Restrictions	6-9-5	Disease Control
6-9-3	Duty to Trim Trees	6-9-6	Inspection and Removal

6-9-1 **DEFINITION.** For use in this chapter, "parking" means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

6-9-2 **PLANTING RESTRICTIONS.** No tree shall be planted in any parking or street.

6-9-3 **DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

6-9-4 **TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

6-9-5 **DISEASE CONTROL** Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

6-9-6 **INSPECTION AND REMOVAL.** The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. **City Property.** If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 NUMBERING OF BUILDINGS

6-10-1	Buildings to be Numbered	6-10-3	Type of Number, Size
6-10-2	Numbering System	6-10-4	Enforcement

6-10-1 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.

6-10-2 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 south sides of all streets and the odd numbers shall be on the east and north sides of all streets.

6-10-3 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.

6-10-4 ENFORCEMENT. If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 HOUSE MOVERS

6-11-1	House Mover Defined	6-11-7	Permit Issued
6-11-2	Permit Required	6-11-8	Public Safety
6-11-3	Application	6-11-9	Time Limit
6-11-4	Bond Required	6-11-10	Removal by City
6-11-5	Insurance Required	6-11-11	Protect Pavement
6-11-6	Permit Fee	6-11-12	Overhead Wires

6-11-1 **HOUSE MOVER DEFINED.** A "house mover" means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

6-11-2 **PERMIT REQUIRED.** It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

6-11-3 **APPLICATION.** Application for a house mover's permit shall be made in writing to the Clerk. The application shall include:

1. **Name and Address.** The applicant's full name and address and if a corporation the names and addresses of its principal officers.
2. **Building Location.** An accurate description of the present location and future site of the building or similar structure to be moved.
3. **Routing Plan.** A routing plan approved by the Police Department, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

6-11-4 **BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the minimum sum of twenty-five thousand dollars (\$25,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

6-11-5 **INSURANCE REQUIRED.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury - \$50,000 per person; \$100,000 per accident.

2. Property Damage - \$50,000 per accident.

6-11-6 PERMIT FEE. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

6-11-7 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

6-11-8 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

6-11-9 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

6-11-10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of 6-11-9 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

6-11-11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

6-11-12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

TITLE VI PHYSICAL ENVIROMENT

CHAPTER 12 SWIMMING POOLS

6-12-1	Definition	6-12-4	Distance From Property Line
6-12-2	Permit	6-12-5	Access
6-12-3	Location	6-12-6	Inspection

6-12-1 DEFINITION. A "swimming pool" is any artificial basin of water which has both a capacity of one hundred (100) gallons and a maximum depth of twenty-seven (27) inches or more,

(Ord. 234 Oct. 07 Supp)

6-12-2 PERMIT. No person shall construct, enlarge, alter, or otherwise improve a swimming pool without first obtaining a permit as required by the City's Zoning Ordinance or other ordinances, as applicable, or maintain such pool contrary to the provisions of this chapter.

6-12-3 LOCATION.

1. Enclosure. Except as provided for in subsection 2 below, every outdoor swimming pool, whether in-ground or above-ground, shall be completely surrounded by a fence or equivalent enclosure at least six feet (6') in height. Such fence or wall shall be non- climbable and shall be constructed of sufficiently strong materials and of such structural design as to make the pool inaccessible to small children. There shall not be a distance greater than ten feet (10') between fence posts and it shall not be possible for small children to go under such fence. Prior to construction of any enclosure, a building permit must be granted by the City.

2. Exemption for Covered Hot Tubs. Hot tubs securely covered with a cover that cannot be opened by children and that will not collapse or fail under the weight of a child are exempt from the enclosure requirement above, following application for such exemption and inspection of the cover. Cover inspections may be performed annually,

3. Location in Front Yard Prohibited. No swimming pools may be located in front yards.

6-12-4 DISTANCE FROM PROPERTY LINE. No part of a swimming pool enclosure shall be constructed within four (4) feet of a property line, other wall, fence or other structure which can be readily climbed by children.

6-12-5 ACCESS. All gates and doors in the fence or wall shall be self- latching or self-closing. At all times, when the pool is "unattended," such gates, doors, steps, ladders, ramps or any other device affording access to the pool shall be secured against unauthorized access. "Unattended" means the absence of an adult person in the outdoor swimming pool or within constant eyesight of said pool and no more than twenty (20) feet therefrom.

6-12-6 INSPECTION. Persons maintaining an outdoor swimming pool pursuant to this chapter shall be deemed to consent to periodic inspections of same for compliance with this and other chapters in this Code of Ordinances at reasonable times by City employees.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 OUTDOOR FURNACES

6-13-1	Purpose	6-13-4	Permit Application
6-13-2	Definitions	6-13-5	Enforcement and Violation
6-13-3	Existing Outdoor Furnaces		

6-13-1 **PURPOSE.** The Panora 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 Panora, to promote the public health, comfort, safety and welfare of the public.

6-13-2 **DEFINITIONS.** For the purposes of this Chapter, the following definitions apply:

1. “Existing Outdoor Furnaces” means any outdoor furnace in existence as of December 8, 2025.
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.
3. “Stack” or “Chimney” means any vertical structure enclosing a flue or flues that carry off smoke, exhaust and other emissions from an outdoor furnace.

6-13-3 **EXISTING OUTDOOR FURNACES.** Any outdoor furnace in existence on December 8, 2025 shall be permitted to remain, subject to the following requirements:

1. The owner of any outdoor furnace in existence as of December 8, 2025 shall apply for and receive an outdoor furnace permit from the City Clerk by December 8, 2025. If a permit application is not received for an existing outdoor furnace by December 8, 2025, the outdoor furnace shall be in violation of this ordinance and must be removed.
2. Outdoor furnaces may not be operated between April 1 and October 15 of each year.
3. All outdoor furnaces shall be installed, operated and maintained in accordance with the manufacturer’s specifications and instructions.
4. 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.

5. 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.

6. Petroleum products or chemicals shall not be used to start an outdoor furnace.

7. 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.

8. 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.

9. All existing outdoor furnaces shall be inspected each year prior to operation.

6-13-4 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 Panora. 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 Panora 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.

6-13-5 ENFORCEMENT AND VIOLATION. 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.

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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 PORTABLE STORAGE CONTAINERS

6-14-1	Definitions	6-14-5	Stacking
6-14-2	Residential Property	6-14-6	Good Repair
6-14-3	Commercial Property	6-14-7	Residential Use
6-14-4	Industrial Property	6-14-8	Compliance

6-14-1 DEFINITION. “Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

6-14-2 RESIDENTIAL PROPERTY. The use of portable storage containers on a property used for residential purposes is prohibited.

6-14-3 COMMERCIAL PROPERTY. Portable storage containers are prohibited on a property used for commercial purposes.

6-14-4 INDUSTRIAL PROPERTY. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on public right-of-way, in a fire lane, in the front of the property, or in any area visible from a public street.

1. No portable storage container shall be placed or located in any aisle or driving lane, fire lane, public utility easement, or public right-of-way, including streets, sidewalks, and parking.
2. All portable storage containers will require a building permit

6-14-5 STACKING. Portable storage containers may not be stacked on top of one another, and stacking of any other materials on top of or around any storage containers shall be prohibited in all districts.

6-14-6 GOOD REPAIR. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.

1. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.

2. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

6-14-7 RESIDENTIAL USE. A portable storage container shall not be used as a dwelling or living quarters.

A portable storage container shall not be used for camping, cooking, or recreational purposes in any district.

6-14-8 COMPLIANCE. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within ninety (90) thirty (30) days of the ordinance's effective date.

TITLE VI PHYSICAL ENVIROMENT

CHAPTER 15 BUILDING CONSTRUCTION REQUIREMENTS

6-15-1	Definitions	6-15-4	Storm Water Inlet Protection Required
6-15-2	Sidewalk Requirements		
6-15-3	Fencing Hazardous Holes Required	6-15-5	Erosion Control and Storm Water Pollution Prevention

6-15-1 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Owner" means the owner of the premises, a mortgagee or vendee in possession, an assignee of rents, or a receiver, executor, trustee, lessee or other person in control of a building or structure.

6-15-2 SIDEWALK REQUIREMENTS. If, on application for a permit for building a totally enclosed structure, the lot upon which the building is proposed to be built has no existing sidewalk along the right-of-way of a public street, the building permit application must include a plan for sidewalk construction. The building inspector will not issue a permit for occupancy until sidewalks are constructed.

6-15-3 FENCING HAZARDOUS HOLES REQUIRED. All pits, excavations, unenclosed basements and other holes with a slope greater than 1:1 and a depth of more than three feet (3') shall be either: (i) securely covered with a cover that cannot be opened by children and that will not collapse or fail under the weight of a child, or (ii) fenced with a fence of at least three feet high that surrounds the entire perimeter of the hole.

6-15-4 STORM WATER INLET PROTECTION REQUIRED. Prior to issuance of a building permit, the building permit applicant must install protection devices at the storm water inlet (or inlets) where storm water from the construction site will enter the City's storm water sewer system. Such devices must meet the requirements for said inlet protection as defined in the most recent published editions of the *Iowa Statewide Urban Design Standards for Public Improvements* and the *Iowa Statewide Urban Standard Specifications for Public Improvements* manuals, or other inlet protection designs and specifications approved by the City Council by resolution or ordinance.

6-15-5 EROSION CONTROL AND STORM WATER POLLUTION PREVENTION.

1. All construction sites of one acre or more must submit and have approved a *Storm Water Pollution Prevention Plan* to the appropriate agency as defined by State and/or Federal law in accordance with NPDES and other State regulations.

2. Construction, grading and/or excavation activities on sites of less than one acre must

adhere to the following:

a. Each site of building construction, grading and/or excavation must have a stabilized construction entrance, as defined and explained in the most recent published editions of the *Iowa Statewide Urban Design Standards for Public Improvements* and the *Iowa Statewide Urban Standard Specifications for Public Improvements* manuals, or other stabilized construction entrance design approved by the City Council by resolution or ordinance.

b. One or more of the following erosion control or storm water prevention devices must be implemented along the entire perimeter of a building construction, grading and/or excavation site except at the stabilized construction entrances:

- (1) Temporary Rolled Erosion Control Products (RECP)
- (2) Turf Reinforcement Mats (TRM)
- (3) Vegetative Filter Strip
- (4) Diversion Structure
- (5) Level Spreader
- (6) Filter Berm
- (7) Filter Sock
- (8) Wattle
- (9) Sediment Trap
- (10) Silt Fence

The above device or devices used must be implemented as defined and explained in Chapter 7 of the most recent published editions of the *Iowa Statewide Urban Design Standards for Public Improvements* and the *Iowa Statewide Urban Standard Specifications for Public Improvements* except that wherever the word "should" is used in the SUDAS manual, it shall be construed as meaning "shall" and considered a requirement. The devices so implemented along the perimeter of the site must remain in place until the site has been sodded, seed or plant material has grown into a stable vegetative cover or landscaping stone has been laid that prevents erosion.

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.

ORDINANCE	ADOPTED
67	January 4, 1972
106	February 2, 1976
111	April 30, 1979
117	August 4, 1980
138	June 12, 1989
140	June 26 , 1089
155	September 28, 1992
160	May 9, 1994
165	
167	March 27, 1995
169	May 8, 1995
175	November 27, 1995
190	February 24, 1997
196	November 24,1997
197	April 13, 1998
217	December 9, 2002

TITLE VII CITY ORDINANCES

CHAPTER 1 INDUSTRIAL PROPERTY TAX EXEMPTIONS

7-1-1	Purpose	7-1-6	Applications
7-1-2	Definitions	7-1-7	Approval
7-1-3	Period of Partial Exemption	7-1-8	Exemption Repealed
7-1-4	Amounts Eligible for Exception	7-1-9	Dual Exemptions Prohibited
7-1-5	Limitations		

7-1-1 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research service facilities, warehouses, and distribution centers.

7-1-2 DEFINITIONS. For use in this chapter the following terms are defined:

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

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

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

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

5. "Warehouse" means a building or structure used •as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a

building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

7-1-3 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers is eligible to receive a partial exemption from taxation for a period of five (5) years.

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

7-1-4 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

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

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

7-1-5 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

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

7-1-6 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

(Code of Iowa, Sec. 427B.4)

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

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

7-1-7 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

7-1-8 EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

7-1-9 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Sec. 427B.6)

TITLE VII CITY ORDINANCES

CHAPTER 2 URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
152	December 9, 1991 Sunset June 2016	Northeast Panora Urban Renewal Area
188	December 9, 1996 Sunset June 2016	1996 Addition to the Northeast Urban Renewal Area
192	July 28, 1997 Sunset August 2017	Northwest Urban Renewal Area
247	January 8 th , 2007	Central Panora Urban Renewal Area
339	February 8 th , 2021	Rosehill Urban Renewal Area
347	August 22 nd , 2022	Housing Urban Renewal Area

TITLE VII CITY ORDINANCES
CHAPTER 3 URBAN REVITALIZATION

EDITOR'S NOTE		
The following ordinance not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Area in the City and remain in full force and effect.		
ORDINANCE NO.	APOPTED	NAME OF AREA
145	March 12, 1990	Panora, Iowa Urban Revitalization Area
218	April 28, 2003	Panora, Iowa, Urban Revitalization Area
ADOPTED	PLAN	
October 2025	Urban Revitalization Plan	

TITLE VII CITY ORDINANCES

CHAPTER 4 NATURAL GAS FRANCHISE

7-3-1 Franchise Granted

7-3-3 Indemnification

7-3-2 Regulatory Power of City

7-4-1 **FRANCHISE GRANTED.** MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City of Panora, Iowa, hereinafter called the “City,” a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of the ordinance.

7-4-2 **REGULATORY POWER OF CITY.** The franchise shall not be exclusive and shall not restrict in any manner the right of the Council or any other governing body of the City in the exercise of any regulatory power which it may now have or hereafter be authorized or permitted by the laws of the State.

7-4-3 **INDEMNIFICATION.** The MidAmerican Energy Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company’s negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

EDITOR'S NOTE: Ordinance No. 295, renewing a natural gas franchise for the City, was passed and adopted on May 27th, 2014.

ORDINANCE NO. 295

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF PANORA, IOWA, A **NATURAL GAS SYSTEM** AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Panora, Iowa:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City of Panora, Iowa, hereinafter called the “City,” a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2013, or as subsequently amended or changed.

Section 3. Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to unreasonably interfere with the construction of any water pipes, drain or sewer which have been or may hereafter be located by authority of the City.

Section 4. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff”) , at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may 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 of reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall consider said alternative route, or construction method. All costs associated with relocating Company facilities within the City right-of-way for public projects shall be borne by the Company. This includes, but is not limited to, relocation plans, surveying, staking, seeding and restoration, and construction costs. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City’s project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and Company must remove trees that are included in the City’s portion of the project, the City shall either remove the trees at its cost or reimburse the Company for the expenses incurred to remove said trees. Prior to the City becoming liable for any such tree removal performed by the Company, Company shall have provided City at least 14-days advance notice of its intent to perform tree removal to coincide with Company’s relocation schedule. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City should attempt to secure said funds and provide them to

the Company to compensate the Company for the costs of relocation

Section 5. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the 3-3of road surface shall conform to current City code regarding its depth and composition. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with city, state or federal rules, regulations or laws, but shall comply with applicable City ordinances and design standards in its restoration activities.

Section 6. Vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities.

Section 7. Any costs associated with the relocation of Company facilities in the public right of way that have been relocated at Company expense at the direction of the City at any time during the previous five (5) years shall be open for negotiations with the City.

Section 8. Pursuant to relocation of Company facilities as may be required by Sections 3, 4, 5, 6 and 7 of this Ordinance, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly or indirectly facilitate the project of a commercial or private developer or other non-public entity, City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation. The Company shall not be required to relocate in order to facilitate such private project at its expense.

Section 9. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

Section 10. Upon reasonable request the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in city right of way, including documents, maps and other information in paper or electronic or other forms ("Information"). The Company and City recognize the preference under Chapter 22 of the Code of Iowa that Information in the possession of City be considered a public record, but also

recognize that some information is entitled in whole or part to be considered a confidential record under state or federal law or both. Therefore, the City shall not release any Information with respect to the location or type of equipment which the Company owns or controls in the right of way which may constitute a trade secret or which may otherwise be protected from public disclosure by state or federal law without prior consent of the Company and shall return the Information to Company upon request. Furthermore, the City agrees that no documents, maps or information provided to the City by the Company shall be made available to the public or other entities if such documents or information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time.

Section 11. The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

Section 12. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent and in accordance with the applicable regulations of the Iowa Utilities Board the Company's tariff made effective by the Iowa Utilities Board or its successors and Iowa law.

Section 13. Pursuant to the tariff, there is hereby imposed upon the Company a franchise fee of _____percent (__%) upon gross revenue of the Company, minus uncollectible accounts, derived from the distribution, transmission and retail sale of natural gas by the Company to customers within the corporate limits of the City. Franchise fees shall be remitted on or before the last business day of the month following the close of the calendar quarter in which fees were charged.

Section 14. The City may, as allowed by Iowa law, exempt customers of sales from imposition of the franchise fee, or modify, decrease or eliminate the franchise fee. The City reserves the right to cancel any or all the franchise fee exemptions and also reserves the right to grant exemptions in compliance with Iowa law and Section 16 of this ordinance. The City does therefore exempt the customer classes in Section 14 from paying franchise fees.

- **Customers exempted by the City at time of imposing a franchise fee percentage greater than zero (0) percent:**

Section 15. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information

and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.

Section 16. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of annexation ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than 60 days after receiving annexation ordinances from the City.

Section 17. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective, and billings reflecting the change shall commence on an agreed upon date which is not less than sixty (60) days following written notice to the Company by certified mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the city council.

Section 18. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee, except to the extent such claims result from the Company's own negligence. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

Section 19. The Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.

- January, February and March
- April, May and June
- July, August and September, and
- October, November and December

MidAmerican shall provide City with notice at least 30 days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

Section 20. The City recognizes that the costs of franchise fee administration are not charged

directly to the City and agrees it shall, if required by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

Section 21. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 22. The obligation to collect and remit the fee imposed by this ordinance is modified or repealed if:

1. Any other person is authorized to sell natural gas at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;
2. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling natural gas at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of natural gas within the City; or
3. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final no appealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

The other provisions of this ordinance to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefor under each of any of the following circumstances as determined to exist in the sole discretion of Company:

- a. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that

Court.

b. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly.

c. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

Section 23. Upon implementation of a franchise fee the City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge Company right of way management fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

Section 24. Either City or Company (“party”) may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

Section 25. 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.

Section 26. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within 10 days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event that the Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council this ordinance shall be void and of no effect.

Section 27. Upon the effective date of this ordinance, all prior natural gas franchises granted to the Company to furnish natural gas to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

PASSED AND APPROVED this 27th day of May 2014

TITLE VII CITY ORDINANCES

CHAPTER 5 TELEPHONE FRANCHISE

7-4-1	Franchise Granted	7-4-4	Signal Wires
7-4-2	Location of Poles	7-4-5	Official Telephone
7-4-3	Repair of Sidewalk or Street Pavement	7-4-6	Franchise Subject to Authority of City

7-4-1 FRANCHISE GRANTED. Panora Cooperative Telephone Association, Inc., an Iowa corporation (the "Grantee"), its lessees, successors and assigns are hereby granted the nonexclusive franchise, right and privilege, for a period of twenty-five (25) years from and after the effective date of the ordinance codified by this chapter, to use the streets, alleys, bridges and other public places of the City for the purpose of erecting, maintaining and operating a telephone system, including all necessary appurtenances, and to use jointly or otherwise the property of other companies and permit other companies to use its property under such arrangements as such companies and the Grantee may agree upon.

7-4-2 LOCATION OF POLES. The location of poles by the Grantee under authority of this chapter shall be subject to the supervision of the Street Commissioner or such other official as the Council may designate. All poles shall be neat and symmetrical and be so located as to minimize interference with the safety or convenience of persons traveling the streets, alleys, bridges and other public places.

7-4-3 REPAIR OF SIDEWALK OR STREET PAVEMENT. The Grantee shall properly repair or replace any sidewalk or street surface which may be displaced or damaged by it in the erection and maintenance of its telephone system. Upon the failure of the Grantee to do so and after twenty (20) days' notice in writing given by the Mayor to the Grantee, the City may repair or replace such portion of the sidewalk or street surface as may have been disturbed by the Grantee and collect the costs so incurred from the Grantee.

7-4-4 SIGNAL WIRES. The Grantee shall, on demand, during the life of the franchise, provide cross arm or bracket space on each pole owned by it on which the City may desire to attach signal wires for the free use of the police and fire alarm systems of the City. All such wires shall be placed and maintained so as not to interfere with the convenient use and maintenance of the Grantee's telephone system and the location of such wires shall be subject to the supervision of the Grantee. All such wires shall be placed and maintained in accordance with the National Electric Safety Code, as from time to time amended.

7-4-5 OFFICIAL TELEPHONE. The Grantee shall, during the life of the franchise, install and maintain at its own expense at such municipal office as the Council may designate, one business telephone (wall or desk) for the official use and benefit of the City.

7-4-6 FRANCHISE SUBJECT TO AUTHORITY OF CITY. The Grantee agrees for and on behalf of itself, its lessees, successors and assigns, that all authority and rights granted in this chapter shall be subject to all rights, powers and authority now or hereafter possessed by the City to regulate, control and direct or otherwise by ordinance or resolution legislate concerning the exercise of the franchise herein granted and concerning the manner in which the Grantee shall use the streets, alleys, bridges and other public places of the City.

EDITOR'S NOTE: The telephone franchise for the City was adopted by Ordinance No, 82. Ordinance No. 212, adopted April 8, 2002, renewed the telephone franchise for a period of twenty-five (25) years.

TITLE VII CITY ORDINANCES

CHAPTER 6 CABLE TV FRANCHISE

7-5-1	Franchise Granted	7-5-7	FCC Rules
7-5-2	Location of Equipment	7-5-8	Moving Buildings
7-5-3	Use of Poles	7-5-9	Rates
7-5-4	Restoration of Property	7-5-10	Installation of Equipment
7-5-5	Grantee Subject to City Ordinances	7-5-11	Removal of Equipment
7-5-6	Indemnification	7-5-12	Term of Franchise

7-5-1 **FRANCHISE GRANTED.** There is hereby granted to Panora Cooperative Cablevision Association, Inc., its successors and assigns (hereinafter designated "Grantee") the right and privilege for a period of twenty-five (25) years from the effective date of the ordinance codified by this chapter to erect buildings in the City and to construct, maintain and operate in and under the present and future streets, alleys and public places in the City, towers, poles, lines, cables, necessary wiring and other apparatus for the purpose of receiving, amplifying and distributing television and radio signals to the City and the inhabitants thereof.

7-5-2 **LOCATION OF EQUIPMENT.** The poles and towers shall be erected as not to interfere with the traffic over the streets and alleys, and the location of all poles, towers or other obstructions shall be fixed with the prior written approval and under the supervision of the City as to such location, giving consideration to the reasonable operation of the same; provided further, such location shall not be vested interest and the same shall be removed by the Grantee whenever the same restrict or obstruct the operation or location of said streets and alleys and public places.

7-5-3 **USE OF POLES.** Permission is hereby granted to Grantee to attach or otherwise affix cables or wires to the pole facilities of any public utility company, even though the same may cross over the streets, sidewalks, public lands or highways of the City, provided the Grantee secures the permission and consent of said public utility companies concerned to affix the cables and/or wires or other apparatus to their facilities.

7-5-4 **RESTORATION OF PROPERTY.** All streets and sidewalks disturbed or damaged in the construction or maintenance of said cable, lines and other appurtenances shall be promptly repaired by the Grantee at its expense and to the satisfaction of the City

7-5-5 **GRANTEE SUBJECT TO CITY ORDINANCES.** The Grantee shall be subject to all ordinances now in force or that may be hereafter enacted relative to the use of the streets and alleys of the City.

7-5-6 **INDEMNIFICATION.** The Grantee shall hold the City harmless from all claims for damages arising out of the construction, maintenance or operation of said cable lines or other appurtenances.

7-5-7 FCC RULES. The Grantee agrees to construct and operate its cable communication

system so as to conform to the rules as promulgated by the Federal Communications Commission.

7-5-8 MOVING BUILDINGS. The Grantee shall temporarily raise or lower its wires to permit the moving of buildings. The Grantee shall be given not less than 48 hours' notice to do the work. Expenses of such temporary work shall be paid to the Grantee by the person moving the building.

7-5-9 RATES. Rates charged by the Grantee for services hereunder shall be fair and reasonable and designed to meet all necessary costs of service, including a fair rate of return on net valuation of its properties devoted thereto under efficient and economic management.

7-5-10 INSTALLATION OF EQUIPMENT. Grantee's plant and equipment, including the antenna site, headend, distribution system, towers, structures, poles, wires, underground cable and appurtenances shall be installed in accordance with good engineering practices and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the City may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the *National Electrical Safety Code* of the National Board of Fire Underwriters and *National Electric Safety Code* (outside work) and such applicable laws of the State and applicable ordinances of the City which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable and maintained in a safe, suitable and substantial condition, in good order and repair.

7-5-11 REMOVAL OF EQUIPMENT. Upon termination or forfeiture of the franchise in accordance with any of its terms, the Grantee shall, within a reasonable time, remove its cables, wires and appliances from the City streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements and other public places within the City and subsequent additions thereto.

7-5-12 TERM OF FRANCHISE. The right and authority herein granted shall be nonexclusive and shall be and continue for a period of twenty-five (25) years from and after the effective date of the ordinance codified by this chapter.

EDITOR'S NOTE: Ordinance No. 119, adopting a cable television franchise for the City, was passed and adopted on July 13, 1981.