

## Chapter 10-1

### SIDEWALK REGULATIONS

#### Sections:

<b>10-1-1</b>	<b>Permanent Sidewalks</b>
<b>10-1-2</b>	<b>Plans And Specifications</b>
<b>10-1-3</b>	<b>Gaps In Sidewalk; Service Of Notice</b>
<b>10-1-4</b>	<b>Contract For Sidewalk</b>
<b>10-1-5</b>	<b>Payments Of Costs</b>
<b>10-1-6</b>	<b>New Subdivisions</b>
<b>10-1-7</b>	<b>Repair Of Sidewalks</b>
<b>10-1-8</b>	<b>Sidewalk Inspection</b>
<b>10-1-9</b>	<b>Owner's Responsibility On Receipt Of Notice Of Repair</b>
<b>10-1-10</b>	<b>Repairing Sidewalks Upon Failure Of Owner To Comply With Notice To Repair</b>
<b>10-1-11</b>	<b>Appeal Of Notice To Repair</b>
<b>10-1-12</b>	<b>Cleaning</b>
<b>10-1-13</b>	<b>Grades</b>
<b>10-1-14</b>	<b>Liability</b>
<b>10-1-15</b>	<b>Municipal Infraction</b>

#### **Section 10-1-1 Permanent Sidewalks**

All sidewalks now or hereafter to be constructed upon any street or part of street, or tract of land abutting said streets shall be in conformity with the established grade of said street, or part of street, and all sidewalks now or hereafter constructed upon any street, part of street, or parcel of land where said grades have been or hereafter may be established, are hereby declared to be permanent sidewalks, and all permanent sidewalks now or hereafter built shall be constructed of cement, and shall conform with the grade now or hereafter to be established.

(Ord. No. 309495, Amended, 06/19/95)

#### **Section 10-1-2 Plans And Specifications**

All sidewalks built or rebuilt shall be constructed in accordance with the official City plans and specifications applicable to sidewalks, including specifications as to width and thickness, and which specifications shall be adopted, and may from time to time be amended, by resolution of the City Council.

(Ord. No. 309495, Amended, 06/19/95)

#### **Section 10-1-3 Gaps In Sidewalk; Service Of Notice**

Whenever non-sidewalk lots create a gap in an area of the City where sidewalks generally exist, or whenever other compelling circumstances require the installation of a sidewalk where none has previously existed, the City Council may require the installation of sidewalks by the owner or owners of the lots without sidewalk. Whenever the Council shall, in accordance with the provisions of this Section, order any permanent sidewalk to be built, it shall be the duty of the Clerk to prepare a notice of said requirement and it shall be the duty of the Code Enforcement Officer to serve a copy of the notice of said

order on the owner or owners of each of said lots or parts of lots or tracts of land fronting, abutting or lying along said contemplated improvement. The notice and return shall be filed with the Clerk and by him/her preserved among the records of the City. When such officer has reported that no one is found upon whom such service can be made, the said notice shall be published at least once in one of the newspapers published in the City and shall require the owner of said lot, lots, part of lot or pieces of ground to construct such sidewalk within the time so ordered by the Council, and that if the owner shall fail to do so, the same will be done at the owner's cost as provided in this Chapter; and such publication made after such return by the officer attempting to serve such notice shall in all cases be sufficient service upon such owner.

(Ord. No. 309495, Amended, 06/19/95)

#### **Section 10-1-4 Contract For Sidewalk**

If the owner or owners of any lot, lots, or part of a lot or piece of ground along or across which said contemplated improvements are made, shall refuse, fail or neglect to have said sidewalk constructed and finished by the time limit set by the resolution or order of the Council, the City may procure the same to be done by contract as provided by resolution to be adopted by said Council, and the work shall be let to the lowest responsible bidder, and in all cases said work shall be done in conformance with City plans and specifications applicable to sidewalks.

(Ord. No. 309495, Amended, 06/19/95)

#### **Section 10-1-5 Payments Of Costs**

The cost of the work done under such contracts as provided in Section 10-1-4 shall be paid to the contractor out of City funds and the Council shall levy and assess the whole amount of such expense, including that of advertisement, and all expenses incidental to the work upon the several lots or pieces of lands and owners thereof, in front of, alongside, or across which said sidewalk shall have been constructed, apportioning the same among the several lots and owners thereof in proportion to the number of feet of each lot in front of, along, or across which said sidewalk shall have been laid; and the amount so apportioned to each lot and the owner thereof shall constitute a special tax against such lots and owners, and the same with all interests, penalties and costs accruing thereon shall be a lien upon the lot, lots or piece of land until paid, and the same shall by resolution be certified to the County Auditor for collection along with other City taxes. Said resolution shall be introduced at a regular meeting of the Council, but it shall not be acting upon nor shall said taxes be assessed or levied before the next regular meeting following the introduction of said resolution.

(Ord. No. 309495, Amended, 06/19/95)

#### **Section 10-1-6 New Subdivisions**

From and after the date of this ordinance, the Council shall not approve the platting of a new subdivision within the City of Storm Lake unless the platting documents include a plan for the installation of sidewalks by the developer or pursuant to a special assessment project wherein all property owners waive all possible objections to the City constructing said sidewalks pursuant to a special assessment project.

(Ord. No. 309495, Amended, 06/19/95)

### **Section 10-1-7 Repair Of Sidewalks**

It shall be the duty of the owners of lots and lands to keep in repair all sidewalks in front of or abutting any property owned by them. The Council may at any time by Resolution condemn any sidewalk now or hereafter in use, which is so constructed of material or in a manner different from what the City specifications provide, or for any cause is dangerous and unsafe, and may order and compel the sidewalk to be repaired or replaced in conformity with Section 10-1-2. The cost of all repairs, replacements and installation shall be the responsibility of the property owner.

Any deviation, separation or variation greater than the maximum allowable as established by the sidewalk inspection criteria adopted by resolution of the Council, and as the same shall be amended from time to time hereafter, it hereby declared to be per se dangerous and unsafe, and the Code Enforcement Officer is hereby authorized to notify the property owner of the defect and to order the repair or replacement of the defective sidewalk without the necessity of obtaining a resolution of condemnation from the Council.

(Ord. No. 309495, Amended, 06/19/95)

### **Section 10-1-8 Sidewalk Inspection**

For the purpose of discovering defects in existing sidewalks, the City Administrator is directed to establish a sidewalk inspection program whereby sidewalks in the business district of the City are inspected every year and sidewalks in the balance of the City are inspected not less than once every four years. Persons designated by the City Administrator to make sidewalk inspections shall note any deviation, separation, or variation greater than the maximum allowable as set forth in the sidewalk inspection criteria established by a separate resolution of the Council, and the Code Enforcement Officer shall in turn notify the property owner or owners to correct the noted problems as authorized in 10-1-7. The City Administrator shall schedule the inspection so that to the greatest extent possible, all notices of correction work required will be mailed out by June 1 of each year.

(Ord. No. 309495, Amended, 06/19/95)

### **Section 10-1-9 Owner's Responsibility On Receipt Of Notice Of Repair**

Upon receipt of notice to repair sidewalks, all homeowners shall, within twenty-one (21) calendar days thereafter, obtain a permit, from the Code Enforcement Officer, to be issued without charge. The application for the permit shall include the name of the contractor purposed to do the repair or replacement, or alternatively, provide notice that the owner will personally do the work, and provide the tentative date of the repairs and provide notice as to whether the owner intends to repair or replace the sidewalk.

Within ninety (90) calendar days following issuance of the permit, all sidewalk repair or replacement as required in the notice to the property owner shall be completed. For good cause shown, the City Administrator is hereby authorized to extend the period of time for completion of sidewalk repair or replacement beyond the ninety (90) day period for such additional period of time as the Administrator deems reasonable.

(Ord. No. 309495, Amended, 06/19/95)

### **Section 10-1-10 Repairing Sidewalks Upon Failure Of Owner To Comply With Notice To Repair**

If a property owner shall fail to complete required repair or replacement of their sidewalk within the time frame provided by Section 10-1-9, the City Administrator may cause to be repaired all such broken or defective sidewalks found to be dangerous or defective or found to be not in compliance with the sidewalk inspection criteria previously referred to. If the City Administrator does so act, the provisions of Sections 10-1-3, 10-1-4 and 10-1-5 of this Chapter with respect to assessing the costs of installation of sidewalk against the property owner shall be applicable to effect the construction of the repairs.

(Ord. No. 309495, Amended, 06/19/95)

### **Section 10-1-11 Appeal Of Notice To Repair**

Any property owner desiring to appeal a notice requiring the property owner to install, repair or replace sidewalk adjacent to or adjoining the owner's property shall file a notice of appeal with the City Clerk within fifteen (15) days following receipt of the notice to install or repair. The appeal of the property owner shall be heard at the next regular council meeting following the receipt of the notice of appeal by the Clerk, and at the conclusion of the hearing on the property owner's appeal, the Council shall either affirm or reverse the original order requiring installation, repair or replacement of the sidewalks.

(Ord. No. 309495, Amended, 06/19/95)

### **Section 10-1-12 Cleaning**

It shall be the duty of the owners or occupants of all lots or lands to keep all sidewalks in front of or adjoining the property owned or occupied by them, free and clear from all snow and ice and other accumulations from the abutting property. In the event that snow and ice or other accumulations from the abutting property be permitted to remain upon any sidewalk for a period of seventy two (72) hours, the City may, without notice to the property owner, cause the same to be removed, in which case the expense thereof shall be specially assessed against the abutting property and the owner thereof in an amount not exceeding one and one-half (1

### **Section 10-1-13 Grades**

The grades of all permanent sidewalks heretofore constructed in the City, are hereby confirmed, ratified and approved as the established grade. The grade for new sidewalk construction shall be established by the City Administrator and a book shall be maintained in the office of the City clerk setting forth the grades of all sidewalks in the City and the clerk shall furnish the same to any person requesting such information. It shall be the duty of the City Administrator to establish the grades for permanent sidewalks where none presently have been established.

(Ord. No. 309495, Enacted, 06/19/95)

### **Section 10-1-14 Liability**

Each property owner with sidewalk adjacent to their property shall have the primary liability for any

injury or property damage suffered by third parties as a result of a breach of the duty of the property owner to keep their sidewalk in good repair, as required by Section 10-1-7, or to keep their sidewalk clean as required by Section 10-1-12, and each said property owner shall hold the City of Storm Lake harmless with respect to any such liability to third parties suffering injuries or property damage.

(Ord. No. 309495, Enacted, 06/19/95)

### **Section 10-1-15Municipal Infraction**

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa."

(Ord. No. 309495, Enacted, 06/19/95)

## **Chapter 10-2**

### **STREET CLASSIFICATION**

#### **Sections:**

- 10-2-1 Naming**
- 10-2-2 Naming New Streets**
- 10-2-3 City Map**
- 10-2-4 Street Markers**
- 10-2-5 Vacated Streets And Alleys**
- 10-2-6 Excavations**
- 10-2-7 Pavement Cuts And Replacement**
- 10-2-8 Municipal Infraction**

#### **Section 10-2-1 Naming**

The streets of the City which have been heretofore named either by the Council by resolution or by approval by the Council of the dedication of plats bearing street names, are hereby ratified, confirmed and approved and the names so designated are hereby adopted and confirmed.

#### **Section 10-2-2 Naming New Streets**

Any new streets dedicated to the public use may be named by the persons dedicating the property to public use, subject to the approval of the Council, and in the case of streets which are acquired in any other manner the Council may by resolution, designate a name for said street.

#### **Section 10-2-3 City Map**

A scale map of the City shall be on file in the office of the Clerk and which said map shall designate by name the streets of the City.

#### **Section 10-2-4 Street Markers**

It shall be the responsibility of the City Administrator or his/her designee to see that the streets of the City are properly identified by suitable markers erected at intersections.

#### **Section 10-2-5 Vacated Streets And Alleys**

The Council has heretofore by Ordinance vacated certain streets and alleys. Therefore, the action of the Council in vacating the said streets and alleys is hereby ratified, approved and confirmed. The Clerk shall maintain a book in which shall be recorded a record of the Ordinances by which streets and alleys were vacated.

### **Section 10-2-6 Excavations**

It shall be unlawful for any person to begin any excavations or to place any obstruction within the limits of any street, avenue, alley or public place within the corporate limits of the City without first having made application at the office of the Clerk and receiving a permit therefor. Said permits shall be issued by the Clerk without cost.

All matters pertaining to the excavation and filling of trenches and ditches within the limits of the streets and alleys shall be done in accordance with the City plans and specifications appropriate thereto and as may be adopted by resolution by the Council from time to time.

### **Section 10-2-7 Pavement Cuts And Replacement**

It shall be unlawful for any person to cut the pavement or hard surface of any public street, avenue or alley without permission from the City Administrator or his/her designee. All cutting of pavement and replacement of street surface material done by persons other than the City shall be supervised by the City Administrator or his/her designee and must be done in accordance with City plans and specifications. The person or persons requesting and making said cut shall provide adequate barricades and flashing lights to barricade the construction site at the expense of the person making the cut and replacement, and the person or persons responsible shall similarly erect signs meeting the signage requirements of the Iowa Manual Of Uniform Traffic Control Devices For Streets And Highways.

### **Section 10-2-8 Municipal Infraction**

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

## **Chapter 10-3**

### **STREET GRADES**

#### **Sections:**

**10-3-1 Establishment Of Grade**

**10-3-2 Establishment Of New Grade**

**10-3-3 Record Of Grades**

#### **Section 10-3-1 Establishment Of Grade**

The grades of all streets which have heretofore been opened for public use and which have been improved and graded, and which have been heretofore established by Ordinance are hereby confirmed, ratified and established as the official grade.

#### **Section 10-3-2 Establishment Of New Grade**

The City Administrator is hereby directed to recommend grades on new streets and to provide for the grading of any street, highway, avenue, or alley subject to the approval of the Council, by appropriate action as required by law.

#### **Section 10-3-3 Record Of Grades**

The Clerk shall maintain a book in which shall be recorded the grades of all established streets and the Clerk shall keep the said book current and up to date and shall furnish information concerning grades to any person making a request therefor.

## Chapter 10-4

### HOUSE NUMBERING

#### Sections:

- 10-4-1 Duty To Number**
  - 10-4-2 Base Streets**
  - 10-4-3 Assignment Of Numbers**
  - 10-4-4 Specification Of Numbers**
  - 10-4-5 Numbering East/West Streets**
  - 10-4-6 Numbering North/South Streets**
  - 10-4-7 Time Of Numbering**
  - 10-4-8 Failure To Comply**
- Section 10-4-1 Duty To Number**

It is hereby made the duty of the owner, occupant or agent of every residence or business building to place or cause to be placed on such building in a conspicuous place on, over or at the side of the main entrance door thereto, the number of the building as hereinafter provided.

#### **Section 10-4-2 Base Streets**

First Street is hereby established as the base line for numbering buildings on streets running north and south and Lake Avenue is hereby established as the base line for numbering buildings on streets running east and west, all streets east of said last named base line shall have the word "East" prefixed to the name thereof, and all streets west of said base line shall have the word "West" prefixed to the same.

#### **Section 10-4-3 Assignment Of Numbers**

Even numbers shall be assigned to the west side of all streets running north and south and odd numbers on the east side thereof; even numbers shall be assigned to the south side of all streets running east and west and odd numbers to the north side thereof.

#### **Section 10-4-4 Specification Of Numbers**

Each figure of every number placed on buildings shall be not less than two and one-half inches (2 1/2") in length and shall be of good material and securely fastened to the building.

#### **Section 10-4-5 Numbering East/West Streets**

Commencing at the base line, First Street, the first number on the west side of the street on all streets South of said base line shall be one hundred (100) and the first number on the East side of the street shall be one hundred one (101) and the said numbers shall increase consecutively as hereinafter provided to the south end of each street. Again commencing on the base line, First Street, the first number on the west

side of each street North of said base line shall be two hundred (200) and the first number on the east side of each street shall be two hundred one (201) and said numbers to the north of said base line shall increase at the rate of one hundred (100) for each block or space between two (2) streets and the first number on the west side after passing the intersection of any street with the street to be numbered shall be a multiple of one hundred (100) and in each instance one hundred (100) greater than the first number on the block next preceding.

#### **Section 10-4-6 Numbering North/South Streets**

On all streets running east and west the buildings and houses shall be numbered east as far as the street extends or may be extended and likewise west. The first number east of Lake Avenue on the south side of each street shall be one hundred (100) and the first number east of Lake Avenue and on the north side of each street shall be one hundred one (101), and the additional numbers shall increase in the same manner as provided in Section 10-4-5 hereof. The first number west of Lake Avenue and on the south side of each street shall be one hundred (100) and the first number west of Lake Avenue and on the north side of each street shall be one hundred one (101), and the additional numbers shall increase in the same manner as provided in Section 10-4-5 hereof. All lots with a frontage of twenty-five feet (25') or less shall have one number and each and all lots having a frontage of more than twenty-five feet (25') shall have two (2) numbers each; all side frontage of lots to have four (4) numbers.

#### **Section 10-4-7 Time Of Numbering**

The owner or agent of all houses or buildings upon which the proper number does not appear shall put the proper number up as provided, and all new buildings hereafter erected shall be numbered with the proper numbers within ten (10) days after its completion, and all numbers shall be maintained in good condition.

#### **Section 10-4-8 Failure To Comply**

Whenever there is a failure to comply with the terms of this Chapter the Council may order any buildings numbered, and the cost thereof shall be taxed to the property, certified to the County Auditor and collected as other taxes.

## **Chapter 10-5**

### **TREES**

#### **Sections:**

- 10-5-1 Definitions**
- 10-5-2 Requirements For Planting**
- 10-5-3 Parking Area Planting**
- 10-5-4 Certain Trees Prohibited**
- 10-5-5 Removal Of Trees Infected With Dutch Elm Disease**
- 10-5-6 Obstruction Of Enforcement**
- 10-5-7 Municipal Infraction**

#### **Section 10-5-1 Definitions**

Corner lot shall mean a lot situated at the junction of two (2) or more streets. Parking area shall mean the area between the established street and front line of the corner.

#### **Section 10-5-2 Requirements For Planting**

Every tree planted in the parking area of a lot within the City shall be planted so as to be:

- (A) Twenty feet (20') from the corner of a corner lot, and
- (B) Fifteen feet (15') from both side lot lines of a lot other than a corner lot, and
- (C) Twenty-five feet (25') from any other tree, and
- (D) Two and one-half feet (2 1/2') or thirty inches (30") from the sidewalk.

#### **Section 10-5-3 Parking Area Planting**

Every tree planted on the parking area shall be planted on a straight line parallel to the street.

#### **Section 10-5-4 Certain Trees Prohibited**

Box Elder, cottonwood, poplar and Chinese Elm trees shall not be planted in the parking area.

#### **Section 10-5-5 Removal Of Trees Infected With Dutch Elm Disease**

In accordance with Section 364.12, Code of Iowa, any owner, occupant, or person in charge of any property shall remove at his own expense any tree, brush, wood or debris infected with Dutch Elm Disease found thereon when so notified by the Clerk. Said owner, occupant or such persons shall be given written notice by the Clerk to remove said tree, brush, wood or debris within thirty (30) days from

date of such written notice. If such owner, occupant or person fails to comply with said notice, the Council may cause the same to be removed and the cost assessed against the property.

#### **Section 10-5-6 Obstruction Of Enforcement**

It shall be unlawful for any person to hinder, obstruct, or otherwise interfere with the agents or employees of the City while engaged in carrying out the provisions of Section 10-5-5 upon order of the Council made thereunder.

#### **Section 10-5-7 Municipal Infraction**

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

## Chapter 10-6

### PUBLIC WAYS

#### Sections:

- 10-6-1 Removal Of Snow And Ice**
  - 10-6-2 Obstructions on Right of Ways**
  - 10-6-3 Tables, Chairs, Benches, Cigarette Snuffers, and Potted Plants on Sidewalks**
  - 10-6-4 Municipal Infraction**
- Section 10-6-1 Removal Of Snow And Ice**

It shall be unlawful for any person, firm or corporation to remove snow, ice or accumulations of snow or ice from private premises and to deposit or place the same upon any public highway, street, avenue, alley or public park within the City of Storm Lake, Iowa, unless said public park has been designated by the City as a snow depository.

#### **Section 10-6-2 Obstructions on Right of Ways**

It shall be unlawful for any person to place or cause to be placed over, into or upon any of the public streets and sidewalks of the city any obstruction whatsoever, including any building, structure, furniture, decoration, fence, projection, lumber, timber, brick, stone, wood or other material, goods, wares or merchandise, rubbish, manure, refuse, produce or other commodities, except for the purpose of immediate transfer, or for immediate construction or lawful repair of such street or sidewalk, or except as may be allowed by 10-6-3 or other ordinances of the city.

(Ord. 01-O-2008-2009, Amended, 08/18/2008)

#### **Section 10-6-3 Tables, Chairs, Benches, Cigarette Snuffers, and Potted Plants on Sidewalks**

(A) Any proprietor of an establishment in those areas of the city that are zoned CBD (Central Business District), may use that portion of the public sidewalk that is immediately adjacent to and that lies in between the side property lines, as extended to the curb, of the public sidewalk, for the purpose of providing tables, chairs, benches, cigarette snuffers, and potted plants for the convenience of and use by such proprietor's customers and others, with the following restrictions:

1. Such proprietor and the proprietor's employees shall not at any time serve any food or beverages to customers or others seated at such tables, chairs and/or benches.
2. Tables, Chairs, Benches, Snuffers, and Potted Plants must be placed adjacent to the building. There must be a minimum of five consecutive feet of unobstructed public sidewalk between any such tables, chairs, benches, cigarette snuffers, and potted plants and the curb line of the public street and/or any other structures on the sidewalk, in order to allow for the free passage of pedestrian traffic on the public sidewalk, provided, however, that the city may, in granting a permit under this subsection, require more than five feet of unobstructed public sidewalk

clearance if, in the reasonable determination of the city, such additional clearance is necessary in the interests of public safety, health, or welfare, in light of the peculiar circumstances involved with the particular permit application, and the physical characteristics of the public sidewalk area in question.

3. There must be a minimum of a two-foot clearance between any such tables, chairs, benches, potted plants and each side of any doorway leading from the establishment onto the public sidewalk.
4. On corner lots there must be a minimum of a 3 foot clearance between tables and chairs, etc. and the corner of the building.
5. No such tables, chairs, benches, cigarette snuffers, and potted plants shall be attached in any manner to the public sidewalk or to any public fixtures located on the public sidewalk or within any flower bed or box on the sidewalk. The proprietor shall be responsible for any damage to the public sidewalk or to any public fixtures located on the public sidewalk caused by said tables, chairs and/or benches.
6. By the closing time of such establishment each night, all such tables, chairs, benches, cigarette snuffers, and potted plants shall either:
  - (a) be moved inside the building restoring the public sidewalk to its normal condition as a pedestrian walkway; or
  - (b) be secured by means of chains and locks or some other secure means approved by the city Building Official, and not attached in any manner to the public sidewalk or to any public fixtures located on the public sidewalk, in such a way that such tables, chairs, benches, cigarette snuffers, and potted plans cannot be used to cause damage to persons or property during the hours such establishment is closed.

If the proprietor selects the alternative set forth in subparagraph (b) of this subsection 5, the proprietor shall be responsible for insuring that such tables, chairs, benches, cigarette snuffers, and potted plants do not cause damage to persons or property during the hours such establishment is closed.

  - (c) Flower pots and snuffers weighing at least 40 lbs. or more may be left outside of a business unsecured as outlined by subparagraph (b) of this subsection 5, so long as the proprietor accepts responsibility for the item.
7. Tables, chairs and benches must be maintained to assure they are safe to be used by the public.
8. Tables, chairs, benches, cigarette snuffers, and potted plants must be maintained in a safe and sanitary condition at all times.

**(B) Permit Required**

Before a proprietor of such an establishment may lawfully place any tables, chairs, benches, cigarette snuffers, and potted plants on the public sidewalk in front of such establishment, the proprietor shall file an application for a permit with the Building Official of the City of Storm Lake, on a form furnished by the Building Official, and shall pay a non-refundable annual

permit fee therefore, in such amount as shall be determined from time to time by resolution of the city council.

1. The application show:

(a) a physical description of the tables, chairs, benches, cigarette snuffers, and potted plants that will be used;

(b) the means by which such tables, chairs, benches, cigarette snuffers, and potted plants shall be secured, as provided in this subsection;

(c) the written consent to the filing of said application from the owner of the building in which such establishment is located, if the applicant is not the owner of the building;

(d) proof of insurance as outlined in subsection (9) below; and

(e) such other information and documentation as the city may require in order to comply with the requirements of this subsection.

2. The Building Official shall review applications for compliance with the requirement of this subsection, compliance with the interests of public safety, and health or welfare.

The Building Official shall forward a copy of the application and all documentation to the Application Review Committee (comprised of Central Business District Store Owners and a city staff representative serving in an exoficio capacity), for compliance with the aesthetics of the downtown area.

If the application is approved by both the city Building Official and the Application Review Committee, as being in compliance with the requirements of this subsection, the Building Official shall issue a permit to the applicant.

If the application is not approved by both the city Building Official and the Application Review Committee, the Building Official shall notify the applicant of the reason or reasons the application was not approved.

The applicant shall be afforded a period of 30 days from the date of the notice, within which to revise the application in an effort to comply with the requirements of this subsection and to correct the reasons for denial thereof.

3. Any permit issued under this section shall be issued for a period of one calendar year, and may be renewed upon the filing of an application for renewal of the permit before its expiration by the proprietor, and by payment of the required annual fee. The application for renewal shall state whether or not any of the contents of the original application is being revised, failing which the contents of the application for renewal shall be deemed to be the same as contained in the original application.

4. In the event that ownership of the establishment holding the permit is sold, conveyed or transferred to another person or entity, the permit shall not thereby be transferred, and the new owner shall be required to file a new and separate application for such a permit, as provided in this subsection.

5. The city reserves the right to limit the number of permits issued under this subsection if necessary to maintain adequate pedestrian flow, to permit adequate access to building entrances, to safeguard pedestrian and traffic safety, to preserve the aesthetic quality of the surrounding area, or for any other valid public purpose.

The city reserves the right to either deny an application which otherwise meets the requirements of this subsection, or to require the proprietor to meet additional terms and conditions for issuance of a permit beyond the requirements set forth in this subsection if, in the reasonable determination of the city, either granting the permit, or granting it without such additional terms and conditions, would not adequately protect and preserve the rights, privileges, and property of the city or of its residents, or would not adequately protect or preserve the peace, safety, health, welfare, comfort or convenience of the city's residents.

6. The Building Official may order the immediate removal of any or all of a permit holder's tables, chairs, benches, cigarette snuffers, and potted plants in the event such items are causing a hazard to public safety, health or welfare, are interfering with the unobstructed passage of pedestrians, are unsightly in appearance or unsanitary in condition, are interfering with removal of ice and snow from the public sidewalks, or for any other reason affecting public safety, health or welfare.

7. A permit issued under this subsection shall be revoked if the proprietor holding the permit does any of the following:

- (a) fails to maintain ownership or permission from the owner of the establishment adjacent to where the tables, chairs, benches, cigarette snuffers, and potted plants are located;

- (b) fails to either move the tables, chairs, benches, cigarette snuffers, and potted plants inside the establishment, or fails to secure them, as required in subparagraph (A)5 of this subsection;

- (c) fails to pay the fee for issuance or renewal of the permit;

- (d) fails to operate in strict compliance with all of the provisions of this subsection, of all other city ordinances, and of state law; or

- (e) places items on the sidewalk that were not included or approved in the permit.

- (f) creates or allows to exist a safety hazard, health hazard, or public nuisance under state law or city ordinance, in connection with the placement or use of the tables, chairs, benches, cigarette snuffers, and potted plants.

Upon the occurrence of any of the events described in this subparagraph (7), the Building Official shall give the proprietor of such establishment notice of revocation of the permit, and the permit holder shall thereupon immediately cease to place tables, chairs, benches, cigarette snuffers, and potted plants on the public sidewalk adjacent to the proprietor's establishment.

8. The city shall retain the right to terminate any permit granted under this subsection upon seven days' written notice, and may require the removal of all tables, chairs, benches, cigarette snuffers, and potted plants from the public sidewalk adjacent to an establishment, if the city council, after due consideration, determines that there is a reasonable and substantial need for the use of the public right-of-way being occupied by such tables, chairs, benches, cigarette snuffers, and potted plants, for a valid public purpose. The determination of the city council shall be final, and there shall be no right of appeal from such decision.
9. A permit to place tables, chairs, benches, cigarette snuffers, and potted plants under this division shall not be issued unless the applicant furnishes proof of insurance which meets the following requirements:
  - (a) Commercial general liability insurance coverage in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage with a \$2,000,000.00 aggregate. The city shall be named as an additional insured on the policy. An endorsement shall be issued as a part of the insurance policy, evidencing compliance with this requirement.
  - (b) The insurance policy or policies shall be issued by an insurance company having authority to do business in Iowa with a rating of A- under Best's Key Rating Guide.
  - (c) The insurance policy or policies shall contain a provision requiring 30 days advance written notice to the city if the policy is to be cancelled, not renewed, or if any material change in coverage is to be made.
  - (e) Failure to furnish or continue to provide required insurance coverage shall be grounds for revocation of the permit.

(Ord. 11-O-2008-2009, Amended, 04/20/2009; Ord. 01-O-2008-2009, Add, 08/18/2008)

#### **Section 10-6-4 Municipal Infraction**

A violation of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

(Ord. 01-O-2008-2009, Add, 08/18/2008)

## **Chapter 10-7**

### **PUBLIC IMPROVEMENTS**

#### **Sections:**

#### **10-7-1 Amortization Period For Public Improvement Projects**

#### **Section 10-7-1 Amortization Period For Public Improvement Projects**

The period of amortization for public improvement projects for opening, establishing or grading streets, the construction of Portland cement concrete or asphalt concrete street improvements, storm sewers, sanitary sewers, water mains, pedestrian underpasses and overpasses, sewage pumping stations, disposal or treatment plants, drainage conduits, channels and levees, street lighting, parking facilities, and appurtenant facilities, is hereby established as ten (10) years to be calculated commencing from the date of adoption by the Council of said City of the resolution accepting the completed public improvements.

The period of amortization, to be computed in the same manner as established in the first paragraph hereof, is hereby established as seven (7) years for sidewalks and three (3) years for the repair of street grading, street surfacing with oil, gravel, oil and gravel or chloride, or for the removal of diseased or dead trees.

In any instance where the Council determines that the useful life of a public improvement should be for a different time period than hereinabove established, the Council may so provide for such period by amendment hereto, prescribing the appropriate amortization period as may be applicable to these specific public improvements.

## **Chapter 10-8**

### **PARK REGULATIONS**

#### **Sections:**

**10-8-1 Prohibition Of Beer Kegs**

**10-8-2 Municipal Infraction**

**Section 10-8-1 Prohibition Of Beer Kegs**

No person, corporation or other entity shall have, possess, use or dispense beer from kegs of beer within any parks of the park system excluding the Municipal golf course of the City. As used herein, a keg shall mean any barrel or other container with the capacity of more than one gallon and shall include as well, beer kegs or containers which are incorporated into beer trucks and or other motor vehicles.

**Section 10-8-2 Municipal Infraction**

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.