Chapter 1-1

CITY CODE

Sections:

1-1-1 Title
1-1-2 Acceptance
1-1-3 Amendments
1-1-4 Construction of Words
1-1-5 Penalty

Section 1-1-1 Title

Upon adoption by the Governing Body, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Storm Lake. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this City Code by title in any legal document.

Section 1-1-2 Acceptance

This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect.

Section 1-1-3 Amendments

Any ordinance amending this City Code shall set forth the Title, Chapter and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately prepared for insertion in its proper place in each copy of this City Code.

Section 1-1-4 Construction of Words

Whenever any word in any Section of this City Code importing the plural number is used, in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included. Provided, that these rules of construction shall not be applied to any Section of this City Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

Section 1-1-5 Penalty

Any person violating any provisions of this City Code, when no other criminal or civil penalty for such violation is provided in this City Code, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars ($500.00), or be imprisoned for a period not exceeding thirty (30) days.
(Ord. 04-O-2003-2004, Amended, 10/06/2003)

Chapter 1-2

SAVING CLAUSE

Sections:

1-2-1 Repeal of General Ordinances
1-2-2 Public Utility Ordinances
1-2-3 Court Proceedings

Section 1-2-1 Repeal of General Ordinances

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to person or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; the Storm Lake Zoning Ordinance and Subdivision Regulations; and all special ordinances.

Section 1-2-2 Public Utility Ordinances

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect of such provisions only.

Section 1-2-3 Court Proceedings

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance. Nothing contained in this or the preceding Section shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or

as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

Chapter 1-3

CITY LIMITS

Sections:

1-3-1 Boundaries of the City
1-3-2 Incorporation

Section 1-3-1 Boundaries of the City

The boundaries of the City as now existing and established, are as follows:

DESCRIPTION: BOUNDARIES OF THE CITY: The boundaries of the City, as now existing and established, are as follows: Beginning at the Northeast (NE) Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 35, T-91-N, R-37-W of the 5th P.M., Buena Vista County, Iowa; Thence South, along the East line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 35 to the Southeast (SE) Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 35; Thence East, along the North line of the Northwest Fractional Quarter (NW FRAC 1/4) of Section 2, T-90-N, R-37-W of the 5th P.M., to the Northeast (NE) Corner of the Northwest Fractional Quarter (NW FRAC 1/4) of said Section 2; Thence South, along the East line of the Northwest Fractional Quarter (NW FRAC 1/4) of said Section 2, 825.9 feet to the Northwest (NW) Corner of M.C.S. Addition to Storm Lake, Iowa; Thence East, along the North line of M.C.S. Addition to Storm Lake, Iowa, 1316.04 feet to the West line of the East One-Half (E 1/2) of the Northeast Fractional Quarter (NE FRAC 1/4) of Section 2, T-90-N, R-37-W of the 5th P.M. said point being also on the West line of Block 2 of Rothmoor Industrial Addition; Thence North, along the West line of the East One-Half (E 1/2) of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2 also being the West line of Block 2 of Rothmoor Industrial Addition, to the North line of said Northeast Fractional Quarter (NE FRAC 1/4); Thence East, along the North line of said Northeast Fractional Quarter (NE FRAC 1/4) to the Northeast (NE) Corner of said Northeast Fractional Quarter (NE FRAC 1/4); Thence South, along the East line of said Northeast Fractional Quarter (NE FRAC 1/4), 2350.10 feet to the Southeast (SE) Corner of said Northeast Fractional Quarter (NE FRAC 1/4); Thence West, along the South line of said Northeast Fractional Quarter (NE FRAC 1/4), 922.16 feet to the West line of Rothmoor Road extended South; Thence North, along the West line of Rothmoor Road, 646.81 feet to the Northeast (NE) Corner of the South One-Half (S 1/2) of Lot 6, Block 2 of Rothmoor Industrial Addition; Thence West, along the North line of the South One-Half (S 1/2) of said Lot 6, 400.00 feet to the West line of the East One-Half (E 1/2) of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2; Thence South, along the West line of the East One-Half (E 1/2) of said Northeast Fractional Quarter (NE FRAC 1/4), 202.98 feet; Thence East, 158.72 feet; Thence South, 208.72 feet to the North right of way line of East Richland Street; Thence East, along the North right of way line of East Richland Street, 241.28 feet; Thence South, along the West line of Rothmoor Road extended, 50 feet to the South line of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2; Thence East, along the South line of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2, 922.16 feet to the Southeast (SE) Corner of said Northeast Fractional Quarter (NE FRAC 1/4); Thence South 00N 32' East, along the West line of the Southwest Quarter (SW 1/4) of Section 1, T-90-N, R-37-W, 1207.70 feet; Thence East 2642.06 feet to the East line of said Southwest Quarter (SW 1/4); Thence South 00N 34' East, along the East line of said Southwest Quarter (SW 1/4), 407.18 feet; Thence East, 2638.72 feet to the East line of said Section 1; Thence South 00N 31' East, along the East line of said Section 1, 1087.70 feet to the Southeast (SE) Corner of Section 1; Thence South 00N 20' 20" East, along the East line of the Northeast Quarter (NE 1/4) of Section 12, 266.05 feet to the North right of way line of the Chicago Central and

Pacific Railroad; Thence North 77N 07' West, along the North right of way line of the Chicago Central and Pacific Railroad, 5427.70 feet to the West line of the Southwest Quarter (SW 1/4) of Section 1; Thence North 76N 34' 40" West, along the North line of the Chicago Central and Pacific Railroad, 872.88 feet; Thence North 01N 56' 40" East, 238.22 feet; Thence North 89N 44' 40" West, 824.23 feet to the Southwest (SW) Corner of M.C.S. Industrial Addition: Thence Northwesterly, along the East line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad, to a point which is 150 feet North of the centerline of the Chicago Central and Pacific Railroad Company's mainline track; Thence Westerly and parallel to the centerline of the Chicago Central and Pacific Railroad tracks to the West Sixteenth line of Section 2, T-90-N, R-37-W; Thence South, along the West Sixteenth line of Section 2, to a point which is 50 feet South of the centerline of the Chicago Central and Pacific Railroad main track; Thence Easterly, and parallel to the main track of the Chicago Central and Pacific Railroad Company to the West right of way line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad Company; Thence Southeasterly along said right of way line to the South line of Section 2; Thence West along the South line of said Section 2, to the original highwater line before dredging; Thence Southeasterly, along the highwater line before dredging to the South line of Government Lot 1, of Section 11; Thence East, along the South line of Government Lot 1, to the West right of way line of the county road between Sections 11 and 12; Thence South, along said right of way line, 66 feet; Thence West, to the West right of way line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; Thence Southeasterly, along the West right of way line of said railroad to a point, 824 feet due North of the South line of Government Lot 3 in Section 11; Thence West to the shoreline after dredging; Thence Northwesterly, along the shoreline after dredging to a point which is due South of a point which is 2125 feet West of the intersection of the West right of way line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad and the South line of Section 2; Thence North to the ordinary highwater line; Thence Westerly and Southwesterly, along the ordinary highwater line to the Easterly boundary of the North Emerald Drive, extended North; Thence South, along the extension of the East line of the North Emerald Drive, across the inlet to Storm Lake to the ordinary highwater line; Thence Southerly, along the ordinary highwater line to the South line of the Northeast Quarter (NE 1/4) of Section 8, T-90-N, R-37-W; Thence West, along the South line of the Northeast Quarter (NE 1/4) of said Section 8, to the Southwest (SW) Corner of the Northeast Quarter (NE 1/4) of said Section 8; Thence North, along the West line of the Northeast Quarter (NE 1/4) of said Section 8, to a point which is 1014.16 feet South of the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of said Section 8; Thence West, along the South line of Leona Drive, 270.30 feet; Thence South 01N 14' West, 230 feet; Thence North 88N 51' West, 145.30 feet; Thence South 01N 04" West, 230 feet; Thence North 88N 51' West, 912.10 feet; Thence North 01N 11' East, to the South right of way line of County Road C-63; Thence East, along the South line of County Road C-63, to a point that is 972.75 feet West of the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of Section 8; Thence North, 322 feet; Thence East, 110 feet; Thence South, 322 feet to the South right of way line of County Road C-63; Thence East, along the South right of way line to the Northeast (NE) Corner of Lot 12, Block 1, West Lake Estates Addition to Storm Lake; Thence South 255.35 feet; Thence East to the Eastern most line of the Northwest Quarter (NW 1/4) of said Section 8; Thence North, along the East line of the Northwest Quarter (NW 1/4) of said Section 8 to the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of said Section 8 (a parcel of land bounded on the North by Lot 4, Block 1, West Lake Estates Addition and on the West by Lot 5, Block 1, West Lake Estates Addition, and on the South by Leona Drive and on the East by Highway No. 110, is expressly excluded from the City Limits). From the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of Section 8, T-90-N, R-37-W; Thence East, to the centerline of Iowa Highway No. 110; Thence Northeasterly, along the centerline of Iowa Highway No. 110, 4980 feet to the East line of Section 5, T-90-N, R-37-W; Thence North, along the East line of Section 5, to a point which is 384.85 feet South of the Northeast (NE) Corner of Government Lot 1 of said Section 5; Thence West, 33 feet; Thence South 36N 18' West, 174.32 feet along the North right of way line of Iowa Highway No. 110; Thence West, 100 feet; Thence North, 634.34 feet; Thence West, 128.8 feet; Thence North, 545.2 feet; Thence East, 360 feet, to the East line of Section 5, T-90-N, R-37-W; Thence North, along the East line of said Section 5, T-90-N, R-37-W and the West line of the

Southwest Quarter (SW 1/4) of Section 33, T-91-N, R-37-W, to the Northwest (NW) Corner of the South One- Half (S 1/2) of said Southwest Quarter (SW 1/4); Thence East, along the North line of the South One-Half (S 1/2) of said Southwest Quarter (SW 1/4) to the South right of way line of Iowa Highway No. 7; Thence Northwesterly, along the South right of way line of Iowa Highway No. 7, to a point 33 feet East of the West line of the Southwest Quarter (SW 1/4) of Section 33, T-91-N, R-37-W; Thence North, along the East right of way line of the county road, 415.26 feet; Thence South 67N 54' 30" East, 1024.39 feet; Thence North, 220 feet; Thence East, 342.52 feet to the East line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 33; Thence South 00N 04' 20" East, along said East line, 461.75 feet to the Southeast (SE) Corner of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4); Thence East, along the North line of the South One-Half (S 1/2) of the South One-Half (S 1/2) of said Section 33, to the East line of said Section 33; Thence North, along the West line of Section 34, T-91-N, R-37-W to the Northwest (NW) Corner of said Section 34; Thence East, along the North line of said Section 34 to the East line of Geisinger's Commercial Second Addition; Thence South, along the East line of Geisinger's Commercial Second Addition, extended South to the Northwest (NW) Corner of Maywood Second Addition; Thence East, along the North line of Maywood Second and Maywood Third Additions to the West line of Section 35, T-91-N, R-37-W; Thence South along the West line of the Southwest Quarter (SW 1/4) of said Section 35 to the Northwest (NW) Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 35; Thence East along the North line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 35, T-91-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, to the Point of Beginning.

Section 1-3-2 Incorporation

The territory heretofore defined by said boundaries is and the same is hereby designated to be the "City of Storm Lake", that the inhabitants of said territory be and do hereby constitute a body politic and corporate, possessed of all the power, immunities, rights and privileges of a city existing under and by virtue of the laws of the State of Iowa.

The force and authority of all ordinances and by-laws and jurisdiction of the officers of said City, shall be co-extensive therewithin all cases, and in special cases to such extent as may be provided by the laws of the State.

Chapter 1-4

CITY SEAL

Sections:

1-4-1 Seal Adopted

Section 1-4-1 Seal Adopted

The Seal of the City of Storm Lake, Iowa shall be as follows:

A Seal with an embossed circle around the margin, inside of the said embossed circle in one portion shall be the words, "City Seal," and in the opposite portion the word, "Iowa," and across the center the words "Storm Lake." Such Seal shall belong to the Clerk's office and it shall be kept and used by the Mayor, City Administrator, Finance Director or City Clerk as required by law.

Chapter 1-5

ELECTION PRECINCTS

Sections:

1-5-1 Application
1-5-2 Precinct Boundaries

Section 1-5-1 Application

The election precincts whose boundaries are described in Section 1-5-2 shall be the election precincts applicable for voting in all Federal, State and Municipal elections. The polling location for each precinct shall be designated by the City Council and shall be changed as necessary.

Section 1-5-2 Precinct Boundaries

FIRST PRECINCT: Comprising an area lying east of a line beginning at a point where the extension of Lake Avenue extended north would cross the northernmost City limits, thence South on Lake Avenue to Seventh Street, thence east on Seventh Street to Superior Street, thence north on Superior Street to Flindt Drive, then southeasterly on Flindt Drive to Russell Street, thence south on Russell Street to Fifth Street, thence east on Fifth Street to Flindt Drive, thence south on Flindt Drive to the intersection with the railroad right of way, thence northwesterly along the railroad right of way until the intersection with Superior Street, thence south to East Third Street, thence southeasterly on Third Street to Mae Street, thence south on Mae Street to the north side of Lakeshore Drive, thence west along Lakeshore Drive to Russell Street, thence south to the City limits boundary.

SECOND PRECINCT: Comprises an area bounded by the following: From a point of beginning where the extension of Lake Avenue north would cross the northernmost City limits, thence south on Lake Avenue to Seventh Street, thence east on Seventh Street to Superior Street, thence north on Superior Street to Flindt Drive, thence southeasterly on Flindt Drive to Russell Street, thence south on Russell Street to Fifth Street, thence east on Fifth Street to Flindt Drive, thence south on Flindt Drive to the intersection with the railroad right of way, thence northwesterly along the railroad right of way until the intersection with Superior Street, thence south to East Third Street, thence Northwesterly to Hudson Street, thence south on Hudson Street to Second Street, thence west on Second Street to Lake Avenue, thence north on Lake Avenue to Railroad Street, thence northwesterly to Geneseo Street, thence north on Geneseo Street to Fifth Street, thence west on Fifth Street to Barton Street, thence north on Barton Street to West Milwaukee Avenue, thence northwesterly on West Milwaukee Avenue to Northwestern Drive, thence north on Northwestern Drive extended north to its intersection with the City limits, thence following the City limits boundaries easterly and northerly to the point of beginning.

THIRD PRECINCT: Comprising an area lying west of a line beginning at a point where Northwestern Drive extended intersects the northernmost City limits, thence south on Northwestern Drive to West Milwaukee Avenue, thence easterly on West Milwaukee Avenue to Barton Street, thence south on Barton Street to Fifth Street, thence east on Fifth Street to Otsego Street, thence south on Otsego Street to Fourth Street, thence west on Fourth Street to Grand Avenue, thence South on Grand Avenue extended to its intersection with the City limits.

FOURTH PRECINCT: Comprises an area bounded by the following: From a point of beginning where Grand Avenue extended south intersects with the City limits, thence north on Grand Avenue to Fourth Street, thence east on Fourth Street to Otsego Street, thence north on Otsego Street to Fifth Street, thence east on Fifth Street to Geneseo Street, thence south on Geneseo Street to Railroad Street, thence southeasterly on Railroad Street to Lake Avenue, thence south on Lake Avenue to Second Street, thence east on Second Street to Hudson Street, thence north on Hudson Street to Third Street, thence southeasterly on Third Street to Mae Street, thence south on Mae Street to the north side of Lakeshore Drive, thence west along Lakeshore Drive to Russell Street, thence south to the City limits boundary, thence following the City limits boundary westerly to the point of beginning.

Chapter 1-6

CITY OFFICERS

Sections:

1-6-1	**Officers Elected**
1-6-2	**Tenure of Office**
1-6-3	**Appointment by Council**
1-6-4	**Appointments by Mayor**
1-6-5	**Qualification**
1-6-6	**Bonds**
1-6-7	**Bond of Clerk**
1-6-8	**Bonds of Other Officers**
1-6-9	**Filing and Recording Bonds**
1-6-10	**Refusal to Furnish Bond**
1-6-11	**Vacancy in Office**
1-6-12	**Eligibility**

Section 1-6-1 Officers Elected

There shall be elected, commencing with the regular municipal election in 1969, a Mayor and five (5) Councilmembers at large.

Section 1-6-2 Tenure of Office

The term of office for Mayor and Councilmembers, commencing with the regular municipal election in 1969, will be for a term of four (4) years.

As of the date of the 1985 election, the terms of Mayor and three Councilmembers expire in 1987. As a special exception to the four (4) year term provided above, of the three (3) Councilmembers elected in 1985, the candidate receiving the lowest vote total shall serve a two (2) year only term. Beginning with the regular election of 1987 and every four (4) years thereafter, three (3) Councilmembers shall be elected for the regular four (4) year term. Beginning with the regular election of 1989 and every four (4) years thereafter, the Mayor and two (2) Councilmembers shall be elected for the regular four (4) year term.

All officers elected at any regular municipal election shall qualify and take office on or before noon of the first (1st) working day of January following their election. All officers shall hold office as above provided and until their successors are elected and qualified.

Section 1-6-3 Appointment by Council

At the first meeting of the new Council, after the regular municipal election, the Council shall appoint a City Clerk, and a City Attorney, who shall serve thereafter at the pleasure of the Council.

Section 1-6-4 Appointments by Mayor

At the first meeting of the new Council after the regular municipal election, the Mayor shall appoint the Mayor Pro Tempore and such other employees as may now or hereafter be determined by the Council, and for such time and under such terms as is by law provided.

Section 1-6-5 Qualification

All elected officers shall qualify as required by the laws of the State by taking and subscribing to an oath to support the Constitution of the United States and of the State of Iowa and the provisions of this Code.

Section 1-6-6 Bonds

All municipal officers required by the law to give bond shall, before entering upon the duties of their respective offices, be provided with a blanket bond purchased by the City, said bond to be approved by the Council, conditioned for the faithful performance of the officers' duties as such officers except as hereinafter provided. The Council shall have the power to purchase a position surety bond running to the municipal corporation and covering all municipal officers and members except as hereinafter provided for the purpose of indemnifying the municipal corporation against any loss occasioned through embezzlement of municipal funds by any municipal officer or employee.

Section 1-6-7 Bond of Clerk

The bond of the City Administrator, Finance Director and City Clerk shall be in an amount as determined by the Council and shall be not less than two hundred fifty thousand dollars ($250,000.00). This bond shall be a separate bond from the position surety referred to in Section 1-6-6.

Section 1-6-8 Bonds of Other Officers

Bonds of other officers where not fixed by the provisions of this Code shall be in such amount as the Council shall fix by Resolution providing that any officer whose election or appointment is provided for by law shall have the amount of his/her bond fixed by Ordinance.

Section 1-6-9 Filing and Recording Bonds

All bonds when duly executed shall be filed with the Clerk.

Section 1-6-10 Refusal to Furnish Bond

On the failure, refusal or neglect of any officer mentioned to subscribe to his/her oath of office and file his/her bond, if bonds be required of him/her, at or before the first regular meeting of the Council which comes at least ten (10) days after the said person shall have been notified of his/her election to office, the Council may declare said office vacant and proceed as in other cases of vacancy.

Section 1-6-11 Vacancy in Office

In case of a vacancy in any elective office caused by resignation, death or otherwise, the Council may appoint any qualified elector to fill such vacancy, or the Council may cause a special election to be held to fill the vacancy. If the Council desires to fill the vacancy by appointment, it shall follow the procedures of Section 372.13(2)(a) of the 1993 Code of Iowa and as the same may hereafter be amended and any proposal to appoint to fill a vacancy is subject to the right of the electorate to petition to have the vacancy filled by special election as provided in the State Code. If the appointment procedure is followed, the Council shall vote by ballots which shall be open to public inspection, and the person receiving the majority of the votes of the whole Council shall be declared elected to fill such vacancy. Any officer appointed in this fashion shall serve only until the next regular election. If the office filled by appointment would not normally have been subjected to election at the next regular election, the election for that office shall be considered a special election for a two (2) year term only so as to maintain the staggered terms provided for by 1-6-2, and this elective position on the ballot shall be considered a separate, distinct and additional elective position as compared to the regular four (4) year term elective offices subject to election as previously provided in Section 1-6-2.

A vacancy in any appointive office shall be filled in the same manner as the original appointment was made.

Section 1-6-12 Eligibility

No person who shall have resigned or vacated any municipal office shall be eligible for the same office during the time for which he/she was elected or appointed, when, during the same time, the emoluments of such office have been increased.

Chapter 1-7

COUNCIL

Sections:

1-7-1	**Power**
1-7-2	**Time for Meetings**
1-7-3	**Quorum**
1-7-4	**Special Meeting**
1-7-5	**Control of Property**
1-7-6	**Authority and Duties**

Section 1-7-1 Power

All legislative and other powers granted to cities shall be exercised by the Council except those conferred upon some other officer by law or Ordinance. Neither the Council nor the members thereof shall exercise any executive or administrative functions, unless expressly conferred by law.

Section 1-7-2 Time for Meetings

The first regular meeting of the new Council after the regular municipal election shall be held on or before noon of the second (2nd) secular day of January, following their election, and all other regular meetings of the Council shall be held at five o'clock (5:00) P.M. on the first and third Mondays of each month. All meetings shall be held in the Council Chambers, and shall be open to the public unless closed in compliance with the provisions of Chapter 21 of the Code of Iowa.
(Ord. 04-O-2001-2002, Amended, 10/01/2001)

Section 1-7-3 Quorum

Three (3) members of the Council shall constitute a quorum for the transaction of business.

Section 1-7-4 Special Meeting

The Mayor, or a majority of the Council may call special meetings, by notice to each of the members, personally served or left at his/her usual place of residence of which service of a record shall be made by the Clerk. Such notice shall state the time, purpose and location of such special meeting.

Section 1-7-5 Control of Property

The Council shall have the management and control of the finances and of all property, real and personal, belonging to the City.

Section 1-7-6 Authority and Duties

The Council shall have all the powers and perform all the duties that may be prescribed by the Council, the provisions of this Code and the laws of the State, and each member shall transmit to his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in his/her custody and appertaining to his/her office.

Chapter 1-8

MAYOR

Sections:

1-8-1 Powers and Duties of Mayor
1-8-2 Office
1-8-3 Official Signature
1-8-4 City Legislation
1-8-5 Police Appointments
1-8-6 Filing Contracts
1-8-7 Additional Powers

Section 1-8-1 Powers and Duties of Mayor

The duties of the Mayor shall be as follows:

(A) To act as presiding officer at all regular and special Council meetings provided, however, that the Mayor may not vote under any circumstances.

(B) To act as official representative of the City in ceremonial functions and when otherwise requested by the City Council.

(C) To act as chief executive officer of the City and supervise all city officers and departments provided, however, that if there is a duly appointed and acting City Administrator under the provisions of Chapter 1-17 of this Code, the Mayor shall not exercise the powers contained in 1-17-4 nor shall the Mayor have supervisory control over the City Administrator.

(D) 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.

(E) To approve and sign, veto, or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor vetoes a measure, the Mayor must explain in writing the reason for such veto to the Council.

(F) To sign all contracts on behalf of the City where the amount involved is $25,000.00 or more and otherwise when necessary in the absence of the administrator.

(G) To make written or oral reports to the City Council when appropriate, and to make recommendations suitable for Council action.

(H) To appoint the Mayor Pro Tempore at the Mayor's discretion, and to make recommendations for appointment of other officers and members of boards and commissions as provided elsewhere in this Code and which latter appointments shall be subject to Council approval.
(Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-8-2 Office

The Mayor may keep an office at some convenient place within the City Hall.

Section 1-8-3 Official Signature

The Mayor shall authenticate all ordinances in the Minute Book by his/her signature, and do such other acts as may require his/her signature or certificate.

Section 1-8-4 City Legislation

As provided in Section 1-8-1(e), the Mayor shall sign every ordinance or resolution passed by the Council before the same shall be enforced, and if the Mayor determines that such ordinance or resolution should be vetoed, the Mayor shall call a meeting of the Council within fourteen (14) days thereafter and return the vetoed legislation to the Council, along with the written explanation for the veto. If the Mayor fails to call a meeting within the time fixed above, or fails to return such ordinance or resolution with the written explanation of the veto as herein required, such ordinance or resolution shall become operative without the Mayor's signature. Upon the return of such ordinance or resolution by the Mayor to the Council, it may pass the same over the Mayor's objections, upon a call of the ayes and nays, by not less than a two-thirds (2/3) vote of the Council.

Section 1-8-5 Police Appointments

The Mayor may, in cases of emergency, appoint such number of special police officers as the Mayor may think proper, reporting such appointments to the Council at its next regular meeting; all such special appointments to continue in force until such meeting, unless sooner terminated by the Mayor.

Section 1-8-6 Filing Contracts

In all cases where contracts are executed, either by the Mayor or other person authorized, it shall be the duty of the person executing the contract on the part of the City to immediately file such contract with the Clerk and cause to be delivered to the other contracting party a copy thereof, if such party so requires.

Section 1-8-7 Additional Powers

The Mayor shall have such other powers and perform such other duties as may be provided by the council, the provisions of this Code or the laws of the State, and shall transmit to his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in custody or appertaining to his/her office.

Chapter 1-9

CITY CLERK

Sections:

1-9-1 Appointment
1-9-2 Supervision and Control
1-9-3 Seal
1-9-4 Attendance at Council Meetings; Statement of Proceedings
1-9-5 Record Of Council Measures
1-9-6 Publish Ordinances and Amendments
1-9-7 Maintain Copies Of Ordinances
1-9-8 Publish Notice
1-9-9 Certification of Measures
1-9-10 Certification of Tax Levies
1-9-11 Annual Report
1-9-12 Maintain City Records
1-9-13 Custody of Documents
1-9-14 Preservation of Records
1-9-15 Furnish Copies of Records
1-9-16 Communications and Petitions
1-9-17 Issuance of Licenses and Permits
1-9-18 Election Duties
1-9-19 Payment Records

Section 1-9-1 Appointment

The Council shall select and appoint a Clerk and fix his/her salary. The Clerk shall attend all meetings of the Council, but shall not have the right to vote on any question. He/she shall make an accurate record of all proceedings, rules and ordinances adopted by the Council, and the same shall at all times be open to the public except as to meetings which are closed pursuant to the authority granted by the Code of Iowa.

Section 1-9-2 Supervision and Control

The office of City Clerk shall be under the general supervision and control of the City Administrator.

Section 1-9-3 Seal

The City Clerk shall keep the corporate seal of the City and attach the same to all orders or certificates which it may be necessary or proper to authenticate.

Section 1-9-4 Attendance at Council Meetings; Statement of Proceedings

The Clerk shall attend all regular and special Council meetings, except when excused by the City Administrator, and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund. The statement shall further include a list of all claims allowed, a

summary of all receipts and the gross amount of the claims.

Section 1-9-5 Record Of Council Measures

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

Section 1-9-6 Publish Ordinances and Amendments

The Clerk shall cause to be published all ordinances and amendments enacted by the City. He/she shall authenticate all such measures except motions with his/her signature, certifying the time and place of publication when required.

Section 1-9-7 Maintain Copies Of Ordinances

The Clerk shall maintain copies of all effective City ordinances and codes for public use.

Section 1-9-8 Publish Notice

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

Section 1-9-9 Certification of Measures

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.

Section 1-9-10 Certification of Tax Levies

Following Council adoption of the budget, the Clerk shall certify the necessary tax levy for the following year to the Council, Auditor and the County Board of Supervisors.

Section 1-9-11 Annual Report

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

Section 1-9-12 Maintain City Records

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

Section 1-9-13 Custody of Documents

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.

Section 1-9-14 Preservation of Records

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.

Section 1-9-15 Furnish Copies of Records

The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under his/her control when it may be necessary to such officer in the discharge of his/her duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by the Council resolution.

Section 1-9-16 Communications and Petitions

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

Section 1-9-17 Issuance of Licenses and Permits

The Clerk shall issue all licenses and permits approved by the Council, and keep a record of licenses and permits issued which shall show date of issuance, license or permit, and purpose for which issued.

Section 1-9-18 Election Duties

The Clerk shall compile and 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.

Section 1-9-19 Payment Records

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

Chapter 1-10

POLICE CHIEF

Sections:

1-10-1 Appointment
1-10-2 May Summon Aid
1-10-3 Public Peace
1-10-4 Disturbances
1-10-5 Record of Receipts
1-10-6 Report
1-10-7 Other Powers

Section 1-10-1 Appointment

The Police Chief shall be appointed by the City Administrator, pursuant to Civil Service procedure. The Police Chief shall thereafter have general direction and control of the police force, subject to the administrative supervision of the City Administrator. He/she shall generally cause the police department to execute and enforce all laws of the United States, the State of Iowa and the City of Storm Lake within the City of Storm Lake and the Police Chief shall as well insure that the police department carries out the directives of any Court with jurisdiction within the City. The position of Police Chief shall have no fixed term.
(Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-10-2 May Summon Aid

The Police Chief may orally summon as many persons as he/she finds necessary to aid the police department in making an arrest of any person accused or suspected of a crime, or in the suppression of any riot or unlawful assemblage, or in the prevention of the violation of any law or provision of this Code.

Section 1-10-3 Public Peace

The Police Chief shall cause the public peace to be preserved, shall enforce all laws and provisions of this Code, and when any violation thereof shall come to his/her knowledge or be reported to him/her on reliable information, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

Section 1-10-4 Disturbances

The Police Chief shall cause the police department to suppress all riots, disturbances and breaches of the peace; to apprehend any person in the act of committing an offense against the laws of the state or the provisions of this Code and forthwith bring such person or persons before the proper authority for examination and trial.

Section 1-10-5 Record of Receipts

The Police Chief shall keep a correct account in a book provided for that purpose, of all money or property belonging to the City, coming into his/her hands from whatever source, stating from whom and on what account the same was paid, and he/she shall, when not otherwise provided, pay over monthly to the Finance Director all money and securities in hand belonging to the municipality and take the Finance Director's receipt therefor.

Section 1-10-6 Report

The Police Chief shall make monthly reports to the City Administrator with regard to his/her duties and to the Council and Mayor upon request from either.

Section 1-10-7 Other Powers

The Police Chief shall have other powers and perform such other duties as may be provided by the Council, this Code, or the laws of the State, and shall transmit to his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in his/her custody or appertaining to his/her office.

Chapter 1-11

CITY ATTORNEY

Sections:

1-11-1 Appointment
1-11-2 Ordinances
1-11-3 Attorney For Municipality
1-11-4 To Give Opinion
1-11-5 Legal Advisor
1-11-6 Draft Contracts
1-11-7 Sign Papers
1-11-8 Attend Meetings
1-11-9 Other Duties

Section 1-11-1 Appointment

The Council shall appoint a City Attorney who shall be an attorney at law, duly admitted to practice by the Supreme Court of Iowa.

Section 1-11-2 Ordinances

The City Attorney shall examine all ordinances and report to the Council any defects that he/she may discover in any ordinance and draw such ordinances as the Council shall request him/her to draw.

Section 1-11-3 Attorney For Municipality

The City Attorney shall appear as attorney for the municipality in all actions in which the municipality is a party or has an interest.

Section 1-11-4 To Give Opinion

The City Attorney shall, upon request of any officer or member of the council, give his/her opinion upon any question of law arising out of any ordinance or any suit, claim or demand by or against the municipality. Such opinion shall be in writing when the one authorized to require the same shall so request and shall be filed with the Clerk.

Section 1-11-5 Legal Advisor

The City Attorney shall act as legal advisor to the Council or its committees, and all officers, on such questions as may arise in relation to the business of the municipality and when required by the Council, shall give his/her opinion in writing.

Section 1-11-6 Draft Contracts

The City Attorney shall, upon request of any officer or member of the Council, draft contracts, bonds, leases, ordinances, resolutions or other legal writing which may be required for the use of the municipality or its officers in the performance of their duty.

Section 1-11-7 Sign Papers

The City Attorney shall sign the name of the municipality to bonds and papers of whatever kind necessary in legal proceedings for the prosecution of any suit in court, provided the underlying legal action is authorized by the Council or Administrator, or is in defense of an action against the City.

Section 1-11-8 Attend Meetings

The City Attorney shall attend all regular meetings of the Council and may attend meetings of the various boards and commissions and special meetings of the Council when specifically requested to attend.

Section 1-11-9 Other Duties

The City Attorney shall also advise and represent the City Library Board and the Airport Commission upon their request, and shall advise any other board or commission of the City upon their request and with the consent of the City Administrator. The City Attorney shall also have such other powers and perform such other duties as may be provided by the Council, this Code or the laws of the State and shall transmit to his/her successor in office all books, papers, records, documents, and property together with the invoice of the same, in his/her custody or appertaining to his/her office.

Chapter 1-12

FIRE CHIEF

Sections:

1-12-1 Appointment
1-12-2 Supervision
1-12-3 Direction and Command
1-12-4 Fire Equipment
1-12-5 Report
1-12-6 Fire Zone
1-12-7 Removal of Building
1-12-8 Tear Down Buildings
1-12-9 Remove Wires
1-12-10 Fire Preventive Measures
1-12-11 Reports
1-12-12 Other Duties

Section 1-12-1 Appointment

The Fire Chief shall be appointed by the City Administrator, pursuant to Civil Service Procedures.
(Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-12-2 Supervision

The Chief of the fire department shall have general direction and control of the fire department, subject to the supervision of the City Administrator.

Section 1-12-3 Direction and Command

The Fire Chief shall have command, control and direction of all members of the fire department and of all other persons, officers or police, who may be present at fires. He/she may call upon any persons at a fire to assist the firemen in their duties.

Section 1-12-4 Fire Equipment

The Fire Chief shall have the general supervision and control of all buildings used by the fire department, and of any truck, hose, engine, machinery, alarm system or apparatus used by or connected with the fire department. He/she shall carefully examine the condition of all such property and see that the same is at all times in good repair and in good condition and report to the City Administrator any alteration or addition required, and shall, with the consent of the City Administrator, cause all necessary repairs to be made without delay.

Section 1-12-5 Report

The Fire Chief shall keep a correct roll of all members of the department, the date of admission and discharge, with compensation for services and amounts due each member.

Section 1-12-6 Fire Zone

The Fire Chief may prescribe the limits, in the vicinity of the fire, within which no persons, except those residing therein, members of the fire department and members of the police force and those admitted by the Fire Chief or his/her subordinate shall be permitted to come.

Section 1-12-7 Removal of Building

The Fire Chief shall have power, when in his/her judgment it becomes necessary to check or control any fire, to order any fence, building, or erection of any kind to be cut down and removed and with the consent of the City Administrator, he/she shall have power to cause any building or erection to be blown up with explosives for the purpose of checking or extinguishing a fire.

Section 1-12-8 Tear Down Buildings

The Fire Chief shall have power, with the consent of the City Administrator, to tear down any portion of any building that may be standing after a fire which, in their judgment, may be dangerous to persons or property.

Section 1-12-9 Remove Wires

The Fire Chief or his/her representative, shall have the power to cause the removal of all wires or the turning off of all electrical current whenever the same interferes with the work of the fire department.

Section 1-12-10Fire Preventive Measures

The Chief or his/her designated representative may at least once each month, or more often if required by the City Administrator, make inspection of all business buildings, including basements of same, also chimneys, and make a written report in duplicate giving one copy to the occupant and one to the City Administrator and shall see that all fire preventive measures issued from any proper authority are carried out and enforced.

Section 1-12-11Reports

The Fire Chief shall make reports to the City Administrator with regard to his/her duties and to the Council and Mayor upon request from either.

Section 1-12-12Other Duties

The Fire Chief shall have such other powers and perform such other duties as may be provided by the Council, the provisions of this Code or the laws of the State, and shall transmit to his/her successor in office all books, papers, documents and property.

Chapter 1-13

MAYOR PRO TEMPORE

Sections:

1-13-1 Appointment
1-13-2 Duties

Section 1-13-1 Appointment

The Mayor Pro Tempore shall be a member of the Council appointed by the Mayor.

Section 1-13-2 Duties

The Mayor Pro Tempore is vice-president of the Council. When the Mayor is absent or unable to act, the Mayor Pro Tempore shall perform all of the Mayor's duties except that the Mayor Pro Tempore may not appoint, employ or discharge officers or employees without approval of the Council. Official actions of the Mayor Pro Tempore when the Mayor is absent or unable to act are legal and binding to the same extent as if done by the Mayor. The Mayor Pro Tempore retains all of the powers of a Council Member.

Chapter 1-14

SALARIES OF OFFICERS

Sections:

1-14-1 Payment Of Salaries
1-14-2 Mayor
1-14-3 City Attorney
1-14-4 Employees
1-14-5 Council Members
1-14-6 Reduction in Compensation
1-14-7 Trustees And Members Of Boards And Commissions

Section 1-14-1 Payment Of Salaries

The compensation of the officers and employees shall be as provided in this Chapter.

Section 1-14-2 Mayor

The compensation of the Mayor shall be a salary of three thousand three hundred ($3,300.00) per year, payable monthly, plus an allowance for car expenses at the rate of twenty-five dollars ($25.00) per month.

Section 1-14-3 City Attorney

Compensation for the City Attorney shall be a salary of one thousand six hundred dollars ($1,600.00) per year, payable quarterly and which salary shall be compensation for attending the two (2) regularly scheduled Council meetings each month. In addition, the City Attorney shall be paid such extra compensation as may be appropriate for all other services rendered for or on behalf of the City pursuant to itemized billings submitted by the Attorney and subject to the approval of the Council. The annual salary for the City Attorney shall be increased to two thousand dollars ($2,000.00), effective January 1, 1994.

Section 1-14-4 Employees

The compensation of all other officers and employees where no compensation is fixed by the provisions of this Chapter, shall be determined by the compensation plan in effect at the time the services are provided and which compensation plan shall have been adopted by resolution of the Council.

Section 1-14-5 Council Members

The compensation for each Council member shall be one thousand six hundred dollars ($1,600.00) per year, payable quarterly.

Section 1-14-6 Reduction in Compensation

If a Council member or the City Attorney shall miss more than three (3) regular Council meetings during a calendar year, their respective compensation shall be reduced by fifty dollars ($50.00) for each Council meeting in excess of three (3) which are missed.

Section 1-14-7 Trustees And Members Of Boards And Commissions

Persons appointed to serve as trustees or members of boards and commissions provided for by this Code, and which members are appointed by either the Mayor or Council, shall be compensated at the rate of ten dollars ($10.00) for each scheduled meeting which the member attends.

Chapter 1-15

COUNCIL MEETINGS

Sections:

1-15-1 Order Of Business
1-15-2 Duties And Privileges Of The Mayor
1-15-3 Duties And Privileges Of Members
1-15-4 Motions And Responsibilities
1-15-5 Ordinances
1-15-6 Taking And Entering The Vote
1-15-7 Precedence Of Questions
1-15-8 Adjournment
1-15-9 Previous Question
1-15-10 To Lay On The Table
1-15-11 Indefinite Postponement
1-15-12 To Refer
1-15-13 To Amend
1-15-14 Reconsideration
1-15-15 Suspension And Amendment

Section 1-15-1 Order Of Business

At the appointed hour for the meeting, the Mayor, or Mayor Pro Tem, shall call the Council to order, whereupon the Clerk, or some person acting in his/her stead, shall call the roll and if upon such a roll call a quorum is found to be present, the Council shall proceed to the business before it in accordance with the published agenda.

Section 1-15-2 Duties And Privileges Of The Mayor

The Mayor shall preserve order and decorum, decide all questions of order and procedure subject to an appeal from the chair to the Council. The Mayor shall have the right to name any member of the Council to perform the duties of the chair, but such substitution shall not extend beyond adjournment.

Section 1-15-3 Duties And Privileges Of Members

Any member desiring to speak shall address the Mayor, but shall not then proceed with remarks until recognized by the chair. When two (2) or more members address the chair at once, the Mayor shall name the member who is to speak. While the Mayor is putting a question or a member is speaking, no member shall engage in conversation or walk across or out of the room.

No member shall speak more than twice on one question without permission of the Council; not more than once in any case until every member choosing to speak has spoken.

Every member present when a question is stated shall vote thereon, unless excused by the Council or unless the Council member has a conflict of interest in the matter. The Council shall determine its own course of action, sit upon its own adjournment, prescribe the time and place of its sessions, protect itself

from interruption from spectators; and it shall be unlawful for any person not a member of the Council to participate in its deliberations or to address the Council, except when permission is granted.

In all cases wherein the rules of this Council herein before enumerated are not applicable, the order of business and the rules thereof shall be as laid down in Robert's Rules of Order.

Section 1-15-4 Motions And Responsibilities

No motion shall be put or debated unless seconded; when seconded it shall be stated by the Mayor before debate, and every such motion shall be reduced to writing, if requested by the Mayor or a member of the Council.

After a motion or resolution is stated by the Mayor, it shall be deemed to be in the possession of the Council; but may be withdrawn at any time before decision; but if any amendment has been proposed, or adopted, it shall not be withdrawn without the consent of the mover of such amendment.

If the question in debate contains several distinct propositions, any member may require the same to be subdivided, when the sense admits of it, prior to the vote thereon.

In all cases where a motion or resolution is entered on the minutes of the Council, the name of the member moving the same shall be entered also.

Section 1-15-5 Ordinances

Ordinances of a general or permanent nature, and those for the appropriation of money, shall be considered on three (3) different days, unless three-fourths (3/4) of the Council shall dispense with the rule.

Section 1-15-6 Taking And Entering The Vote

If any member requires it, the yeas and nays upon any question shall be taken and entered upon the minutes, and every resolution authorizing any contract, public improvement, or appropriation of money and any ordinance shall be by a vote of yeas and nays and in every other case where the same is or may be required by law.

Section 1-15-7 Precedence Of Questions

When a question is under debate, the only motions in order shall be first, to adjourn; second, the previous question; third, to lay on the table; fourth, to postpone indefinitely; fifth, to adjourn to a certain day; sixth, to refer; seventh, to amend. The first three motions to be decided without debate.

Section 1-15-8 Adjournment

A motion to adjourn shall always be in order except, when a member is in possession of the floor; when

the yeas and nays are being called; when the members are voting; when adjournment was the last preceding motion; and when it has been decided that the previous question shall be taken.

A motion simply to adjourn cannot be amended; but a motion to adjourn to a given time may be amended; and is open to debate.

Section 1-15-9 Previous Question

When the previous question is moved and seconded, it shall be put in this form: "Shall the main question now be put?" If this carries, all further motions and debate shall be excluded, and the question put in this order; first upon the amendments pending, and then upon the main proposition.

Section 1-15-10To Lay On The Table

A motion to lay on the table simply, is not debatable, but a motion to lay on the table conditionally, is subject to amendment and debate.

Section 1-15-11Indefinite Postponement

When a motion is postponed indefinitely, it shall not be taken up again during the same meeting.

Section 1-15-12To Refer

A motion to refer to any department of the City shall take precedence over a motion to refer to a committee shall take precedence over a similar motion for a special committee.

Section 1-15-13To Amend

A motion to amend an amendment shall be in order but a motion to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

An amendment to strike out and insert the paragraph to be amended shall first be read as it stands, then the words to be stricken out, and those to be substituted and finally the paragraph as it would stand if so amended.

Section 1-15-14Reconsideration

A question may be reconsidered at any time during the same meeting or during the first meeting held thereafter. A motion for reconsideration once made and decided in the negative shall not be renewed before the next meeting.

A motion to reconsider must be moved and seconded by members who voted in the majority, or by those who were absent and did not vote upon the question to be reconsidered.

If a proposition has received a majority vote, but has failed for lack of a two-thirds (2/3) or three-fourths (3/4) majority, a motion to reconsider shall in that case be made by a member who voted in the minority and it may be seconded by any other member.

Section 1-15-15Suspension And Amendment

These rules may be temporarily suspended by a vote of three-fourths (3/4) of all the members of the Council.

Chapter 1-16

CITY ELECTIONS

Sections:

1-16-1 Regular Elections
1-16-2 Special Elections
1-16-3 Nomination of Candidates

Section 1-16-1 Regular Elections

The regular City election shall be held on the Tuesday next, after the first Monday in November of each odd numbered year and such election shall be conducted in the manner by law provided and shall be at such place or places in the voting precinct as the Council shall designate.

Section 1-16-2 Special Elections

All special elections shall be conducted as nearly as practicable in the same manner as regular elections and as otherwise provided by law.

Section 1-16-3 Nomination of Candidates

(A) Purpose. The purpose of this ordinance is to designate the methods of which candidates for elective municipal offices shall, in the City of Storm Lake, Iowa, be nominated.

(B) Nominating Method To Be Used. For all elections of the City of Storm Lake, Iowa, all candidates for elective municipal offices shall be nominated by the procedure set forth in Chapter 45 of the 1993 Code of Iowa, and as said Chapter may be hereafter revised, amended, or redesignated. The method described herein for nominating candidates shall remain in effect until or unless changed by ordinance.

Chapter 1-17

CITY MANAGER

Sections:

1-17-1 Purpose
1-17-2 Appointment and Term of Manager
1-17-3 Compensation of Manager
1-17-4 Duties of Administrator
1-17-5 Manager's Bond

Section 1-17-1 Purpose

The purpose of this Chapter is to provide for a City Manager for the City. Previously the title for this position was City Administrator. Wherever in the Code reference is made to the position of City Administrator, such title shall be considered synonymous with the title of City Manager.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-2 Appointment and Term of Manager

The Manager is to be appointed by a majority vote of the Council and shall hold office at the pleasure of the Council, and shall be subject to removal by majority vote of the Council. The Manager shall be a person competent by education or experience to perform the duties imposed upon such person by this Chapter.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-3 Compensation of Manager

The Manager 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.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-4 Duties of Administrator

The duties of the Manager shall be as follows:

(A) To supervise enforcement and execution of the City laws.

(B) To attend all meetings of the Council unless excused by the Council.

(C) To recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.

(D) To have the general supervision and direction of the administration of the City government.

(E) The City Manager shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All City departmental administration requiring the attention of the Council shall be brought before the Council by the Manager. Council involvement in administration initiated by the Council must be coordinated through the Manager.

(F) To supervise and direct the official conduct of all officers, departments and employees of the City, specifically including but not limited to the police, fire, streeet, sanitation, and water treatment departments. To effectuate this responsibility, and subject to the exceptions set out hereinafter, the City Manager shall have the power and authority to employ such assistants and other employees of the City for which the Council has approved the position generally, and to discharge said assistants or employees found incompetent or derelict in their duties.

The City Manager may delegate this power and authority to subordinate officers and department heads to such extent that the Manager deems appropriate. The power to hire and discharge shall not apply to the position of City Clerk, but the City Manager shall report to and advise the Council on the performance of the person filling that position and make such recommendations with regard to his/her employment as seems appropriate.

(G) To supervise the performance of all contracts for work to be done for the City, supervise 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.

(H) 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.
(I) To cooperate with any administrative agency. .

(J) To be responsible for supervision of the cleaning, sprinkling, and lighting of streets, alleys and public places and the collection and disposal of waste.

(K) Such person may investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the Manager.

(L) To provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City law and to sign same when authorized by this Code.

(M) To keep the Council fully advised of the financial and other conditions of the City, and of its future needs.

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

(O) To make to the Council periodic itemized financial reports in writing.

(P) To perform such other duties as the Council may direct.
(Ord. 09-O-2009-2010, Amended, 11/16/2009; Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-17-5 Manager's Bond

The Manager shall be bonded for the faithful performance of all duties, and in favor of the City of Storm Lake, in an amount to be determined by the Council by resolution but which amount shall not be less than two hundred fifty thousand dollars ($250,000.00). The City shall pay the costs of this bond.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-1 Purpose

The purpose of this Chapter is to provide for a City Manager for the City. Previously the title for this position was City Administrator. Wherever in the Code reference is made to the position of City Administrator, such title shall be considered synonymous with the title of City Manager.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-2 Appointment and Term of Manager

The Manager is to be appointed by a majority vote of the Council and shall hold office at the pleasure of the Council, and shall be subject to removal by majority vote of the Council. The Manager shall be a person competent by education or experience to perform the duties imposed upon such person by this Chapter.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-3 Compensation of Manager

The Manager 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.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-4 Duties of Administrator

The duties of the Manager shall be as follows:

(A) To supervise enforcement and execution of the City laws.

(B) To attend all meetings of the Council unless excused by the Council.

(C) To recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.

(D) To have the general supervision and direction of the administration of the City government.

(E) The City Manager shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All City departmental administration requiring the attention of the Council shall be brought before the Council by the Manager. Council involvement in administration initiated by the Council must be coordinated through the Manager.

(F) To supervise and direct the official conduct of all officers, departments and employees of the City, specifically including but not limited to the police, fire, streeet, sanitation, and water treatment departments. To effectuate this responsibility, and subject to the exceptions set out hereinafter, the City Manager shall have the power and authority to employ such assistants and other employees of the City for which the Council has approved the position generally, and to discharge said assistants or employees found incompetent or derelict in their duties.

The City Manager may delegate this power and authority to subordinate officers and department heads to such extent that the Manager deems appropriate. The power to hire and discharge shall not apply to the position of City Clerk, but the City Manager shall report to and advise the Council on the performance of the person filling that position and make such recommendations with regard to his/her employment as seems appropriate.

(G) To supervise the performance of all contracts for work to be done for the City, supervise 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.

(H) 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.
(I) To cooperate with any administrative agency. .

(J) To be responsible for supervision of the cleaning, sprinkling, and lighting of streets, alleys and public places and the collection and disposal of waste.

(K) Such person may investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the Manager.

(L) To provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City law and to sign same when authorized by this Code.

(M) To keep the Council fully advised of the financial and other conditions of the City, and of its future needs.

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

(O) To make to the Council periodic itemized financial reports in writing.

(P) To perform such other duties as the Council may direct.
(Ord. 09-O-2009-2010, Amended, 11/16/2009; Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-17-5 Manager's Bond

The Manager shall be bonded for the faithful performance of all duties, and in favor of the City of Storm Lake, in an amount to be determined by the Council by resolution but which amount shall not be less than two hundred fifty thousand dollars ($250,000.00). The City shall pay the costs of this bond.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Chapter 1-18

ELECTRONIC MEETINGS

Sections:

1-18-1 Definition
1-18-2 Restriction On Electronic Meetings
1-18-3 Circumstances Under Which Electronic Meeting May Be Held
1-18-4 Electronic Meeting Upon Request
1-18-5 Electronic Meeting Requirements
1-18-6 Notification Requirement
1-18-7 Cost Of Electronic Participation
1-18-8 Payment For Participation By Electronic Means

Section 1-18-1 Definition

An electronic meeting is any meeting of the Council or one of its committees, or of any City commission or board, in which one or more members of the Council, committees, board, or commission participate by telephone or other electronic means.

Section 1-18-2 Restriction On Electronic Meetings

Participation in a meeting of the Council or of one of its committees, or of one of the City commissions or boards by telephone or other electronic means, shall only be permitted under one of the circumstances set forth in 1-18-3, and provided all of the requirements of 1-18-5 are met.

Section 1-18-3 Circumstances Under Which Electronic Meeting May Be Held

An electronic meeting may be held, and participation by telephone or other electronic means is hereby authorized under the following circumstances:

(A) At any emergency meeting called by the presiding officer with less than twenty-four (24) hours advance notice provided such emergency meeting is justified by the criteria contained in 21.4(2), 1993 Code of Iowa and as the same may be later amended or redesignated.

(B) At any meeting where the presiding officer determines that electronic participation is necessary 1) to achieve a quorum, or 2) because the matter under consideration requires the affirmative vote of more than the majority of a quorum in order to be approved.

(C) At any meeting upon the request of a member anticipating being absent provided twenty-four (24) hours advanced notice is given to the presiding officer and provided further that one or more matters under consideration at the meeting shall require the affirmative vote of more than the majority of a quorum in order to be approved.

(D) At any other meeting not involving circumstances set forth in subparagraphs (A), (B) and (C) above upon the request of a member anticipating being absent provided twenty-four (24) hours advanced notice is given to the presiding officer, but with the restriction that the member or members participating by

electronic means may not vote on any issue.

Section 1-18-4 Electronic Meeting Upon Request

Whenever a member requests to participate by telephone or other electronic means pursuant to 1-18-3(C) or (D), the presiding officer shall permit such participation. If a member is unable with reasonable effort to locate the presiding officer for the purpose of providing the notice required by 1-18-3(C) and (D), the member may give such notice instead to the City Administrator, or in the Administrator's absence, to the City Clerk.

Section 1-18-5 Electronic Meeting Requirements

No electronic meeting may be held unless the following requirements are both met:

(A) The telephone or other electronic means of communication has the capability of permitting 1) the presiding officer, 2) all other members of the Council, committee, board, or commission physically present, 3) and all members of the public physically present at the point of public access, to hear the conversation and comments of the members participating by electronic means and the member or members participating by electronic means can hear the comments and conversation of the presiding officer, physically present members as well as other members participating by electronic means, and members of the public speaking at the public microphone.

(B) The conditions of the electronic meeting meet the requirements of 21.8, 1993 Code of Iowa and as the same may be later amended or redesignated.

Section 1-18-6 Notification Requirement

If any electronic meeting is called under the provisions of 1-18-3(A) or 1-18-3(B), the presiding officer shall make a good faith effort to contact all absent members so as to provide every absent member with the opportunity to participate by electronic means.

Section 1-18-7 Cost Of Electronic Participation

All costs incurred in effecting electronic meetings shall be paid by the City.

Section 1-18-8 Payment For Participation By Electronic Means

To the extent that any member of the Council, its committees, or of any board or commissions, is paid for attending meetings, that member, if participating by telephone or other electronic means, shall be entitled to payment if the electronic meeting was held pursuant to 1-18-3(A) or 1-18-3(B). If a member participates by telephone or other electronic means pursuant to 1-18-3(C) or 1-18-3(D), that member shall not be entitled to payment for attendance at the meeting.

Chapter 1-19

CODE ENFORCEMENT OFFICER

Sections:

1-19-1 Purpose
1-19-2 Appointment
1-19-3 Powers And Duties
1-19-4 Designated Alternates
1-19-5 Prohibited Activity

Section 1-19-1 Purpose

The purpose of this Chapter shall be to establish the position of Code Enforcement Officer and to designate the responsibilities for such office and to relate them to other provisions of this Code.

Section 1-19-2 Appointment

The City Administrator shall appoint one person to act as Code Enforcement Officer and may with Council approval, appoint such additional assistants as may be necessary to perform the duties prescribed by this Chapter.

Section 1-19-3 Powers And Duties

The Code Enforcement Officer and his/her designated assistants are hereby authorized and directed to perform those duties set out elsewhere within the Municipal Code of the City of Storm Lake, Iowa, with regard to each of the following designated officers:

(A) Zoning Administrator Officer, as designated in the Zoning Ordinance and Subdivision Regulations adopted September 20, 1976 and effective October 2, 1976.

(B) Building Official, or Building Inspector, as designated in the Uniform Building Code adopted by reference in Title 5, Chapter 2 of this Code; in the Uniform Sign Code adopted by reference in Title 5, Chapter 5 of this Code; in the Uniform Mechanical Code adopted by reference in Title 5, Chapter 6 of this Code; and in the Uniform Code for the Abatement of Dangerous Buildings adopted by reference in Title 5, Chapter 7 of this Code.

(C) Plumbing Inspector as designated in Title 5, Chapter 3 of this Code wherein the Uniform Plumbing Code is also adopted by reference.

(D) Electrical Inspector as designated in Title 5, Chapter 4 of this Code wherein the National Electrical Code is also adopted by reference.

(E) Storm Lake, Iowa, Airport Zoning Administrator pursuant to the Storm Lake, Iowa, Airport Zoning Ordinance and the joint agreement with Buena Vista County and Sac County.

(F) Weed Commissioner as referred to in Title 8, Chapter 5 of this Code.

The Code Enforcement Officer shall also perform such other duties as may be prescribed for him/her by the City Administrator.

Section 1-19-4 Designated Alternates

The City Administrator, as the supervisor of the Code Enforcement Officer, is hereby authorized to act as Code Enforcement Officer in case of his/her absence or unavailability.

Section 1-19-5 Prohibited Activity

The Code Enforcement Officer shall not engage, directly or indirectly, in the sale, furnishing, installation or maintenance of building materials, plumbing supplies, electrical or mechanical equipment or weed control agents, nor shall he/she have a financial interest in any concern engaged in such business in the City.

Chapter 1-20

MUNICIPAL INFRACTIONS

Sections:

1-20-1 Definitions
1-20-2 Violations, Penalties And Alternative Relief
1-20-3 Civil Citations

Section 1-20-1 Definitions

(A) "MUNICIPAL INFRACTION": Any violation of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa as amended with the exception of any violation which is a felony, an aggravated misdemeanor or a serious misdemeanor under the law of the State of Iowa, or any violation which is a simple misdemeanor under Chapters 687 through 747 of the Code of the State of Iowa. A Municipal Infraction shall include the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa, or any omission or failure to perform any act or duty required by said Code. A Municipal Infraction shall also include any violation of any uniform code adopted by reference. A Municipal Infraction is punishable by civil penalty as provided herein.

(B) "OFFICER": Any employee or official authorized to enforce the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa, as amended.

(C) "REPEAT OFFENSE": A recurring violation of the same section of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa.

Section 1-20-2 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 the Code.

Schedule Of Civil Penalties

First Offense	$75.00
Second Repeat Offense	125.00
All Other Repeated Offenses	200.00

(B) Each day that a violation occurs or is permitted to exist by the violator constitutes a separate and distinct 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.

Section 1-20-3 Civil Citations

(A) Any officer authorized by the City to enforce the Municipal Code may issue a civil citation to a

person who commits a Municipal Infraction.

(B) The citation may be served by personal service or by certified mail, return receipt requested.

(C) A copy of the citation shall be sent to the Clerk of the Buena Vista County District Court.

(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 the civil penalty to be assessed or the alternative relief bought, 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.

Chapter 2-1

POLICE DEPARTMENT

Sections:

2-1-1 Organization
2-1-2 Additional Police
2-1-3 Supervision of Department
2-1-4 Aid for Police
2-1-5 Duties and Arrests
2-1-6 Authority
2-1-7 Additional Powers and Duties

Section 2-1-1 Organization

The Storm Lake Police Department shall consist of a Chief of Police, Captains, lieutenants and patrol officers in numbers as authorized by the Council. The Chief of Police shall have those powers and duties as prescribed by law and ordinance. The Captains, lieutenants and patrol officers shall have those powers and perform such duties as may be provided by law or ordinance and as prescribed by the Chief of Police.
(Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 2-1-2 Additional Police

The Mayor may, in cases of emergency, appoint such additional number of special police officers as he/she may think necessary.

Section 2-1-3 Supervision of Department

The Police Department shall be under the control and direction of the Chief of Police and shall be on duty at such hours and places and perform its duties under such regulations as the Chief of Police may prescribe subject to the following:

(A) The Chief of Police and in turn the Department are subject to administrative and executive supervision and control of the City Administrator at all times when a state of emergency has not been declared.

(B) The Department shall at all times be governed by any written statements of policy and procedure which have been approved by the City Council.

(C) During a period of emergency as declared by the Mayor, the Police Department shall be under the control and supervision of the Mayor.

Section 2-1-4 Aid for Police

Any member of the Police Department may orally summon as many persons as he/she finds necessary to aid in making an arrest.

Section 2-1-5 Duties and Arrests

It shall be the duty of each member of the police force to enforce the law fairly and impartially with regard to all persons within the City. Police officers may arrest persons for public offenses in accordance with the standards established by Section 804.7 of the 1993 Code of Iowa and as such section may hereafter be revised, amended or redesignated.

Section 2-1-6 Authority

Each member of the police force shall have power and authority to serve and execute warrants and other processes for the apprehension and commitment of persons charged with any crime, held for examination or trial, or taken in the execution or the commission of any crime or misdemeanor. No member of the Police Department shall be involved in any outside business or service, or have any outside employment, that will interfere with his duties as a police officer and police officers are specifically prohibited during the course of their employment from accepting outside employment from any person or corporation holding an Iowa liquor license or beer permit.

Section 2-1-7 Additional Powers and Duties

Police officers shall have such other powers and perform such other duties as the Council, City Administrator or the provisions of this Code shall provide, or as the Mayor shall provide during periods when a declaration of emergency is in existence. Police officers shall surrender all property belonging to the City and all evidence in their possession to the Chief of Police at such time as their employment as police officers ceases.

Chapter 2-2

FIRE DEPARTMENT

Sections:

2-2-1 Organization
2-2-2 Insignia
2-2-3 Aid For Fire Department
2-2-4 Fire Assistance Outside City Limits
2-2-5 Alternative Operation

Section 2-2-1 Organization

The Fire Department shall consist of the Fire Chief, and such other fire officers as the Fire Department shall nominate subject to the approval of the City Administrator. The Fire Department may make its own rules and regulations subject only to the approval of the City Administrator.

Section 2-2-2 Insignia

Members of the Fire Department may wear the official badge of insignia of office upon their person and only members of the Fire Department shall wear such badge of insignia.

Section 2-2-3 Aid For Fire Department

The Fire Chief may orally summon as many persons as he finds necessary to aid him in fire control.

Section 2-2-4 Fire Assistance Outside City Limits

The Chief of the Fire Department, the Assistant Chief, the City Administrator, the Mayor or the Mayor Pro-Tem, when performing the duties of Mayor, may authorize or dispatch the fire equipment or a part thereof, and the personnel of the Fire Department or a portion thereof, outside the corporate limits of the City, for the purpose of fighting fires or for rendering of other emergency assistance, wherever in the opinion of the aforesaid officials such action will save life or property and will not be prejudicial to the safety and general welfare of the City. In the event fire equipment is dispatched outside the City limits, there will be a charge made against the property owner based on three hundred dollars ($300.00) per fire, except no charge will be made to said property owner when there is a valid fire protection agreement existing between the City and municipality or township in which the property owner resides.

Section 2-2-5 Alternative Operation

As an alternative to the provisions of 2-2-1, 2-2-2 and 2-2-3, the Council may elect to provide Fire Protection services for the City through a contractual agreement with an independent contractor.

Chapter 2-3

STREET DEPARTMENT

Sections:

2-3-1 Organization
2-3-2 Duties
2-3-3 Other Duties
2-3-4 Alternative Operation

Section 2-3-1 Organization

The Street Department shall consist of the Street Superintendent and such other members in number as the Council may authorize. The activities of the Street Department shall be under the direction of the City Administrator who shall also be responsible for the hiring and discharge of the employees of the department.

Section 2-3-2 Duties

It shall be the duty of the Street Department personnel to make all necessary repairs upon streets, alleys and public ways and to cause the sidewalks of the City to be kept in reasonably safe and passable condition provided, however, that the Street Department shall not have a duty to remove the natural accumulations of snow and ice from sidewalks adjacent to property owned by a person other than the City. The Street Department shall have charge of cleaning, grading and snow removal on the public streets. The Street Department shall also be responsible for the maintenance, repair and construction of the sanitary sewer collection system, the storm sewer and water distribution system. No construction shall be undertaken by this department without the approval of the City Administrator.

Section 2-3-3 Other Duties

The Street Department shall perform such additional duties as the Council may from time to time provide by resolution.

Section 2-3-4 Alternative Operation

As an alternative to the provisions of 2-3-1, 2-3-2 and 2-3-3, the Council may elect to provide Street Maintenance services for the City through a contractual agreement with an independent contractor.

Chapter 2-4

WATER TREATMENT DEPARTMENT

Sections:

2-4-1 Organization
2-4-2 Duties
2-4-3 Other Duties
2-4-4 Alternative Operation

Section 2-4-1 Organization

The Water Treatment Department shall consist of the Water Treatment Superintendent and such other employees in number as the Council may authorize. The activities of the Water Treatment Department shall be under the direction of the City Administrator who shall also be responsible for the hiring and discharge of the employees of the department.

Section 2-4-2 Duties

It shall be the duty of the Water Treatment Department to operate the Water Treatment Plant for the purpose of providing fresh water to the City of Storm Lake and to make necessary repairs, extension, construction, and reconstruction of said plant. No construction shall be undertaken by this department without the approval of the City Administrator.

Section 2-4-3 Other Duties

The Water Treatment Department shall perform such other duties as the Council may from time to time provide by resolution.

Section 2-4-4 Alternative Operation

As an alternative to the provisions of 2-4-1, 2-4-2 and 2-4-3, the Council may elect to provide water treatment services for the City through a contractual agreement with an independent contractor.

Chapter 2-5

WASTEWATER TREATMENT DEPARTMENT

Sections:

2-5-1 Organization
2-5-2 Duties
2-5-3 Other Duties
2-5-4 Alternative Operation

Section 2-5-1 Organization

The Wastewater Treatment Department shall consist of the Wastewater Treatment Superintendent and such other employees in number as the Council may authorize. The activities of the Wastewater Treatment Department shall be under the direction of the City Administrator who shall also be responsible for the hiring and discharge of the employees of the Department.

Section 2-5-2 Duties

It shall be the duty of the Wastewater Treatment Department to operate the Wastewater Treatment Plant and to make the necessary repairs, extensions, construction, reconstruction and maintenance of said plant as may be required as well as to the sanitary sewer collection system in conjunction with the Street Department. No construction shall be undertaken by this Department without the approval of the City Administrator.

Section 2-5-3 Other Duties

The Wastewater Treatment Department shall perform such other duties as the Council may from time to time provide by resolution.

Section 2-5-4 Alternative Operation

As an alternative to the provisions of 2-5-1, 2-5-2 and 2-5-3, the Council may elect to provide wastewater treatment services for the City through a contractual agreement with an independent contractor.

Chapter 2-6

AIRPORT COMMISSION

Sections:

2-6-1 Organization
2-6-2 Powers/Funds
2-6-3 Rules And Regulations
2-6-4 Other Powers

Section 2-6-1 Organization

The Airport Commission shall consist of five (5) members who shall be resident voters of the City and shall be appointed by the Mayor, such appointments to be approved by the Council and each appointment shall be for a term of three (3) years. Vacancies shall be filled as original appointments are made. The Commission shall elect from their own members a chairman and a secretary who shall serve for such term as the Commission shall determine.

Section 2-6-2 Powers/Funds

The Airport Commission has all of the powers in relation to airports granted to cities and counties under State law, except the power to sell the airport. The Commission shall annually submit a budget request on or before December 1 of each year, the amount of which shall be within the limitations of State law to be levied for airport purposes, and upon submission of such request, the City Council may include all or a portion of the requested amount in its budget.

All funds derived from taxation or otherwise for airport purposes shall be under the flow and absolute control of the Commission for the purposes prescribed by law, and shall be deposited with the Finance Director to the credit of the Airport Commission, and shall be disbursed only on the written warrants or orders of the Airport Commission including payment of all the indebtedness arising from the acquisition and construction at the airport and its maintenance, operation and extension.

Without limiting the foregoing, the Commission shall have the specific duty of repairing, maintaining and operating the airport.

Section 2-6-3 Rules And Regulations

The Airport Commission shall have authority and power to make and enforce rules and regulations for control, supervision and operation of the airport.

Section 2-6-4 Other Powers

Airport Commissioners shall have other powers and perform such other duties as may be provided by the Council, the provisions of this Code or the laws of the State, and each Commissioner shall transmit to his successor in office all books, papers, records and documents and property belonging to the City in his custody or appertaining to his office.

Chapter 2-7

LIBRARY TRUSTEES

Sections:

2-7-1 Creation
2-7-2 Term Of Office
2-7-3 Qualifications Of Trustees
2-7-4 Powers And Duties
2-7-5 Power To Contract With Others For The Use Of The Library
2-7-6 Nonresident Use Of The Library
2-7-7 Library Account
2-7-8 Annual Report

Section 2-7-1 Creation

There is hereby created a City Library Board of Trustees to be made up of nine (9) trustees and which Board shall exercise the powers set forth in Section Four (4) of this chapter.

Section 2-7-2 Term Of Office

The term of office for each member of the Board of Library Trustees shall be six (6) years commencing with the first day of July following the members appointment. Vacancies in the Board shall be filled by appointment by the Mayor with the approval of the Council. If vacancies occur in more than three (3) positions in any one year, the Mayor, when making appointments to fill the excess vacancies, shall make special appointments for terms of one (1) to five (5) years as appropriate so that to the greatest extent possible, the terms of the nine (9) trustees will be staggered with the terms of no more than three (3) trustees expiring in any given year.

Section 2-7-3 Qualifications Of Trustees

All of the members of the Board shall be bona fide citizens and residents of the City of Storm Lake, Iowa and shall be over the age of eighteen (18).

Section 2-7-4 Powers And Duties

The Board shall have and exercise the following powers and duties:

(A) To meet and elect from its members a president, a secretary and such other officers as it deems necessary. The Finance Director shall serve as Board treasurer but shall not be a member of the Board.

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

(C) To direct and control all of the affairs of the library.

(D) 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.

(E) To remove by a majority vote of the Board the librarian and provide procedures for the removal of assistants or employees.

(F) 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.

(G) To authorize the use of the library by nonresidents of the City and fix charges therefor.

(H) 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.

(I) To have exclusive control of the expenditure of all funds allocated for library purposes by the Council, and of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library including fines and rentals collected under the rules of the Board.

(J) 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.

(K) To keep a record of its proceedings.

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

Section 2-7-5 Power To Contract With Others For The Use Of The Library

(A) 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.

(B) Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in numbers of the electors who voted for governor within the territorial boundaries of the party in 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 it is held in the territorial

boundaries of the party who was seeking to terminate the contract.

Section 2-7-6 Nonresident Use Of The Library

The Board may authorize the use of the library by nonresidents in any one or more of the following ways:

(A) By lending the books or other materials of the library to nonresidents on the same terms and conditions as to residents of the City, or upon payment of a special nonresident library fee.

(B) By establishing depositories of library books or other materials to be loaned to nonresidents.

(C) By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents.

(D) By establishing branch libraries for lending books or other library materials to nonresidents.

Section 2-7-7 Library Account

All money appropriated by the Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the Board, signed by its president and secretary. The warrant writing officer is the Finance Director.

Section 2-7-8 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 fines collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the Council.

Chapter 2-8

MUNICIPAL BAND

Sections:

2-8-1 Authority
2-8-2 Organization
2-8-3 Funds
2-8-4 Rules

Section 2-8-1 Authority

The Municipal Band, heretofore authorized by the voters of the City, is hereby authorized to levy a tax, upon proper action of the council, to provide a fund for the maintenance or employment of a band for musical purposes as provided by the laws of the State.

Section 2-8-2 Organization

The regulation of the Band, including the power to appoint the director, is hereby vested in three (3) trustees who shall be nominated by the Mayor subject to the approval of the Council. Their term of office shall be three (3) years commencing on July 1 following their approval and for the next three (3) fiscal years. One appointment is to be made each year. Any person appointed trustee shall be a qualified elector of the City.

Section 2-8-3 Funds

All funds collected for Band purposes shall be paid to the Finance Director. No order shall be drawn or warrants issued when there is no money in the Band fund with which to pay the same.

Section 2-8-4 Rules

The Trustees shall upon their qualification forthwith meet and organize and promulgate a set of rules to govern the Band which shall be subject to the approval of the Council and a copy of which said rules shall be filed with the City Clerk.

Chapter 2-9

ZONING COMMISSION

Sections:

2-9-1 Authority
2-9-2 Organization
2-9-3 Term of Office
2-9-4 Duties and Powers

Section 2-9-1 Authority

Under and by virtue of the authority conferred by the Code of Iowa, a Storm Lake Zoning Commission is hereby created and established.

Section 2-9-2 Organization

The Storm Lake Zoning Commission shall consist of seven (7) members, who shall be citizens of the City, and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the municipal government. The members shall be appointed by the Mayor, subject to the approval of the Council.

Section 2-9-3 Term of Office

The term of office of the members of said Commission shall be three (3) years.

Section 2-9-4 Duties and Powers

(A) The Storm Lake Zoning Commission shall choose annually at its first regular meeting one of its members to act as Chairman, one as Vice Chairman, who shall perform all the duties of the Chairman during his absence or disability, and another as Secretary.

(B) The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(C) The Commission may request of the Council that the City provide the Commission with such surveys, studies, maps, plans or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.

(D) All plans, plats or re-plats of subdivisions or re-subdivisions of land embraced in said City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public, shall first be submitted to the Zoning Commission and its recommendations obtained before approval by the Council.

(E) No plan for any street, park, parkway, boulevard, traffic-way, lake-front, or other public

improvement affecting the city plan shall be finally approved or the character or location thereof determined unless such proposal shall first have been submitted to the Zoning Commission and the latter shall have had fifteen (15) days within which to file its recommendations thereon.

(F) For the purpose of making a comprehensive plan for the physical development of the City, the Zoning Commission shall make a careful and comprehensive study of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development. The comprehensive plan shall be reviewed and revised by the Zoning Commission at least once every five (5) years.

(G) Before adopting a comprehensive plan as referred to in this Section, or any part of it, or any substantial amendment thereof the Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City, not less than ten (10) nor more than twenty (20) days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds (A) of the members of the Commission. After adoption of said plan by the Commission, an attested copy thereof shall be certified to the Council, and the Council may approve the same and when said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as hereinbefore authorized shall constitute the official City plan.

(H) When such comprehensive plan as hereinbefore provided has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Zoning Commission, for its recommendation. If this Commission disapproves the proposed change, it may be adopted by the Council only by the affirmative vote of at least three-fourths (1/2) of the members of the said Council.

Chapter 2-10

BOARD OF ADJUSTMENT

Sections:

2-10-1 Board Established
2-10-2 Board Procedures
2-10-3 Board Powers
2-10-4 Appeals To Board
2-10-5 Location Of Meetings

Section 2-10-1 Board Established

The Board of Adjustment is hereby established. The Board shall consist of five (5) members to be appointed by the City Council for a term of five (5) years. Said members shall be removable for cause by the Council upon written charges and after public hearing. Any vacancy occurring shall be filled by the Council for the unexpired term of any member whose term becomes vacant.

Section 2-10-2 Board Procedures

The Board shall adopt rules in accordance with and consistent with the provisions of this Code or any chapter of this Code not inconsistent with any laws of the State of Iowa. The Board of Adjustment shall meet twice each month, during the second and fourth week of the month, on such day as the chairman may designate provided, however, that the chairman may call additional meetings of the Board if extraordinary circumstances require additional meetings. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote by each member upon each question, or, if absent of failing to vote, indicating such facts, and shall keep records of its examinations and other official acts, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 2-10-3 Board Powers

The Board of Adjustment shall have those powers enumerated and set forth in Section 414.12 of the 1993 Code of Iowa and as the same may hereafter be revised, amended or redesignated and as more specifically set forth in Article XXII of the Storm Lake Zoning Ordinance.

Section 2-10-4 Appeals To Board

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer of the Board or Bureau of the City affected by any decision of the administrative officer; such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment's notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record from which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the actions appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

Section 2-10-5 Location Of Meetings

The Board of Adjustment shall hold its meetings in the Public Meeting Room at City Hall or other appropriate location within City Hall, and the Board may adjourn its meetings from time to time for the purpose of personally inspecting the premises which is the subject matter of a pending action.

Chapter 2-11

CEMETERIES

Sections:

2-11-1 Cemetery Management
2-11-2 Board of Cemetery Trustees
2-11-3 Duties
2-11-4 Budget

Section 2-11-1 Cemetery Management

The general management of the cemetery to be operated jointly by the Townships of Hayes, Providence and Washington and the City, to be known as the "Storm Lake Cemetery", is hereby transferred to a Board of Cemetery Trustees, to consist of one representative from each of the three (3) townships listed above and one representative from the City of Storm Lake.

Section 2-11-2 Board of Cemetery Trustees

The Council shall select and appoint the City member of said Board of Cemetery Trustees, who shall be a resident voter and may be the Mayor or a Councilman.

Section 2-11-3 Duties

The duties of said Trustee shall be to attend all meetings of said Board, perform such duties as are necessary and proper as a member thereof, and to report to the Council from time to time on the status of said cemetery.

Section 2-11-4 Budget

The said Board of Cemetery Trustees shall submit their budget annually to the Council prior to December 1 of each year asking for a levy by the City.

Chapter 2-12

CITY BOARDS AND COMMISSIONS: QUALIFICATION AND REGULATION

Sections:

2-12-1 Application
2-12-2 Qualification
2-12-3 Terms Of Members
2-12-4 Commencement of Term
2-12-5 Removal of Member
2-12-6 Advertisement of Vacancies
2-12-7 Organization
2-12-8 Minutes
2-12-9 Application to Joint Commissions

Section 2-12-1 Application

The provisions of this Chapter shall apply to all of the following Boards and Commissions, whether or not they are established and ordained under the provisions of Title 2 of this Code:

Airport Commission
ADA Compliance Committee
Municipal Band Trustees
Board of Library Trustees
Storm Lake Zoning Commission
Board of Adjustment
Board of Appeals
Parks and Recreation Advisory Board

(Ord. 04-O-97-98, Amended, 11/17/1997)

Section 2-12-2 Qualification

No person may be appointed to any Board, Commission or Agency designated in Section 2-12-1 unless that person shall be a citizen of the State of Iowa, a resident of the City of Storm Lake and at least eighteen (18) years of age.

Section 2-12-3 Terms Of Members

The terms of all members of any Board, Commission or Agency designated in Section 2-12-1 shall be for a period of three (3) years, with the exception of the Board of Adjustment which shall be five (5) years as is required by State law and with the exception of the Library Trustees which shall be six (6) years.

Section 2-12-4 Commencement of Term

The terms of all members of any Board, Commission or Agency designated in Section 2-12-1 shall commence on July 1 in the year of appointment.

Section 2-12-5 Removal of Member

Any member of any Board, Commission or Agency designated in Section 2-12-1 may be removed for cause and shall be subject to removal if they shall fail to attend three (3) or more meetings of their respective Board, Commission or Agency in any calendar year. Removal of any member shall be by majority vote of the City Council following a hearing, which hearing shall be preceded by not less than ten (10) days notice to such member that removal is contemplated.

Section 2-12-6 Advertisement of Vacancies

No appointment or reappointment of any member shall be made to any Board, Commission or Agency designated in Section 2-12-1 unless Notice to the public shall be published in a newspaper of general circulation in the City not less than fifteen (15) days prior to the appointment. Such notice shall designate the Board, Commission or Agency on which the vacancy or expired term exists and advise residents of their right to make application for appointment to such Board, Commission or Agency.

Section 2-12-7 Organization

The members of all Boards, Commissions or Agencies shall elect a chairman from among their own members and shall also elect a secretary unless a non-voting City employee is otherwise designated to act as secretary.

Section 2-12-8 Minutes

The secretary of all Boards, Commissions or Agencies shall record the minutes of all meetings and shall provide a signed copy of those minutes to the City Clerk within seven (7) days of each such meeting.

Section 2-12-9 Application to Joint Commissions

The provisions of Section 2-12-2 and 2-12-5 shall apply to all members of the following Boards or Commissions appointed by either the Mayor or City Council of the City:

(A) Board of Cemetery Trustees of the Storm Lake Cemetery

(B) Buena Vista County Landfill Commission

(C) Storm Lake Airport Zoning Commission.

Chapter 2-13

ADA COMPLIANCE COMMITTEE

Sections:

2-13-1 Title
2-13-2 Membership
2-13-3 Powers

Section 2-13-1 Title

There is hereby created a five (5) member committee to be known as the ADA Compliance Committee. As used herein, ADA shall refer to the Americans with Disabilities Act of 1990, Public Law 101-336.

Section 2-13-2 Membership

The members of the Committee shall be selected by the Council. The membership shall include:

(A) One member who shall be a City Council person and who shall serve as chairperson.

(B) One member who has a disability as defined by Section 3(2), Public Law 101-336.

(C) One member from the business or non-profit sector of the community.

(D) One member involved in health care/medical services.

(E) One member involved in public or private education.

Section 2-13-3 Powers

The ADA Compliance Committee is hereby empowered to hear complaints regarding access to and/or participation in public facilities, services, activities and functions within the City's jurisdiction.

As a prerequisite to hearing any complaint, the complaint must have first been submitted to the City Administrator who shall serve as the ADA Coordinator for Storm Lake, and the Administrator must have issued a written decision with regard to the complaint, or alternatively, more than twenty (20) working days shall have past since the submission of the complaint to the Administrator.

The Committee shall hold a hearing in public with respect to the complaint after giving public notice of said hearing. The Committee will issue a written decision on the complaint within thirty (30) days after completion of the hearing.

A decision of the ADA Compliance Committee shall be final unless the complainant or City Administrator shall file a written request asking the City Council to review the decision and which request must be made within ten (10) working days following the
issuance of the decision.

Chapter 2-14

PARKS AND RECREATION ADVISORY BOARD

Sections:

2-14-1 Created
2-14-2 Membership
2-14-3 Duties & Powers

Section 2-14-1 Created

There is hereby created the City of Storm Lake Parks and Recreation Advisory Board.
(Ord. 04-O-97-98, Add, 11/17/1997)

Section 2-14-2 Membership

The Board shall consist of seven members appointed by the Mayor with the approval of the City Council. The members shall serve for a term of three years, however, the initial appointments shall be two members for a one year term, two members for a two year term, and three members for three year terms.
(Ord. 04-O-97-98, Add, 11/17/1997)

Section 2-14-3 Duties & Powers

(A) The Board shall adopt such rules and regulations governing its procedure as it may deem necessary.

(B) The Board shall meet quarterly or at the call of their chairman, and make such recommendations as it deems advisable to the City Council or City Administrator concerning the operation of the City parks and recreational facilities.

(C) Before any City park property is sold by the City, the City Council shall refer said matter to the Board for its recommendation. Recommendation shall be made within forty-five days from the date of referral. If the Board recommends that the property should not be sold, the Council shall not proceed to sell property unless four members of the Council approve such sale.

(D) The Board shall not have budgetary authority or authority to enter contracts, and shall not keep funds in its name.
(Ord. 04-O-97-98, Add, 11/17/1997)

Chapter 2-15

STORM WATER ADVISORY COMMITTEE

Sections:

2-15-1 Created
2-15-2 Membership
2-15-3 Duties

Section 2-15-1 Created

There is hereby created a five (5) member committee to be known as the Storm Water Advisory Committee in accordance with requirements outlined by the City's Storm Water Phase II permit with the Iowa Department of Natural Resources.
(Ord. 01-O-2006-2007, Add, 08/21/2006)

Section 2-15-2 Membership

The Committee shall consist of five (5) members appointed by the Mayor with the approval of the City Council. The members shall serve for a term of three years, however, the initial appointments shall be three members for three year terms and two members for two year terms. Additional membership shall consist of an ex-officio member which will be the Watershed Coordinator.
(Ord. 01-O-2006-2007, Add, 08/21/2006)

Section 2-15-3 Duties

(A) Provide feedback on current Storm Water initiatives including education, policies, and city practices. Promote Storm Water practices within the community to improve overall water quality.

(B) The committee shall meet at least annually or at the call of the City Infrastructure & Public Facilities Director or City Administrator.
(Ord. 01-O-2006-2007, Add, 08/21/2006)

Chapter 3-1

GARBAGE STORAGE AND COLLECTION

Sections:

3-1-1	**Purpose**
3-1-2	**Definitions**
3-1-3	**Duty To Provide Cans**
3-1-4	**Accumulation And Deposit Of Garbage Or Recyclable materials Prohibited**
3-1-5	**Optional Means of Collection**
3-1-6	**Necessity Of Permit**
3-1-7	**Minimum Collection Service**
3-1-8	**Separation Of Yard Waste**
3-1-9	**Bagging Of Recyclable Materials**
3-1-10	**Fee Structure - Residential Customers**
3-1-11	**Collection Equipment**
3-1-12	**Alley Embargo**
3-1-13	**Disposal**
3-1-14	**Municipal Infraction**

Section 3-1-1 Purpose

The purpose of this Chapter is to eliminate unhealthy, unsanitary and unsightly conditions in the City caused by deposits and accumulation of garbage and to regulate the collection of same.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-2 Definitions

For use within this Chapter the following terms are hereby defined:

(A) "CAN": A container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover; is watertight; is substantially made of galvanized iron, plastic or rubber or other non-rusting material; and of a size that may be conveniently handled by the collector.

(B) "COLLECTOR": Any person, business, private contractor, specifically including the City of Storm Lake, which picks up and removes garbage, recyclable materials, or yard waste for a fee.

(C) "GARBAGE": All animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.

(D) "PERSON": Any individual, firm, corporation, trust or other organized group, or any governmental unit.

(E) "RECYCLABLE MATERIAL": Materials which may be designated as recyclable by the Buena Vista County Recycling Center such as cardboard, clean newspapers, magazines, number one and two plastic, tin cans, clear and amber glass; subject to such additional items or deletions of items that the Recycling Center may make from time to time.

(F) "RESIDENTIAL CUSTOMER": Any property involving three or fewer residential units.

(G) "YARD WASTE": Yard waste shall have such definition as is given to it by the Iowa Department of Natural Resources, but in any case shall include grass clippings, leaves, garden waste and branches from trees and shrubs.

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-3 Duty To Provide Cans

Each person who shall store garbage or recyclable materials out of doors on premises owned or occupied by that person shall provide and use cans suitable in capacity for the storage of garbage and recyclable materials accumulating in a normal collection period. The foregoing shall not be construed as requiring a can of sufficient capacity for the occasional discarded item which is too large for a can if discards of this type are not regularly reoccurring.

All cans provided shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of buildings but not in alleys or streets; provided, however, that persons storing garbage in commercially zoned districts or residential complexes of 4 or more units may store garbage and recyclable materials discretely on their own property or in the alley in cans or other commercial containers if such cans or containers are stored immediately adjacent to the adjoining building.

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-4 Accumulation And Deposit Of Garbage Or Recyclable materials Prohibited

No person shall permit garbage or recyclable materials to accumulate upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-5 Optional Means of Collection

It shall be optional whether the City:

(A) Collects garbage, recyclable materials and yard waste with its own equipment and employees;

(B) Makes a contract with a qualified person to collect garbage, recyclable materials, or yard waste;
or

(C) Issues a permit to a qualified person to collect garbage, recyclable materials and yard waste.

The Council by resolution shall elect the method or methods to be used in the collection of garbage, recyclable materials and yard waste.

If the City, by proper action of its Council, elects to own the equipment or to contract for the collection of garbage, recyclable materials and yard waste, it shall defray this cost as provided by State law.

If the City, by action of its Council, elects to permit the collection of garbage, recyclable materials and yard waste other than by contract, the Council may issue permits to applicants upon the payment of a permit fee, in the amount set by Council Resolution. Each permit shall expire one year from the date of issuance. No person may be issued a permit for the collection of garbage, recyclable materials and yard waste unless the person shall demonstrate that he or she has a proper vehicle, as described in Section 3-1-11, duly registered and licensed, and that in addition such person has General Liability Insurance-Combined Single Limit for Bodily Injury and Property Damage Liability (including Premises and Operations, Products and Completed Operation and Contractual Liability) in an amount not less than of One Million Dollars ($1,000,000.00) per occurrence plus Automobile Liability Insurance in an amount not less than One Million Dollars ($1,000,000.00) per accident plus Worker's Compensation Insurance with Employer's Liability limits of at least Five Hundred Thousand Dollars ($500,000.00)/Five Hundred Thousand Dollars ($500,000.00)/Five Hundred Thousand Dollars ($500,000.00). The General Liability and Automobile Liability policies must name the City of Storm Lake, Iowa as an additional insured. The period of the insurance coverage required shall be at least sufficient to coincide with the period being requested. The Council may also establish other regulations necessary to protect the public health which each permit holder must obey. Upon the holder's failure to comply with the rules established or the provisions of this Chapter, the Council may revoke the permit.
(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-6 Necessity Of Permit

No person shall collect garbage or recyclable materials except his own unless authorized by contract or permit.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-7 Minimum Collection Service

Every collector of garbage and recyclable materials shall at a minimum collect garbage not less than once a week, recyclable materials not less than once a week, and have the capability to pick up yard waste and discarded items too large for garbage cans for which special arrangements have been made at least once weekly (other than weeks that involve a major holiday).
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-8 Separation Of Yard Waste

Each person intending to have yard waste removed from the property owned or occupied by that person shall insure that yard waste is separated from all other forms of garbage or recycling materials. Each such person shall further insure that all yard waste that is bagged will be clearly identifiable as yard waste so

that said yard waste will not be mistakenly collected at such times as garbage or recyclable materials are collected by the garbage collection services.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-9 Bagging Of Recyclable Materials

All persons residing in residential units desiring to have recyclable materials picked up on the day designated for recyclable materials shall bag such recyclable materials only in clear or color transparent plastic bags so that the collector can readily identify the contents of the bags as recyclable materials.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-10 Fee Structure - Residential Customers

Every collector from residential customers shall establish a monthly collection fee in an amount to be determined by the collector which will entitle the customer to have picked up on average three 33 gallon bags of garbage per week, or such equivalent amount as would fit within three 33 gallon cans and with no bag or can weighing more than 25 lbs. apiece. This same base fee shall entitle the customer to have picked up an unlimited amount of recyclable materials unless the collector determines in its own judgment that the amount of recyclable materials is excessive for a given residential unit. Each collector shall also establish a pricing system to charge for additional quantities of garbage over and above the weekly average limit and which price shall be sufficient to encourage customers to separate and recycle to the greatest extent possible. All solid waste haulers must provide evidence of unit based pricing to do business within the City limits of Storm Lake.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-11 Collection Equipment

All garbage and recyclable materials as well as yard waste must be transported in factory-made compaction equipment as recognized by the waste industry.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-12 Alley Embargo

The Mayor is hereby authorized to place an embargo on the use of all unpaved alleys for the purpose of collection of garbage, recyclable materials and yard waste when weather and ground conditions are such that the use of the alleys by garbage collection equipment would cause unusual damage to the alley. When such embargoes are in effect, all persons shall, on collection days, place their garbage cans or bags next to the street for collection.
(Ord. 15-O-2003-2004, Add, 06/21/2004)

Section 3-1-13 Disposal

All persons collecting garbage, recyclable materials and yard waste by contract or under permit shall utilize an approved landfill or other approved disposal facility for the deposit of such collected garbage and rubbish.
(Ord. 15-O-2003-2004, Add, 06/21/2004)

Section 3-1-14 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."

(Ord. 15-O-2003-2004, Add, 06/21/2004)

Chapter 3-2

SANITARY SEWERS

Sections:

3-2-1	**Definitions**
3-2-2	**Use Of Public Sewers Required**
3-2-3	**Private Wastewater Disposal**
3-2-4	**Building Sewers And Connections**
3-2-5	**Use Of The Public Sewers**
3-2-6	**Destruction; Misuse Of Wastewater Facilities**
3-2-7	**Powers And Authority Of Inspectors**
3-2-8	**Penalties**
3-2-9	**Sewer Lines No Longer In Use**
3-2-10	**Users Outside City**

Section 3-2-1 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(A) "APPROVING AUTHORITY" shall mean the City Council of the City of Storm Lake, or its duly authorized board, agent or representative.

(B) "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty degrees (20^{o}) Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(C) "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 feet (5') (1.5 meters) outside the inner face of the building wall.

(D) "BUILDING SEWER" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

(E) "CITY" shall mean the City of Storm Lake, Iowa, or any authorized person acting in its behalf.

(F) "COD" (Chemical Oxygen Demand) shall mean the oxygen equivalent of that portion of the organic and inorganic matter in a sample of wastewater, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(G) "COLLECTION SYSTEM" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial wastes.

(H) "COMBINED SEWER" shall mean a sewer intended to receive both wastewater and storm or surface water.

(I) "DOMESTIC WASTEWATER" shall mean water-borne wastes, normally discharged into the sanitary conveniences of dwellings (including apartment houses and hotels), or office buildings, free of storm and surface water and non-domestic wastes.

(J) "EASEMENT" shall mean an acquired legal right for the specific use of land owned by others.

(K) "FLOATABLE OIL" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(L) "GARBAGE" shall mean the animal and vegetable water resulting from the handling, preparation, cooking and serving foods.

(M) "NATURAL OUTLET" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

(N) "NON-DOMESTIC WASTE" shall mean the wastewater from industrial processes, trades or businesses as distinct from domestic wastewater. This includes any potential infectious disease-bearing wastes.

(O) "NORMAL DOMESTIC WASTEWATER" shall mean normal wastewater for the City of Storm Lake in which the average concentration of suspended materials and five (5) day BOD is established at not greater than two hundred (200) parts per million each, by weight. The COD of normal domestic wastewater shall not exceed four hundred (400) parts per million.

(P) "MAY" is permissive (see "shall", subsection [Y]).

(Q) "PARTS PER MILLION" shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. Parts per million and milligrams per liter (Mg/l) shall be synonymous terms.

(R) "PERSON" shall mean any individual, firm, company, association, society, corporation, or group.

(S) "pH" shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 grams and a hydrogenion concentration of 0.000,000,1 grams/liter, or 10^{-7} grams per liter.

(T) "PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking and dispensing of food that have 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 inch (1/2") (1.27 centimeters) in any dimension.

(U) "PUBLIC SEWER" shall mean a common sewer controlled by a governmental agency or public utility.

(V) "SANITARY SEWER" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(W) "SEWAGE" is the spent water of a community. The preferred term is "wastewater", subsection (II).

(X) "SEWER" shall mean a pipe or conduit that carries wastewater or drainage water.

(Y) "SHALL" is mandatory (see "may", subsection [P]).

(Z) "SLUG" shall mean any discharge of water or wastewater 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 or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(AA) "STANDARD METHODS" shall mean the examination and analytical procedures set forth in the latest Edition at the time of the analysis of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the Water Pollution Control Federation, and the American Water Works Association.

(BB) "STORM DRAIN" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.

(CC) "STORM WATER RUN-OFF" shall mean that portion of the rainfall that is drained into the storm sewers or storm drains.

(DD) "SUMP PUMP" shall mean a pump for disposing of storm drainage.

(EE) "SUPERINTENDENT" shall mean the Superintendent of Wastewater Facilities of the City, or his authorized deputy, agent, or representative.

(FF) "SUSPENDED SOLIDS" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

(GG) "UNPOLLUTED WATER" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(HH) "WASTE" as used herein shall be synonymous with wastewater.

(II) "WASTEWATER" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

(JJ) "WASTEWATER FACILITIES" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(KK) "WASTEWATER TREATMENT FACILITIES" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "Waste Treatment Plant" or "Wastewater Treatment Plant" or "Water Pollution Control Plant".

(LL) "WATERCOURSE" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 3-2-2 Use Of Public Sewers Required

(A) 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 jurisdiction, any human or animal excrement, garbage or objectionable waste.

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

(C) 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 wastewater.

(D) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line.

Section 3-2-3 Private Wastewater Disposal

(A) Where a public sanitary or combined sewer is not available under the provisions of Section 3-2-2(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

(B) Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit issued by the Approving Authority. 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 Approving Authority. A permit and inspection fee, in the amount set by Council Resolution, shall be paid to the City at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Approving Authority. The Approving Authority shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the approving authority.

(D) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Iowa. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available within one hundred (100) feet to a property served by a private wastewater disposal system, as provided in Section 3-2-3(D), a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Chapter, and any septic tanks,

cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. Cost sharing with the City shall be available to the extent provided in Chapter 7 of this Title.

(F) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

(G) No statement contained in this Article shall be construed to interfere with additional requirements that may be imposed by the Health Officer, or the State of Iowa.

(Ord. No. 289495, Amended, 04/03/95)
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-2-4 Building Sewers And Connections

(A) No unauthorized person(s) 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 Approving Authority. The City as Approving Authority shall have the sole discretion to determine and designate the point of connection for every sewer service line to the sewer main and no connection shall be made except at the location so designated.

(B) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing non-domestic wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the City. The permit shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the approving authority. A permit and inspection fee, - in the amount set by Council Resolution, shall be paid to the City at the time the application is filed. In addition to the sewer permit, the applicant for a permit shall also pay to the City, at the time the sewer permit is purchased, a sewer connection charge in the amount set by Resolution of the City Council for each sewer connection.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) 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, court yard, or driveway, the rear building drain may be extended to the front building and the whole considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this Ordinance.

(F) The size, slope, alignment, materials of construction of a building sewer, the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the

public sewer, sanitary wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Approving Authority.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code and all other applicable rules and regulations of the City and the sewer service line shall otherwise be constructed in accordance with City specifications. All such connections shall be gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

(J) The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Approving Authority.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Barricades, lights and signing shall be provided by the contractor and shall be placed in accordance with the specifications of the Manual of Uniform Traffic Code Devices then in effect. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-2-5 Use Of The Public Sewers

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof run-off, subsurface drainage, or cooling water to any sewer. Storm water run-off from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

(B) Storm water other than that exempted under Section 3-2-5(A), 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 Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority and in accordance with the provisions of State and Federal regulations, to a storm sewer, combined sewer, or natural outlet.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, petroleum-based product or other flammable or explosive liquid, solid or gas.

2. Any waters 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, result in a violation of State or Federal water quality standards, or create any hazard in the wastewater treatment plant or the receiving waters.

3. Any waters or wastes having a pH lower than 6.0, or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities. Exceptions may be granted (by the Approving Authority) for short duration flows where it has been, or can be shown that high or low pH would not cause any significant wastewater facilities problems.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or after passage through garbage grinder.

(D) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if in its opinion such more severe limitations are necessary to meet the above objectives. In forming the opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:

1. Wastewater having a temperature higher than one hundred fifty degrees (150^{o}) Fahrenheit (65^{o} Celsius).

2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

3. Wastewater from industrial plants containing floatable oil, fat or grease.

4. Any garbage that has not been properly shredded (See Section 3-2-1). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises, or consumption elsewhere when served by caterers.

5. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.

6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.

7. Any radioactive materials of such half-life or concentration as may exceed limits established by the Approving Authority, or applicable State and Federal regulations.

8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

9. Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facilities effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(E) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3-2-5(D), and which in the judgment of the Approving Authority may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 3-2-5(J).

If the Approving Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the Approving Authority.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 3-2-5(D)3, 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 Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and, shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

(G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense.

(H) When required by the Approving Authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Approving Authority. The structure shall be installed by the owner as his/her expense and shall be maintained by the owner so as to be safe and accessible at all times.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made to 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. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

(J) No statement contained in this Section 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.

Section 3-2-6 Destruction; Misuse Of Wastewater Facilities

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 3-2-7 Powers And Authority Of Inspectors

(A) Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of this Ordinance.

(B) The Approving Authority or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in Section 3-2-7(A) above, 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 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 3-2-5[H]).

(D) 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 wastewater facilities 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.

Section 3-2-8 Penalties

(A) Any person found to be violating any provision of this Ordinance except Section 3-3-6 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.

(B) 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.

(C) Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 3-2-9 Sewer Lines No Longer In Use

The owner of every lot on which is installed a sewer service line which is, in turn, connected to the City sewer main shall, at the owner's expense, cause the service line to be disconnected and removed from the main in accordance with the City specifications if the building serviced shall be or shall have been previously demolished, removed, damaged beyond repair or abandoned, or if sewer service to the building serviced shall have been permanently discontinued.

Section 3-2-10 Users Outside City

From and after the date and passage of this section, no permit to connect to the City sewer system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City unless the property owner shall contractually agree to institute voluntary annexation procedures with regard to the property whenever the property becomes contiguous to the City limits or when requested by the City and providing that the City Council, by a four-fifths (4/5) majority of all members, shall approve such connection as in the best interest of the City. Any extension of the sewer system outside the City limits under this section, including both sewer main and sewer service lines, shall be done at the cost of the property owner requesting such extension.

Chapter 3-3

SEWER RATES

3-3-1 Statement of Policy
3-3-2 Definitions
3-3-3 Operation, Maintenance and Replacement Fund
3-3-4 Rate Schedule
3-3-5 Payment, Penalty, Lien, and Deposit For Sewer
3-3-6 Review Of Rate Structure

Section 3-3-1 Statement of Policy

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

Section 3-3-2 Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

(A) "BOD (Biochemical Oxygen Demand)": The quality of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty degrees Centigrade (20^{o} C). The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(B) "NORMAL DOMESTIC WASTEWATER": Normal wastewater for the City of Storm Lake in which the average concentration of suspended materials and five (5) days BOD is established at not greater than two hundred (200) parts per million each, by weight, ammonia nitrogen (NH_3-N) is no greater than thirty (30) parts per million by weight, and Total Susspended Solids is no greater than two hundred (200) parts per million.

(C) "OPERATION AND MAINTENANCE": All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

(D) "REPLACEMENT": Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(E) "RESIDENTIAL CONTRIBUTOR": Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

(F) "SHALL": Is mandatory; "May" is permissive.

(G) "TREATMENT WORKS": Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of Municipal waste or industrial waste, including waste in combined storm water and sanitary systems.

(H) "TSS" (Total Suspended Solids): 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.

(I) "USEFUL LIFE": The estimated period during which a treatment works will be operated.

(J) "USER CHARGE": That portion of the total wastewater service charge which is levied in proportional and adequate manner for the cost of operation, maintenance, and replacement of that treatment works.

(K) "WATER METER": A water volume measuring and recording device, furnished and/or installed by the City of Storm Lake or furnished and/or installed by a user and approved by the City of Storm Lake.

Section 3-3-3 Operation, Maintenance and Replacement Fund

(A) The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing and treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works, shall be established by this Chapter.

(B) That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 3-3-4, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:

1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (operation and maintenance account).

2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of twenty thousand dollars ($20,000.00) annually.

(C) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purpose than those designed for these accounts. Monies which have been transferred from other sources to meet

temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment to the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

Section 3-3-4 Rate Schedule

(A) Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter(s) acceptable to the City.

(B) Each contributor shall pay a base user charge of ten dollars and forty cents ($10.40) per month per water meter utilized by such contributor and which charge shall be in addition to the charges set forth in subsections (D) and (E) which follow.

In addition the base user charge shall automatically increase effective February 1, 2009 to eleven dollars and thirteen cents ($11.13) per month per water meter utilized by such contributor, then effective January 1, 2010 to eleven dollars and ninety-one cents ($11.91) per month per water meter utilized by such contributor, then effective January 1, 2011 to twelve dollars and seventy-four cents ($12.74) per month per water meter utilized by such contributor, and then effective beginning January 1, 2012 and every year thereafter the base user charge shall automatically increase to thirteen dollars and sixty-three cents ($13.63) per month per water meter utilized by such contributor.

If a single meter shall serve more than one dwelling unit, commercial user, or industrial user, the base user charge shall be increased by a factor equal to the total number of such units or users being served. As used herein, a dwelling unit includes separate apartments, condominiums, mobile homes, or distinct portions of a duplex or multi-family dwelling, but it does not include dormitory rooms, hotel or motel rooms, or boarding rooms without separate kitchen and bath facilities.

(C) Amount of hydraulic loading subject to user charge:

1. In addition to the base rate, all residential contributors shall pay monthly user charges which will be based on all water used by that contributor for that month at the rate set forth in subparagraph (D). If a residential contributor uses water for lawn watering which is not returned to the collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.

2. In addition to the base rate, all industrial and commercial contributors, which shall include all contributors who do not qualify as residential contributors, monthly user charges shall be based on all water used by that contributor for that month at the rate set forth in subparagraph (D). If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.

(D) Each contributor shall pay a user service charge for operation and maintenance including replacement and debt service of two dollars ($2.00) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section. In addition, the user service charge for operation and maintenance including replacement and debt service shall increase effective February 1, 2009 to two

dollars fourteen cents ($2.14) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section, then effective January 1, 2010 to two dollars and twenty-nine cents ($2.29) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section, then effective January 1, 2011 to two dollars and forty-five cents ($2.45) per one thousand (1,000 gallons of water (or wastewater) as determined in the preceding Section, and effective January 1, 2012 and every year thereafter the user service charge for operation and maintenance including replacement and debt service shall increase to two dollars and sixty-two cents ($2.62) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section.

(E) For those contributors who contribute wastewater the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge shall be paid. The surcharge for operation and maintenance including replacement is:

$.23 per pound BOD in excess of the BOD concentration in normal domestic wastewater;
Effective February 1, 2009 $.25 per pound BOD in excess of the BOD concentration in normal domestic wastewater;
Effective January 1, 2010 $.26 per pound BOD in excess of the BOD concentration in normal domestic wastewater;
Effective January 1, 2011 $.28 per pound BOD in excess of the BOD concentration in normal domestic wastewater;
Effective January 1, 2012 $.30 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

$.19 per pound TSS in excess of the TSS concentration in normal domestic wastewater;Effective February 1, 2009 $.20 per pound TSS in excess of the TSS concentration in normal domestic wastewater;
Effective January 1, 2010 $.22 per pound TSS in excess of the TSS concentration in normal domestic wastewater;
Effective January 1, 2011 $.23 per pound TSS in excess of the TSS concentration in normal domestic wastewater;
Effective January 1, 2012 $.25 per pound TSS in excess of the TSS concentration in normal domestic wastewater.
$.87 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.
Effective February 1, 2009 $.93 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.
Effective January 1, 2010 $1.00 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.
Effective January 1, 2011 $1.07 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.
Effective January 1, 2012 $1.14 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

(F) Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the City Council.

(G) The user charge rates established in this Section apply to all users of the domestic wastewater treatment facility located within the City limits. User charge rates for contributors outside of the City

limits whose rates are not established by contract shall be as determined by resolution of the Council, but they shall not be less than the user charge rates established for users located within the City limits. User charge rates for contributors located outside the City limits which are presently established by contract shall be honored for the duration of the contract but no renewal or modification of that contract shall be made which does not provide that the contributor shall pay user charge rates at least equal to those charged to users located within the City limits.
(Ord. 07-O-2008-2009, Amended, 01/05/2009; Ord. 04-O-2004-2005, Amended, 10/03/2005)

Section 3-3-5 Payment, Penalty, Lien, and Deposit For Sewer

(A) Payment and Penalty: All users shall be billed monthly. Billings for any particular month shall be made within thirty (30) days after the end of that month. Payments are due when the billings are made. Any payment not received within fifteen (15) days after the billing is made shall be delinquent. There will be an additional ten percent (10%) charge for sewer charges not paid within fifteen (15) days after the same becomes due and payable.

(B) Lien: The City shall have a lien upon the property served by the sanitary utility for all delinquent rates and charges. The City Clerk shall certify within ten (10) days of the following dates, to the County Auditor for collection with and in the same manner as property taxes and to establish the property lines, all rates and charges which be delinquent over thirty (30) days on the first of March, June, September and December.

(C) Combined Utility Deposit:

1. A combined utility deposit will apply according to 3-9 of the City Code.

(Ord. 17-O-2005-2006, Amended, 06/19/2006; Ord. 05-O-2001-2002, Amended, 09/17/2001)

Section 3-3-6 Review Of Rate Structure

(A) The City shall review the user charge system at least every two (2) years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Chapter 3-4

WATERWORKS

Sections:

3-4-1	**Rules, Regulations**
3-4-2	**Permit Required**
3-4-3	**Application For Permit**
3-4-4	**Permit Issued**
3-4-5	**Permit And Connection Fees**
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Section 3-4-1 Rules, Regulations

The rules, regulations and water rates, specified herein or set forth in Chapter 5 of this Title shall be considered a part of the contract with every person, who is supplied with water through the water system of the City and every such person, by taking water shall be considered to have expressed his assent to be bound thereby, and whenever any of them are violated or such others as the City may hereafter adopt, the City Administrator or his/her designee is empowered to cut off the supply of water from the property where such violation occurs.

Section 3-4-2 Permit Required

No person shall begin work on the construction, reconstruction, alteration or repair of any water pipes connected to the City water system in any building, or connecting water pipes to any main or part of said water system, unless he/she is a licensed plumber and before beginning such work has first obtained a permit for the same from the Code Enforcement Officer.

Section 3-4-3 Application For Permit

Any licensed plumber desiring such permit shall file with the Code Enforcement Officer an application in writing on the standard form provided by the City for such application, stating therein the location of such work, owner's name, the name of the plumbing contractor and the amount and nature of the work to be performed under the permit, and that such work is to be done in accordance with the provisions of this Code, and the rules and regulations of the local and State Boards of Health.

Section 3-4-4 Permit Issued

Upon approval by the Code Enforcement Officer of the application for a permit as provided in Section 3-4-3 hereof, he/she shall issue a water permit to the plumber applying therefor. Said permit shall not be in force or effect until all inspection and other fees as provided herein have been paid.

Section 3-4-5 Permit And Connection Fees

Fees shall be set by Council Resolution.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-4-6 Users Outside City

(A) From and after the date of the passage of this Section, no permit to connect to the City water system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City if any portion of that property is contiguous to the City limits of the City of Storm Lake, Iowa.

(B) From and after the date of the passage of this Section, no permit to connect to the City water system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City and not contiguous to said City limits unless the City Council, by a four-fifth (4/5) majority of all members, shall approve such connections as in the best interests of the City. As a special exception to the foregoing, Council approval shall not be required if the applicant is seeking to serve a single residence which may be serviced from an existing main, and which property is located within one-half (1/2) mile of the City limits (or within one-half (1/2) mile of an existing water main outside the City limits which is owned by the City of Storm Lake), provided that the applicant agrees to all of the other requirements set forth in Section 3-4-6(C).

(C) As a condition of providing water service to a noncontiguous property, the property owner or owners must sign a contract with the City agreeing to all of the following conditions:

1. The user to be serviced will be charged for the consumption of water at a rate equal to 150% of the rate charged to the City's residential consumers, and if the user is other than the property owner, the owner

must guarantee the payment of all charges for water consumption.

2. Each contract to supply water shall be for a specific term and which term shall not exceed ten years unless specific approval of a longer term shall be given by the City Council. The contract shall provide that, in the absence of a breach of contract by the opposite party, it cannot be terminated during the term of the contract except upon written consent of both the City and the property owner.

3. All water service line materials and associated items shall meet the most current City specifications.

4. Consumption of water shall be for human consumption and household use only. Water shall not be used for livestock, poultry or other farming operations.

5. The applicant must agree to quantity limits for usage which shall be set by the City staff in accordance with a formula developed by the City Administrator.

6. All costs for the hook up to the main and for the construction of the service line shall be paid by the applicant. In addition to the actual costs of connection to the water main, the applicant must agree to pay a hookup fee which must be paid prior to the installation of the line and which fee shall be determined on an annual basis by the Council.

7. The applicant and all users must agree by contract to adhere to all of the provisions of Title III, Chapter 4 of this Code relating to the respective rights and responsibilities of water consumers in the City of Storm Lake which are not inconsistent with this Section and further, all applicants and users must agree by contract to adhere to the provisions of Title III, Chapter 5 relating to water conservation measures at any time that such conservation measures are activated for residents of the City of Storm Lake.

8. All applicants and all users must agree that the City of Storm Lake shall be responsible only for the quality of the water and for the maintenance of the water main and they must acknowledge that the City shall not be liable for failure to supply a particular quantity of water provided that the City is operating in good faith and is not intentionally treating consumers outside the corporate limits differently than it is treating consumers within the corporate limits.

9. All applicants and/or users must agree that they will not resell water provided by the City of Storm Lake to any other consumer.

10. All contracts for water shall include a specific legal description of the real property to be served by water and which legal description shall be for the entire parcel of real estate owned by the applicant which is contiguous to the residence site for which water service is sought.

11. Each contract for the supply of water shall provide that for the term of the contract, the rights and obligations of the applicant shall run with the land and shall be binding on all successors, beneficiaries or assigns of the applicant property owner with regard to the real estate described.

12. Every applicant property owner must agree as a condition of receiving water to voluntarily annex to the City of Storm Lake at any time in the future when any boundary of the City of Storm Lake shall be contiguous to any boundary of the property receiving service. Each applicant must also agree that the applicant will not file nor permit to be filed on the applicant's behalf any resistance to a plan of involuntary annexation filed by the City with respect to the serviced property during the term of the contract.

13. All applicants must agree that breach of any of the requirements of Subsections C(1) through C(12)

shall be grounds for the City to bring an action in specific performance, or to terminate the water service, at the option of the City, or as a further option with respect to breaches of the provision relating to consumption (Subsections C(5) and C(7)), the City shall be entitled to charge a penalty rate for the excess water consumed at a rate to be set forth in the contract, but which rate shall not be less than 150% of the rates otherwise provided for in Subsection C(1).

(D) In addition to the provisions of Subparagraph c hereof, any applicant seeking City water who shall require the installation of a new water main shall agree in writing that all costs of construction of the water main shall be paid solely by the user or developer and that the water main shall meet all current City specifications and shall be of a size determined by the City staff and in no case less than six inches (6"). The applicant developer or user shall also agree to install fire hydrants as required by the City staff at the sole cost of the applicant.
(Ord. No. 049495, Amended, 10/03/94)

Section 3-4-7 Supervision Of Work

When a permit has been issued for water connections the doing of such work shall be under the supervision of the Street Superintendent, or his authorized representative at all times and until its completion and acceptance by the City, and he may revoke said permit at any time when such work is not being done in accordance with the provisions of this Chapter or the approved plans or permit; and if such permit is revoked, it will be unlawful for any person to proceed further with said work without written consent of the Street Superintendent. When a water permit has been issued, the work included therein shall be started within sixty (60) days from the date of the permit, and be completed within one year after the beginning of the work, otherwise such permit is null and void and a new permit must be obtained.

Section 3-4-8 Consumer To Permit Inspection

Every person owning or occupying property receiving a supply of water from the City or connected to the City main, shall permit any officer of the City at all hours of the day from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M. on or into their premises or building to examine the pipes and fixtures and the manner in which the water is being used, and they must at all times answer all questions relating to its consumption.

Section 3-4-9 Applicants Charges

Applicants for water will be charged for all service pipe and trenching from the center of the street and the Council shall have power to make such arrangements as they may deem expedient to carry this clause into effect. Said applicant is hereby charged with the duty of keeping all service pipes leading from the mains to the meter free from leaks and in good repair at all times, and any consumer who knowingly allows the same to become out of repair and leak or who shall fail to repair any such leaks within twenty-four (24) hours after being notified by the City Clerk or his designee will be charged for all water wasted the same as though it has passed through said consumer's meter. The City hereby reserves the right to render special services in connection with furnishing water such as installing and maintaining water service connections, and repairing leaks, at prices and terms to be determined from time to time by the Council. When no prices have been determined, charges shall be made at the actual cost of labor and material, plus twenty percent (20%) for overhead expenses.

Section 3-4-10 Service Connections

The laying of all service connections and pipes, setting of water service fixtures in streets, public grounds and in premises to be served City water, shall be made by employees of the City Street Department, or by duly licensed plumbers.

Section 3-4-11 Service Pipe Extensions

After a service connection has been laid, no plumber or other person shall make any attachment or connection to it to serve other premises so as to connect the same with the water system unless he shall procure a written permit from the Code Enforcement Officer specifying the particular additions, repairs or alterations to be made, and shall perform such work in conformity with such permit, provisions of this Code, and the rules and regulations of the City.

Section 3-4-12 Service Pipes On Private Property

No consumer shall be permitted to install water pipes across lots or buildings or adjoining premises, but all service pipes shall be laid on streets, alleys or public ground to the premises to be served, and enter at the front or rear of the building nearest the main.

Section 3-4-13 Separate Connections

Not more than one single family, two family or multi-family dwelling unit or commercial or industrial unit shall be supplied with water from one service location provided nothing herein shall be construed to prohibit additional service connections, if approved by the City Administrator or his/her designee, for duplexes, multi-family units, or commercial or industrial units with more than one tenant if said tenants desire separate service lines. The requirements of the preceding sentence shall apply to all new construction commenced after the adoption of this ordinance and to any substantial reconstruction involving the replacement of the water service line and its connection at the water main.

If any building shall include five (5) or more units of residential, commercial, or industrial users, the water service line shall include a master meter which shall be located as close to the stop cock as possible unless otherwise specified by the City Administrator or his/her designee. The preceding sentence shall apply to all new construction commenced after the effective date of this ordinance or to any reconstruction involving the replacement of the existing service line.

If a master meter shall be installed in a service line, and if the various tenants served by the service line shall be separately metered as provided in 3-4-16, and if the total of the consumption for all of the individual meters shall be less than the total consumption shown on the master meter, the owner of the building, or the owner's association in the case of condominiums, shall be liable to the City for the difference between the total amount of water billed to the individual consumers and the total amount shown as consumed on the master meter.

Section 3-4-13A Water Service in Mobile Home Parks

(a) EXCEPTION. As an exception to the requirements of Section 3-4-13, water consumption in mobile home parks shall be measured only from the master meter or meters serving the mobile home parks and shall not be measured from meters serving the individual mobile homes. Water consumed shall be billed at the residential rate and shall be subject to the multiplier provision of Section 3-5-1(E).

(b) DEFINITION. Mobile Home Park: The term "Mobile Home Park" shall mean any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are parked and connected to utilities, either free of charge or for revenue purposes and shall include any buildings, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park.

(c) APPLICABILITY. The provisions of this Section shall become effective for water billings made on or after May 1, 2002.

(d) FINANCIAL RESPONSIBILITY. The owner of a mobile home park shall be liable for all water charges billed pursuant to this Section. Nothing contained herein shall be deemed to prohibit the owner of the mobile home park from in turn assessing the occupants of the mobile homes for their fair share of the cost of water provided."
(Ord. 10-O-2001-2002, Add, 02/04/2002)

Section 3-4-14 Tapping Mains

No person except those specifically authorized by the Code Enforcement Officer will be permitted to tap any water main, and in any case, all connections to the water main shall be at the location designated by the Code Enforcement Officer. The City shall furnish the water mains and the owner shall furnish the water services to the property line and which water service lines shall be of a type which is in conformance with City specifications and which water service line shall be installed in accordance with City specifications.

Section 3-4-15 Maintenance Of Service Pipes

All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains and stop cocks 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 them, or 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 again be turned on.

Stop cock locations shall not be in sidewalks, driveways, or any type of concrete improvement. Stop cocks shall be placed within and as close as otherwise practical to the boundary lines of the property owner's property. Exact stop cock location shall be as determined by the City.

In the event the City should discontinue and abandon the use of an existing water main and relocate the new water main on the opposite side of the street, the City will install, at the City's expense, that portion of the service pipe from the abandoned water main to the newly-installed water main.

Section 3-4-16 Meters

All water furnished consumers shall be metered. All meters shall be furnished by the City but paid for by

the consumer and shall be installed by a licensed plumber in accordance with City specifications at the building owner's expense and the building owner must provide a suitable location within the building piping system for said meter. Unless the City Administrator or his designee shall determine that the meter is readily accessible and available to be read at all times, all residential consumers shall also have installed a remote control meter reading device which shall be furnished and installed by the City at a building location to be determined by the City and with the cost paid by the property owner.

All residential, commercial and industrial buildings built or substantially reconstructed from and after the date of this Chapter shall provide separate meters for each unit of the building which shall measure all hot and cold water used or consumed in each individual unit, provided however that if the building is serviced by one central hot water heating system, or if hot water to the units is provided from one central hot water heater, and for so long as either of those conditions continue, the requirement that each unit be separately metered shall not apply and the building may instead be serviced by one master meter.

All residential, commercial and industrial buildings being newly constructed or reconstructed from and after the date of this chapter shall have included within their plans and thereafter installed wiring to service remote control reading devices with the exact location of wiring to be approved by the City, and to the extent that the preceding paragraph requires separate meters for each unit of a building, each such unit shall also be equipped with remote control meter reading devices.

Section 3-4-16A Stopcocks

All residential, commercial and industrial buildings separately metered, including apartment units, condominium units, or mobile homes which are separately metered, shall have a stopcock installed in the service line serving only that customer. The stopcock shall be installed prior to the meter and as close to the property line as possible. The stopcock shall be maintained at the owner's expense as provided in 3-4-15. If the location of a particular service line to an individual customer does not permit the installation of a stopcock, a shut off valve may be installed as an alternative with the approval of the City Administrator or his or her designee. Existing service lines serving an individual customer that do not have a stopcock, or alternatively, a shut off valve, which is installed and operational at the time of the adoption of this Ordinance shall comply with this Ordinance not later than December 1, 2001.
(Ord. Ord. 01-O-2001-2002, Add, 07/16/2001)

Section 3-4-17 Location Of Meters

All meters shall be so placed as to be easily accessible to meter readers and inspectors at all times. A remote controlled meter reading device shall be placed so as to allow the meter reader to read the meter from outside the building and without the necessity of entering the building, and in the event of a dispute as to location, the City shall have the final authority to determine the location of the remote meter.

Section 3-4-18 Meters Out Of Order

When meters or remote control meter reading devices shall fail to register or are inaccessible for reading, the consumer will be charged at average consumption as shown by the meter or remote control meter reading device when working.

Section 3-4-19 Owners To Protect Meters

The owner or occupant of premises where a meter or remote control meter reading device is installed shall be held responsible for its care and protection from freezing or hot water and from other damage or interference from any person. In case of any damage to the meter or remote control meter reading device, or in case of its stoppage or imperfect working, he shall give immediate notice to the office of the City Clerk. In all cases where the meters or remote control meter reading devices are broken or damaged by negligence of owners or occupants of premises, or by freezing, hot water or other damage except ordinary wear and tear, the necessary repairs to the meter or remote control meter reading device shall be made by the City and the costs of such repairs paid for by such owner or occupant, and in case payment thereof is neglected or refused, the water supply shall be turned off and shall not be turned on until full payment has been made, together with a fee, in the amount set by Council Resolution, for turning on the water again and a fee, in the amount set by Council Resolution, for posting the disconnect notice(door tag). Damaged meters or remote control meter reading devices may be repaired by the City without first giving notice thereof to the owner of the premises served by such meter or remote control reading device. (Every hot water heater and hot water storage tank must have a check valve on the supply pipe line and a suitable relief valve on the discharge line of such heater or tank.)

No one shall in any way interfere with the proper registration of a water meter or remote control meter reading device, and no one except an authorized employee of the Water Department shall break a seal of a meter or remote control meter reading device or shall remove, relocate or alter a remote meter; provided, however, that the City Administrator or City Clerk may grant written permits to licensed plumbers in case of emergency to break such seal for draining pipes or stopping water leaks.
(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

Section 3-4-20 Testing Meters

In case there is a doubt on the part of the consumer as to the accuracy of a water meter or remote control meter reading device, he/she may have the meter or remote control meter reading device tested by the City at which test he/she may be present or have a representative present if he/she so desires, and if the meter or remote control meter reading device is found to register within two percent (2%) of being correct, a fee, in the amount set by Council Resolution, will be charged to pay for a part of the labor for making such tests. If the meter or remote control meter reading device is found to measure more than two percent (2%) incorrectly, no charge shall be made for making the test. If the meter or remote control meter reading device should be found to over-register more than two percent (2%) there shall be a proportional deduction made from the previous water bill. A water meter or remote control meter reading device shall be considered to register satisfactorily when it registers within two percent (2%) of accuracy.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-4-21 Reading Meters

Meters or remote control meter reading devices shall be read monthly and the amounts of water charged to the consumer together with any other charges which may be due from said property. All water passing through said meter will be charged for whether used or wasted.

Section 3-4-22 Fire Hydrants and Valves

No person except an authorized employee of the City in the discharge of his/her duty shall be permitted to open or close any valve or hydrant connected to the City water supply without the specific consent of the City Administrator to do so. No person except firemen in case of an emergency shall attempt to open any fire hydrant with a wrench other than the special hydrant wrench designed to fit the spindle nut.

Section 3-4-23 Shutting Off Water

The City reserves the right at any time, when necessary, without notice, to shut the water off at its mains for the making of repairs or extensions or for other purposes. The City shall give notice of shutting off water if conditions are such that it is possible to do so.

Section 3-4-24 Right To Suspend Use

The right is reserved to suspend the use of hose and fountains for sprinkling streets, lawns and gardens whenever, in the opinion of the City Administrator, a public emergency requires.

Section 3-4-25 City Not Liable

It is expressly stipulated that no claim shall be made against the City by reason of breaking of any service cock, or if from any cause the supply of water should fail, or from damage arising from shutting off the water to repair mains, make connections or extensions, or for any other purpose that may be deemed necessary. The right is hereby reserved to cut off the supply of water at any time, notwithstanding any permit granted to the contrary.

Section 3-4-26 No Cross Connections

No person shall cross-connect with the City water system or its appurtenances, with any other water system pumping or supplying water not supplied by the City. No owner or tenant of a residential structure, commercial building, industrial building or other structure supplied with water from a source other than the City shall be permitted to purchase water from the City provided, however, that private water systems that are designed and plumbed so that their use is strictly limited to the watering of lawns, shrubbery and trees, or the washing of vehicles, shall not disqualify the owner or tenant from purchasing water from the City.
(Ord. 18-O-2001-2002, Amended, 06/03/2002)

Section 3-4-27 Application For Water

Any person desiring a supply of water upon real estate owned or occupied by them must make application therefor to the Clerk.

Section 3-4-28 Fluoride Installed, Water System

(A) There shall be installed in the water system of the City of Storm Lake, Iowa, the necessary

equipment to provide a continuous and controlled addition of fluoride into the public water supply of the City.

(B) The Water Department of the City is directed to install said equipment and to operate the same for the addition, and supplementing of fluoride in continuous and controlled amounts of the public water supply of the City subject to inspection by and direction of the Iowa Department of Health.

(C) This ordinance shall be deemed a valid exercise of the general police power delegated to cities and towns by the General Assembly of the State of Iowa contained in Section 366.l of the Code of Iowa.

Section 3-4-29 Water Lines No Longer In Use

The owner of every lot on which is installed a water service line which is in turn connected to the City water main shall, at the owner's expense, cause the service line to be disconnected and removed from the main in accordance with the City specifications if the building serviced shall be, or shall have been previously, demolished, removed, damaged beyond repair or abandoned, or if water service to the building serviced shall have been permanently discontinued.

Section 3-4-30 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.

Section 3-4-31 Separation Distances

No property owner within the city limits of the City of Storm Lake, Iowa shall permit any use of their property which would violate the separation distances required to protect water wells as set forth in Table A of the Iowa Administrative Code, Section 567-43.3(7)(455B).
(Ord. 13-O-2008-2009, Add, 05/18/2009)

Chapter 3-5

WATER RATES

Sections:

3-5-1	**Water Rates**
3-5-2	**Payment, Penalty, and Deposit For Water**
3-5-3	**Cut-Offs**
3-5-4	**Water Shortages**
3-5-5	**Water Conservation Measures**
3-5-6	**Appeal And Adjustment**
3-5-7	**Premium Rate**
3-5-8	**Reduction In Flow Of Water To Any Customer**
3-5-9	**Exceptions To Water Conservation**
3-5-10	**Municipal Infraction**

Section 3-5-1 Water Rates

Effective for billings made on or after February 1, 2009, water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:
A base rate of $8.57 for the first 1,500 gallons
$2.57 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:
A base rate of $8.57 for the first 1,500 gallons
$2.57 per 1,000 gallons for the next 8,500 gallons.
$1.85 per 1,000 gallons for the next 150,000 gallons.
$1.78 per 1,000 gallons for the next 840,000 gallons.
$2.10 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after January 1, 2010 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:
A base rate of $9.17 for the first 1,500 gallons
$2.75 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:
A base rate of $9.17 for the first 1,500 gallons
$2.75 per 1,000 gallons for the next 8,500 gallons.
$1.98 per 1,000 gallons for the next 150,000 gallons.
$1.90 per 1,000 gallons for the next 840,000 gallons.
$2.24 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after January 1, 2011 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of $9.81 for the first 1,500 gallons
$2.94 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:
A base rate of $9.81 for the first 1,500 gallons
$2.94 per 1,000 gallons for the next 8,500 gallons.
$2.12 per 1,000 gallons for the next 150,000 gallons.
$2.03 per 1,000 gallons for the next 840,000 gallons.
$2.40 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after January 1, 2012 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:
A base rate of $10.50 for the first 1,500 gallons
$3.15 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:
A base rate of $10.50 for the first 1,500 gallons
$3.15 per 1,000 gallons for the next 8,500 gallons.
$2.27 per 1,000 gallons for the next 150,000 gallons.
$2.18 per 1,000 gallons for the next 840,000 gallons.
$2.57 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

The City Council may, by written contract, provide for commercial and industrial rates that are at variance with those set forth above if those same contracts provide long term guarantees that minimum payments will be made to the city to cover future bonded indebtedness during the term of the contract.

(C) If a single meter serves a property or area containing one or more multiple dwellings, or an area or property with several residential dwellings, the residential rate shall apply.

(D) If a single meter serves an area or property that is used for both residential purposes and for commercial and industrial purposes, the rate for the use that constitutes the majority of the consumption of water shall be used; or, the City Council may order that separate meters be installed to measure the water consumed by each such use.

(E) Effective February 1, 2009 the minimum rate for each user of 1,500 gallons or less shall be eight dollars and fifty-seven cents ($8.57) per month, per meter, effective January 1, 2010 the minimum rate for each user of 1,500 gallons or less shall be nine dollars and seventeen cents ($9.17) per month, per meter, effective January 1, 2011 the minimum rate for each user of 1,500 gallons or less shall be nine dollars and eighty-one cents ($9.81) per month, per meter, and effective January 1, 2012 the minimum rate for each user of 1,500 gallons or less shall be ten dollars and fifty cents ($10.50) per month, per meter. If a single meter shall serve more than one dwelling unit, commercial user, or industrial user, the minimum rate shall be increased by a factor equal to the total number of such units or users being served. As used herein, a dwelling includes separate apartments, condominiums, mobile homes or distinct portions of a duplex or multi-family dwelling, but it does not include dormitory rooms, hotel rooms, motel rooms or boarding rooms without separate kitchen and bath facilities.

(F) Definitions:

1. "RESIDENTIAL CONSUMER": A consumer purchasing water for single or multi-family dwelling

units whether or not such units are used exclusively for family living purposes.

2. "COMMERCIAL CONSUMER": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is less than one hundred sixty thousand (160,000) gallons per month.

3. "INDUSTRIAL CONSUMERS": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is more than one hundred sixty thousand (160,000) gallons per month.
(Ord. 07-O-2008-2009, Amended, 01/05/2009; Ord. 7-O-2002-2003, Amended, 03/17/2003; Ord. 17-O-2001-2002, Amended, 06/17/2002; Ord. 13-O-2001-2002, Amended, 02/18/2002; Ord. 11-O-2001-2002, Amended, 02/04/2002)

Section 3-5-2 Payment, Penalty, and Deposit For Water

(A) Payment and Penalty: The water rates or rents shall be due and payable monthly at the office of the Clerk on the first day of each month and in case the possession of any property shall change, the amount due for water shall be due and payable at once by the outgoing tenant. Water shall be turned on after a new connection has been made under the direction of the City Administrator or his/her designee and it shall be the duty of the City Administrator or his/her designee to keep a map in the office of the Clerk showing all water mains and connections made thereto. As soon as the same have been completed, the City Administrator or his/her designee shall report to the Clerk the completion of such connection and the name of the water taker shall be then entered upon the books of said Clerk. In addition to any other remedy hereinafter provided, there will be an additional ten percent (10%) charge for water rents not paid within fifteen (15) days after the same becomes due and payable. The ten percent (10%) charge shall be based upon the total of water rents, sewer rents and landfill charges shown on the subject bill.

(B) Combined Utility Deposit: 1.A combined utility deposit will apply according to 3-9 of City Code.
(Ord. 17-O-2005-2006, Amended, 06/19/2006; Ord. 05-O-2001-2002, Amended, 09/17/2001)

Section 3-5-3 Cut-Offs

Any water rents not paid within fifteen (15) days after the same becomes due shall be deemed delinquent and the Clerk shall at once order the water supply cut off until such rent is paid together with a fee, in the amount set by Council Resolution, to cover the costs of the turning off and on of such water supply. A disconnect notice will be posted at the premises and a fee, in the amount set by Council Resolution, will be added to the delinquent account to cover the cost of posting the notice. All meters where possible shall be placed within the building taking water in such location as to be easily accessible to the person reading the same and shall be carefully protected from frost or damage of any kind, and it shall be the duty of the water user to notify the Clerk in case of any defect in his/her meter.
(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

Section 3-5-4 Water Shortages

During and following drought conditions which may occur from time to time, the supply of water available to the Storm Lake Water Plant may become significantly and seriously depleted so that there will not then be sufficient supply of water to meet the customary and usual demand indefinitely. There may also be times when, because of plant failure or design limitations, the demand for water exceeds the capability of the water plant to produce treated water. Under those conditions, the City Council may find

and declare by resolution, a public emergency water shortage, during which time it may require any or all of the water conservation methods set forth in Section 3-5-5 of this Chapter for the purpose of producing an orderly and equitable curtailment of water consumption until, by resolution, the Council finds and declares the water shortage emergency to be ended. The Council may specifically authorize by resolution any of the water conservation measures set forth in Section 3-5-5, and in addition, or in the alternative, it may authorize the Mayor or City Administrator, or both to designate by proclamation which water conservation measures or additional water conservation measures shall apply.
(Ord. 01-O-2002-2003, Amended, 07/15/2002)

Section 3-5-5 Water Conservation Measures

The Council by resolution, or the Mayor or City Administrator by proclamation, if authorized, may select from among the following water conservation measures:

(A) There may be restrictions on the watering of lawns, gardens, plants, trees or shrubs including but not limited to a total ban on such watering, alternate day watering or watering limited to not more than a certain amount of watering within a certain specified period of time or within a particular time frame. In this connection, if circumstances so permit, restrictions may also be varied as between lawns, gardens, plants, trees and shrubs, and restrictions may be varied as between established lawns and plantings as compared to new seeding or sod or new plantings.

(B) There may be restrictions or complete prohibitions against noncommercial vehicle washing or commercial vehicle washing or both.

(C) There may be restrictions or complete prohibitions against the filling of private swimming pools, children's wading pools, or any other outdoor pool of any kind or description.

(D) Each customer may be required to achieve a particular percentage reduction in water usage as compared to a prior period water usage and be subject to the payment of a premium rate over and above the normal rate in the event such percentage reduction is not achieved. The amount of percentage reduction and the base period for comparison purposes shall be established by resolution or proclamation as previously set forth. The premium rate shall be as set forth in Section 3-5-7 of this Chapter.

(E) The Council, but not the Mayor or City Administrator, may set a base allocation for every customer of the Storm Lake water system, and if the consumption of a particular customer exceeds the base allocation, that customer shall pay, in addition to the regular rate for water consumption, the premium rate set forth in Section 3-5-7 for excessive consumption.

Section 3-5-6 Appeal And Adjustment

(A) Base Allocation: In the event that the Council establishes a base allocation by resolution, any customer of the Storm Lake water system may file an appeal with the City Administrator to adjust the base allocation amount. The City Administrator may grant an adjustment to the appellant based on the following criteria:

1. For single-family residential use, the base allocation may be increased to two hundred (200) cubic feet per person per billing period for all individuals residing at the appellant's residence for a period more than thirty (30) days.

2. For commercial, industrial, institutional or other residential use, the base allocation may be increased based on facts appropriate to the individual customer as, for example, the average of the water bill during the previous winter (November through April), production, service, or occupancy data provided by customer.

(B) Premium Rate Charges: Any customer may file for adjustment of the premium rate charges for excessive water consumption with the City Administrator. The City Administrator may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. The cause of the high consumption must be mechanical in nature (such as broken or leaky pipes or fixtures) rather than human carelessness.

2. The customer shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.

3. The adjustment may be granted only for the billing period prior to the correction of the failure.

4. For those accounts granted an adjustment of the premium rate charges, the minimum adjustment premium rate shall be two dollars ($2.00) per one thousand (1,000) gallons which shall be in addition to the normal rate.

Section 3-5-7 Premium Rate

At such times as there may be restrictions on consumption which is violated give rise to a premium rate, the premium rate shall be the amount of two cents ($0.02) per gallon of excess water consumed.

Section 3-5-8 Reduction In Flow Of Water To Any Customer

The City Administrator is authorized, after giving notice and opportunity for hearing, to reduce the flow of water to any customer determined to be using water in any manner not in accordance with this Chapter or a resolution or proclamation issued pursuant to Section 3-5-4.

Section 3-5-9 Exceptions To Water Conservation

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than from the Storm Lake Municipal water system, such as water condensed from the atmosphere by air conditioners or collected from rain or snow may be used without restriction.

Section 3-5-10 Municipal Infraction

A violation of any of the provisions of this chapter or of a resolution or proclamation issued pursuant to Section 3-5-4 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, and the fact that the customer has been charged or paid the premium rate authorized by Section 3-5-7 shall not constitute a bar to prosecution of the Municipal infraction.

Chapter 3-6

SOLID WASTE DISPOSAL

Sections:

3-6-1 Purpose
3-6-2 Who Shall Pay Fee
3-6-3 Rate Of Fee And Manner Of Payment
3-6-4 Lien On Property
3-6-5 Date Of Payment

Section 3-6-1 Purpose

The purpose of this Ordinance is to provide for the collection from all persons residing within this City sufficient fees to pay for the cost, including the cost of establishment, maintenance and operation, of a sanitary landfill disposal site.

Section 3-6-2 Who Shall Pay Fee

Every person, firm, or corporation whose premises are now or will be hereafter directly or indirectly benefitted by the establishment, maintenance and operation of a sanitary landfill site shall pay to the City the fee as hereinafter set forth and in the manner so provided.

Section 3-6-3 Rate Of Fee And Manner Of Payment

The fee for the purposes set forth in this Chapter shall be as follows:

(A) For all dwelling units, the fee shall be nine dollars ($9.00) per month;

(B) For each business establishment, the fee shall be eleven dollars and fifty cents ($11.50) per month.

This fee shall be included on and paid with the water bill at the time payment of the water bill is due, effective June 1, 2010.
If there are buildings or mobile home parks within the City containing more than one dwelling unit or business establishment and all such units or establishments do not have separate water meters, or, although separately metered, the water consumption for City billing purposes is measured only off of a master meter or meters, then the fee for any such unit or establishment shall be included on and paid with the water bill of the owner of such building.

In the event that there are people occupying the premises within the City that do not use City water, then the City Clerk shall transmit a bill to the owner or occupant of such premises for the fees established hereunder, contemporaneously with the transmittal of the water bills.

(Ord. No. 169495, Amended, 03/20/95; Ord. 14-O-2009-2010, Amended, 04/05/2010; Ord. 10-O-2008-2009, Amended, 04/20/2009; Ord. 09-O-2003-2004, Amended, 03/01/2004; Ord. 08-O-2002-2003, Amended, 04/21/2003; Ord. 10-O-2001-2002, Amended, 02/04/2002; Ord. 12-O-2001-2002, Amended, 02/04/2002)

Section 3-6-4 Lien On Property

If the fees established hereunder are not paid when due, then such amounts shall constitute a lien on the property served and such amounts shall be collected in the same manner as are ordinary taxes and assessments.

Section 3-6-5 Date Of Payment

All fees herein established shall be due and payable on the same date as are the water rates or rents as is provided for in Title 3, Chapter 5 of this City Code.

Chapter 3-7

EXTENSIONS OF SEWER AND WATER LINES WITHIN THE CITY LIMITS

Sections:

3-7-1 Purpose
3-7-2 Definitions, Measurements And Rules Of Construction
3-7-3 Cost Paid By Owner
3-7-4 Costs Paid In Whole Or In Part By The City
3-7-5 Computation Of Costs To Be Paid By The City
3-7-6 Extension Connection Fee
3-7-7 Developer Reimbursement
3-7-8 Relationship To Other Laws

Section 3-7-1 Purpose

The purpose of this Chapter is to set forth the extent to which the City will pay for all or part of the cost of extending water, sanitary or storm sewer service to a property located within the City that is not so served.

Section 3-7-2 Definitions, Measurements And Rules Of Construction

For the purposes of this Chapter:

(A) The term "property" shall mean one or more lots or tracts of land, or a subdivision or proposed subdivision, or an entire parcel of land that has been annexed to the City;

(B) The phrase "useable public service line" or similar phrase, shall mean the sewer or water line owned by the City that, in the judgment of the City, is adequate to service the particular property;

(C) Measurements relating to any new service line shall begin from a point on the property line of the entire property to be served where such service line will enter the property. Such point of entrance on the property line shall be as close as is feasible to the nearest useable service line, employing the most direct available route from the particular property to such useable public service line;

(D) The phrase "additional equipment" shall mean pumping or lift stations and like equipment. Force mains shall be considered standard equipment rather than additional equipment for the purposes of this Chapter.

Section 3-7-3 Cost Paid By Owner

Whenever a property is located not more than one hundred feet (100') from an existing useable public sewer or water line, all costs of construction of a service line (including all costs of additional equipment) from the property line of the property to be served to the existing useable service line shall be paid by the owner of the property to be served.

Section 3-7-4 Costs Paid In Whole Or In Part By The City

If the property to be served is located more than one hundred feet (100') from an existing useable public sewer or water service line, the property owner will construct the first one hundred feet (100') of the service line (including any additional equipment) in accordance with the terms of Section 3-7-3 of this Chapter. To the extent that the service line exceeds one hundred feet (100'), the City will construct or cause to be constructed, at its expense, not more than one hundred feet (100') of the remaining portion of the service line.

Section 3-7-5 Computation Of Costs To Be Paid By The City

The portion of any such service line to be constructed at the expense of the City shall be computed on an average per foot basis in the following manner:

(A) The costs of construction of the first one hundred feet (100') of the service line, to be paid for entirely by the owner as provided in this Chapter, shall be disregarded;

(B) The cost of construction of the remaining portion of the line shall be computed and that cost will be divided by the number of linear feet of pipe included in such remaining portion. The City will pay for the construction of not more than one hundred feet (100') of such remaining portion of the service line at the average cost computed in accordance with this Section;

(C) If additional equipment is required to be installed in connection with the remaining portion of the service line, the cost of such additional equipment shall not be used in computing the City's share of the cost of construction of the remaining portion of the service line. However, if the City Council determines that any such additional equipment would be of some benefit to the City in general, the Council may, in its discretion, agree to pay for a portion of the costs of such additional equipment, but in no event shall the City's contribution in this regard exceed one-half (1/2) of the total cost of such additional equipment. It is further expressly stated that if the City requires installation of sanitary sewer pipe in excess of eight inches (8") in diameter, or, a water pipe in excess of six inches (6") in diameter, the additional costs resulting from such requirement shall be paid for by the City.

Section 3-7-6 Extension Connection Fee

If any property owner shall apply to connect to a sewer service line or water service line which has been installed within the preceding ten (10) years by the City, or by the City and another property owner in combination, the new connecting property owner shall pay to the City an extension connection fee, which shall be in addition to the connection fees provided in Section 3-2-4B and 3-4-5, and subject to the following limitations and requirements:

(A) The actual cost of constructing the original service line must have been certified to the City Clerk within one hundred twenty (120) days of completion of the construction by the constructing property owner unless the service line extension was included in a City improvement project and paid for by the City.

(B) If the service line installed was greater than eight inches (8") in diameter for a sewer line, or six inches (6") in diameter for a water line, the cost of construction will be reduced as necessary to what the cost of construction would have been for an eight inch (8") sewer line or six inch (6") water line, as appropriate.

(C) The maximum connection fee shall be that portion of the total construction cost [reduced as necessary pursuant to subsection (B)] as the frontage of the connecting property owner's property bears to the total length of the original service line construction project. If a service line is designed to serve both sides of a street or alley, and both sides of the street or alley are within the City limits, the maximum connection fee shall be reduced by one-half (

Section 3-7-7 Developer Reimbursement

The City may by private contract agree to reimburse an original property owner, or developer for the cost of installing a water service line or sewer service line if new property owners make connection to it and pay to the City an extension connection fee, but the contract must provide that the total reimbursement will not exceed the share actually paid by the property owner or developer after credit for any costs paid by the City pursuant to 3-7-4, 3-7-5 and 3-7-6. The maximum amount which the City may reimburse to an original property owner or developer upon collection of a particular extension connection fee as the share of the original construction cost actually paid by the property owner or developer after credits as provided above bears to the total actual construction cost for the service line. Payments due a property owner or developer shall be paid within thirty (30) days from receipt of an extension connection fee.

Section 3-7-8 Relationship To Other Laws

This Chapter shall be construed to be in addition to the powers granted to cities under State law and in addition to this City's zoning and subdivision ordinances, rules and regulations.

Chapter 3-8

HAZARDOUS SUBSTANCES

Sections:

3-8-1 Purpose
3-8-2 Definitions
3-8-3 Cleanup Required
3-8-4 City Administrator's Responsibilities
3-8-5 Notifications
3-8-6 Municipal Infraction

Section 3-8-1 Purpose

In order to reduce the danger to public health, safety and welfare for the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and clean up of spills within the City limits.

Section 3-8-2 Definitions

For the purpose of this Chapter, these words have the followings meanings:

(A) "CLEANUP": The removal of the hazardous wastes or substances to a place where the waste will not cause any danger to persons or the environment, in accordance with State rules therefor or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable order as far as practicable.

(B) "HAZARDOUS CONDITION": The same as set out in Section 455B.381, subsection 4, 1993 Code of Iowa.

(C) "HAZARDOUS SUBSTANCE": Any substance as defined in Section 455B.381, subsection 5, 1993 Code of Iowa.

(D) "HAZARDOUS WASTE": Those wastes which are included by the definition in section 55B.411, subsection 3, 1993 Code of Iowa.

(E) "PERSON": Any individual, corporation, partnership, firm, association, cooperative or governmental agency of any kind.

(F) "RESPONSIBLE PERSON": The party, whether the owner, agent, lessor, or lessee, in charge of the hazardous substance or hazardous wastes being stored, processed, or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill of such hazardous substances or wastes would cause danger to the public or any person or to the environment.

(G) "TREATMENT": A method, technique, or process, including neutralization, designed to change the physical, chemical or biological charger or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safer for transport, amendable for recovery, amendable for storage,

or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it non-hazardous.

Section 3-8-3 Cleanup Required

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any water, including groundwaters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person and if more than one person shall be a responsible person as previously defined, each responsible person shall be jointly and severally responsible for the cost of cleanup. If the responsible person does not cause the cleanup to begin in a reasonable length of time in relation to the hazard and circumstances of the incident, the City Administrator shall serve upon the responsible person a reasonable notice, based upon the character of the hazardous condition, setting a deadline for accomplishing the cleanup and which notice shall provide that if the cleanup is not completed before said deadline that the City may proceed to procure cleanup services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means.

Section 3-8-4 City Administrator's Responsibilities

When the City Administrator is notified of an existing hazardous condition, the City Administrator shall communicate, to the extent possible, with the responsible person to determine the responsible person's intentions with regard to clean up. If reasonable assurances of clean up are not promptly received, the City Administrator shall cause the notice described in Section 3-8-3 to be served upon the responsible person. If the hazardous condition is not corrected by the deadline set forth in the notice, the City Administrator shall cause the clean up to be accomplished by public employees or private contractors, as the Administrator deems appropriate, unless the costs of said clean up exceeds the City's financial capacity. If the cost of the clean up is beyond the capacity of the City to finance, the City Administrator shall report to the Council and immediately seek any State or Federal funds available for said clean up.

Section 3-8-5 Notifications

The first City officer or employee who arrives at the scene of an accident involving hazardous substances, if not a police officer, shall notify the Police Department of such hazardous condition. The Police Department, when notified of a hazardous condition, shall immediately notify the City Administrator of the hazardous condition, and the City Administrator, or the City Administrator's designated alternate employee, shall thereafter notify the State Department of Natural Resources of the hazardous condition in the manner required by that Department.

Section 3-8-6 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 3-9

COMBINED UTILITY DEPOSIT

Sections:

3-9-1 Purpose
3-9-2 Definitions

Section 3-9-1 Purpose

The purpose of this section is to establish a combined utility deposit for water, sewer, landfill and storm water utility services.
(Ord. 17-O-2005-2006, Add, 06/19/2006)

Section 3-9-2 Definitions

1. All customers applying for water, sanitary sewer, landfill, and/or storm water utility service to a property not owned by them shall be required to make a combined account deposit as hereinafter provided unless the owner of the property executes a guarantee agreement wherein the owner agrees to pay promptly all municipal utility charges for service to the property.

2. No customer receiving water, sanitary sewer, landfill, and/or storm water utility service to a property not owned by the customer as of the effective date of this ordinance shall be required to make a combined account deposit as required above for so long as the customer remains at the same address provided, however, that if water to that customer is ever shut off by the city after the effective ate of this ordinance for any reason attributable to the customer other than a temporary discontinuance requested by the customer, water to that customer shall not be turned back on until the combines account deposit required by this section has been paid.

3. A combined utility deposit sum for residential customers shall be adopted annually in an amount equal to the average quarterly charge for water, sanitary sewer, storm water, and landfill for all residential users for the previous twelve months.

4. Under no circumstances will deposits be used to pay past due accounts.

5. The original amount of the combined utility deposit will be refunded to the customer or credited to the customer's account after twenty-four (24) months of continued service so long as during this twenty-four month period there has been no notice of delinquency sent to the customer.

6. The combined utility deposit, less any unpaid charges for water, sewer, or landfill, shall be refunded without interest to the customer upon termination of the services.
(Ord. 17-O-2005-2006, Add, 06/19/2006)

Chapter 3-10

STORM WATER DRAINAGE UTILITY

Sections:

3-10-1	**Purpose and Findings**
3-10-2	**Definitions**
3-10-3	**Storm Water Utility Established**
3-10-4	**Charges and Fees in General**
3-10-5	**Storm Water Utility User Charge**
3-10-6	**Calculation of Equivalent Residential Units and Amount of Charge**
3-10-7	**Billing**
3-10-8	**Delinquency, Collection, Interest and Penalties**
3-10-9	**Request for Service; Disconnection from Service; Use Reclassification, Termination of User Charges**
3-10-10	**Appeals**
3-10-11	**Severability Clause**

Section 3-10-1 Purpose and Findings

(A) The purpose of this Ordinance is to establish the Storm Water Drainage Utility, authorize charges, rates and fees for use of, and discharge to, the storm and surface water drainage system; to provide a process for appeals from certain decisions of the City Council relating to such charges; and to provide for collection of delinquent charges.

(B) The City Council finds that the construction, operation and maintenance of the City's storm water system should be funded through user charges imposed for the discharge of storm and surface water to the storm water drainage system, thereby charging those persons and activities using or receiving service from that system.

The City may be required to provide increased quantity or quality controls to mitigate those impacts of pollutants from discharging storm and surface waters into the storm water system. Therefore, it is appropriate to impose a storm and surface water user charge upon all users of property which may discharge, directly or indirectly, into the storm water system.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-2 Definitions

The following words shall have the following definitions when used in this Ordinance, and any Resolution and Order adopted pursuant hereto, unless the context requires otherwise or unless such word is expressly defined otherwise:

(A) City. Shall mean the City of Storm Lake, Buena Vista County, Iowa, and shall include any representative or employee of the City authorized to act, in its behalf.

(B) Condominium. Shall mean individual dwelling units contained within a single structure with

multiple owners with each unit having a separate water meter.

(C) Council. Shall mean the City Council of Storm Lake, Iowa.

(D) Connection. The physical act or process of directing or allowing the flow of storm and surface waters to the storm sewer or drainage line, or joining onto a private storm sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It shall also include creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.

(E) Date of Imposition or Imposition Date. Shall mean July 1 of each fiscal year or such other date designated by the Council at which time a charge is imposed and becomes the legal obligation of the user. The obligation may include the cost of services to be provided during the billing period or for services previously provided to the same person under this Ordinance.

(F) Days. Shall mean calendar days unless otherwise specified.

(G) Equivalent Residential Unit or ERU. Means a measurement unit based on the impervious surface area of an average improved single family dwelling lot or parcel within the City (as determined by a statistical sampling performed by the City). Except as provided in Section 5, one equivalent residential unit shall be deemed to be 2,750 square feet of impervious material. See "Section 6, Flat Rate Users" for further clarification.

(H) Impervious Surface Area. Means all land area that has been altered from its natural state such that it does not allow the infiltration and retention of water equivalent to that of undisturbed soil. This shall include, but is not limited to: pavement, buildings, decks, parking areas, and compacted gravel areas. Impervious surface shall not include improved streets, roads and sidewalks within the public right-of-way. Rather such facilities are deemed to be part of the public surface water drainage conveyance system.

(I) Occupant. Shall mean the person residing or doing business on the property. In a family or household situation, the occupant responsible for the obligations herein imposed shall be the adult heads of the household, jointly and severally. In a dwelling or office sharing situation, the adult occupant legally responsible for the management or condition of the property shall be responsible.

(J) Owner. Shall mean the legal owner(s) of records as shown on the tax rolls of Buena Vista County, or where there is a recorded land sale contract, the purchaser thereunder.

(K) Person. Shall mean any individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, or any other legal entity whatsoever.

(L) Rule. Shall mean any written standard, directive, interpretation, policy, regulation, procedure or other provision, adopted by the City Council as a Resolution and Order to carry out the provisions of this Ordinance.

(M) Storm and Surface Water Drainage System. Means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, curb and gutter, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

(N) This Ordinance. Shall include Ordinance Number 16-O-2005-2006, any rule or Resolution and Order adopted pursuant thereto.

(O) User. Shall mean any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for surface water management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-3 Storm Water Utility Established

Pursuant to the authority of Section 384.84, The Iowa Code, as amended, the City Council hereby establishes a storm water utility in the City. The entire City, as increased from time to time, shall constitute a single storm and surface water drainage system district.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-4 Charges and Fees in General

The Council may adopt by rule, charges, rates, and fees for the use of the City's storm and surface water system, and for services provided by the City relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. Except as specifically provided in this Ordinance or by Resolution and Order, all charges and service fees shall be due and payable in advance of provision of service. All billing procedures shall be the same as for water usage and may be billed on the same bill.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-5 Storm Water Utility User Charge

(A) There hereby is established a Storm Water Utility System User Charge. This charge hereby is imposed on every user within the City of the storm and surface water drainage system on the imposition date. The charge may be required to be paid in advance of the provision of service for the billing period. The charge due for the billing period shall be the obligation of the user of the public storm system on the imposition date, notwithstanding whether the user is the addressee of the bill.

(B) The charge shall be the personal obligation of the user on the imposition date, regardless of whether that person has any ownership interest in the property. This charge shall constitute a debt due the City as of the date of imposition.

(C) There shall be a rebuttable presumption that the owner of the real property, as shown in the records of the County Assessor, is the occupant.

(D) Any person who has paid the full amount due in advance of receiving service shall be entitled to a refund if the person ceases to be the user. The refund shall be effective on the date the property is vacated or sold and based on the number of days remaining in the billing period. The refund is waived unless a written request for refund is file within thirty (30) days of vacating or selling the property. The request shall include documentation reasonably deemed adequate by the Council. Notwithstanding any other provision, the new user shall be responsible for the remaining balance of the service charge, which may be billed immediately or added to the bill for the next period.

(E) The Storm Water Utility User Charge shall be imposed upon any person who uses or discharges to the public storm and surface water drainage system by:

1. Maintaining impervious surface connected to (directly or indirectly) and capable of discharge to the public surface water management systems; or

2. Actually discharging storm or surface water into the system.

(F) Said charge shall be charged for all users of properties within the boundaries of the City. A property containing impervious surface, is presumed to discharge storm water to the storm and surface water drainage system, and to generate a demand for storm and surface water drainage services unless that property has an on-site disposal system which meets the standard of Section 6.5 and any rules adopted thereunder.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-6 Calculation of Equivalent Residential Units and Amount of Charge

(A) This subsection shall be used to determine the number of Equivalent Residential Units (ERUs) for a property for purposes of determining the amount of Storm Water Utility (SWU) service charges and the water quantity component of the SWU. There are two types of uses: flat rate uses and measured uses. These are defined as follows:

1. "Flat Rate" Uses

Improved properties that qualify under this section as flat rate uses shall be charged at the rate of one (1) ERU per dwelling unit. The following uses shall be defined as "flat rate" uses:

a. Single Family Residence
A residential structure not attached to another residential structure on one or more parcels of land, providing there are not more than two residential structures on one parcel. This definition also includes trailers, mobile homes, and manufactured homes, if on separate parcels. Two separate dwelling units on a single parcel shall be charged one (1) ERU per dwelling unit.

Three or more residential dwelling units on one parcel, whether attached or unattached, shall be considered a multiple family residential use.

b. Duplex
Two dwelling units joined to each other with a common wall, or one above the other, on one or two parcels. The units may be under one ownership, or owned separately. Each dwelling unit of the duplex shall be charged one (1) ERU.

c. Multi-Family Residential Use
Three or more dwelling units joined to each other horizontally or vertically, on one or more parcels. The units may be under one ownership or more. Each dwelling unit shall be charged one (1) ERU. The owner of the taxed land parcel shall be deemed the user; except where multi-family dwelling units are individually metered the occupant of each unit is deemed the user and shall be charged one (1) ERU. A multi-family residential building having three or more stories, with three stories being defined by the latest adopted building code of the City of Storm Lake, shall be billed based as a commercial or industrial user as outlined in Section 2 of Section 3-10-2 of theCity Code of the City of Storm Lake Iowa.

d. Condominiums
Each living unit of a condominium shall be charged one (1) ERU. Unit is defined as living units and do not include supporting uses, such as garages, even though they may be on separate parcels.

e. Mobile Home Parks
Includes mobile homes on a single tax lot (even if there are more than two per tax lot) under one ownership, where spaces are leased or rented for a mobile home or trailer to be placed. Each space or a trailer to be placed. Each space in a mobile home park shall be charged one (1) ERU whether or not there is a mobile home on the space. Other impervious areas contained within the boundaries of the mobile home park shall not be measured. The owner of a taxed lot shall be deemed the user.

2. Measured Uses
Properties that are not Flat Rate Uses shall be measured uses. For such uses, the impervious surfaces of the property, as defined by rule, shall be measured. The area shall be estimated

using one or more of the following: aerial photographs, assessment records, building permits, construction plans, site visits, ad valorem property tax records, storm and surface water system connection permits, field surveys or other sources deemed reliable by the City connection permits, field surveys or other sources deemed reliable by the City.

This area shall then be divided by 2,750 square feet of one (1) Equivalent Residential Unit within the City. The ERU for all of the uses in this subsection shall be determined by measuring the impervious area. All values shall be rounded to the next lowest whole number, but not less than one (1) ERU.

Properties that are three stories or more with a story being defined by the latest adopted Building Code of the City of Storm Lake and having multiple meters within the property shall have their bill based on the total impervious surface area of the property as defined by this section of the City Code. The total ERU'S for the property will be divided to the next lowest whole number, but not less the one (1) ERU per meter.

a. Commercial, Industrial. Institutional
These categories include the entire range of office, manufacturing service, sales restaurant, day care, nursery, warehouse, churches, schools, utilities, public service buildings, parks, hospital, nursing home, rest home, retirement home, and other similar uses. This category includes land with an impervious surface with no building improvements.

3. General Policies

a. No Limit on Charge for a Measured Use
If a use is a measured use, its charge shall not be limited.

b. Minimum Charge
The minimum charge for any parcel with impervious areas subject to the SWU charge shall be one (1) ERU.

c. Community Facilities
The flat rate category includes typical residential uses within a parcel or single ownership, as defined above. If a community or neighborhood recreation center or similar facility exists within a subdivision, even if associated with the single family or duplex properties, that property shall be measured and charged separately to the user of that property.

d. Seasonal Impervious Area
Properties which have areas that are impervious for only a portion of the year shall constitute seasonal impervious area. If an impervious area is in place for more than three (3) months per year, it shall be subject to the SWU charge.

e. Miscellaneous
1) No credits, exemptions, or reductions shall be given for impervious surfaces that are

submerged for a portion of the year.

2) If impervious areas are so small they cannot be detected on aerial maps at a scale of 1" = 50', then they shall not be included in the total impervious area.

3) A residence of any kind and a garage for that residence, shall be charged one (1) ERU, even if on two adjacent parcels.

4) Swimming pools are exempted from SWU fees providing the filter drains are connected to the sanitary sewer system.

5) No waiver shall be given for small impervious areas on a large pervious property.

4. Exclusion from Impervious Surface Measurement

a. Roads

1) Public roads shall not be included in the measurement of impervious surface areas.

2) All private roads are to be included in the measurement of impervious surface areas, except private roads that serve flat rate uses. Private roads are defined as all roads and driveways which have not been dedicated to the public and accepted for public use, and which are defined as an impervious surface under other City rules.

b. Determination of Impervious Surfaces - Roadways
All roadways, whether dirt, gravel, or paved, shall be considered impervious, and unless a part of an exempted category of road, or a part of a flat rate use, shall be included in the impervious area measurement. A "roadway" is defined as an area intended for the purpose of providing access for motor vehicles. Motor vehicles shall include automobile. Roadways shall include such things as roads, streets, alleys and driveways.

c. Determination of Impervious Surfaces - Parking and Storage Areas

1) All parking and storage areas, whether dirt, gravel or paved, shall be deemed impervious. A parking area is defined as an area where motor vehicles are parked temporarily. This shall include such areas as public and private parking lots (regardless of frequency of use), and storage areas.

2) A dirt or gravel area that is not accessed by motor vehicles, or is not otherwise highly compacted, shall be considered not impervious. This shall include such uses as landscaping, and gravel or dirt areas accessed only by foot traffic, or small vehicles, as defined above.

b. Railroad Facilities
Railroad facilities shall be included in the measurement of impervious area, but the rail grade itself shall be excluded as being pervious.

5. Exemption from SWU Service Charges

   a. Users of properties for which all storm water is disposed of on-site, as defined by City standards, may request an exemption from SWU service charges. No partial exemptions for disposal of only a portion of the storm and surface waters on-site, shall be allowed. In order to qualify for service charge exemption, the user must design, construct and maintain an on-site facility that keeps all storm and surface water for the full range of storms during the year. This applicant for exemption must pay an initial inspection/review fee.

      For the purpose of this Section, the term "property" means a parcel of land, or a group of adjacent parcels working in cooperation. The term "on-site disposal" means on the parcel, or on another parcel in the near vicinity of the parcel requesting the exemption.

      In order to qualify for the exemption, the on-site system must encompass the entire property (except for incidental impervious areas as defined below), must be completely separated from the public system, and must provide adequate on-site disposal. Incidental area such as sidewalks, decks, and driveway aprons, shall not exceed ten percent (10%) of the total impervious area.

      On-site disposal facilities that may qualify are dry wells, injection wells, retention basins with percolation/evaporation capacity, and retention basins with capacity large enough to accommodate the total of all storms through the year. Many of these may have a possible adverse effect on ground water, and some techniques may require approval of State, Federal and local agencies.

   b. To qualify, an applicant must submit a request to the City for a waiver of monthly service charges relating to the property. This request shall include a certification from an engineer, or other evidence acceptable to the City, that shows the system is separate and will dispose of the full range and volume of storm water through the year on-site. The applicant shall also submit a maintenance plan for assuring the system will function as designed. The application must be signed by the property owner.

      An inspection/review fee shall be paid at the time of application.

      A decision denying an exemption may be appealed. If approved, the waiver will be effective for the next billing cycle.

   c. The City retains the right to inspect the on-site measures to assure they are functioning as designed. If at any time the measures are found to not be effective, the exemption shall cease.

(B) RATES. The rates for the service charge shall be established in accordance with Section 13.18.030 and is on a fiscal year basis, the estimated storm water utility system actual costs, less other projected revenue, divided by the estimated total number of ERUs connected to

the City storm water utility system. The rate of service charge shall be $2.75 per ERU effective June 1, 2010.

All ERU records for all properties within the City of Storm Lake shall be kept on file in the City Clerk's office and shall be available during normal office hours for examination.

(C) DEPOSIT. All users of the storm water utility shall be subject to the provisions of the combined utility deposit set forth in Section 3-9-2.
(Ord. 13-O-2009-2010, Amended, 04/05/2010; Ord. 09-O-2008-2009, Amended, 04/20/2009; Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-7 Billing

(A) The City shall send a bill for the amount due by regular mail to every user in the City. Mailing to the owner of record as shown in the assessor records or to the occupant with a water account, as determined appropriate by the City, shall satisfy this requirement. The billing period shall be the same as for the water usage. The bill may be made part of the regular billing for a water account or a separate billing as determined by the City.

(B) The recipient of the first billing after the imposition has twenty (20) days after receipt of the first billing to notify the City of Storm Lake the recipient is not the responsible party and to provide information on the relationship of the recipient to the property and the occupant of the property as of the imposition date. Failure to file notice within twenty (20) days after the receipt of the initial billing shall be deemed to establish the original addressee as the user on the imposition date.

(C) Upon receipt of the notice, the City shall determine who is obligated for payment. Based on this determination, the City shall:

1. Issue a new bill to the occupant if the property was occupied by someone other than the original recipient;

2. Reissue the bill to the recipient if it is found that the person was the occupant;

3. Issue a bill to the owner as the user, if the property was not occupied.

The City may take into account any reasonably reliable information available to it, including utility or water district records.

(D) Notwithstanding any other provision of this Ordinance, any person may agree in writing to be responsible for payment of the charge. Upon filing of such a writing with the City, subsequent bills shall be sent to that person, and that person shall be deemed to be the user.

(E) It shall be a violation of this Ordinance to knowingly provide false informationto the City regarding any fact related to billing of a storm water utility service charge or other charge to the city.

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-8 Delinquency, Collection, Interest and Penalties

(A) Charges imposed under this Ordinance are deemed delinquent when not paid in full by the due date provided in a billing for the charge.

(B) It shall be unlawful and a violation of this Ordinance for any person to discharge wastewater into the City's Storm Water Utility System. It is also unlawful and a violation of this Ordinance to maintain a connection to or use the City's Storm Water Utility System without paying the appropriate charges and fees established in this Section or any rule adopted pursuant hereto. Even if no billing is received, such charges shall be due and owing and the user is obligated to pay any charges in a timely fashion.

(C) Payment and Penalty: All users shall be billed monthly. Billing for any particular month shall be made within thirty (30) days after the end of that month. Payments are due when the billings are made. Any payment not received within fifteen (15) days after the billing is made shall be delinquent. There will be an additional ten percent (10%) charge for storm water charges not paid within fifteen (15) days after the same becomes due and payable.

(D) Lien: The City shall have a lien upon the property served by the storm water utility for all delinquent rates and charges. The City Clerk shall certify within ten (10) days of the following dates, to the County Auditor for collection with and in the same manner as property taxes and to establish the property lines, all rates and charges which be delinquent over thirty (30) days on the first of March, June, September, and December.

(E) Combined Utility Deposit: A combined utility deposit will apply according to 3-9 of the City Code.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-9 Request for Service; Disconnection from Service; Use Reclassification, Termination of User Charges

(A) The issuance of a storm water utility system connection permit relating to impervious surface on a property or parcel shall be deemed to be a specific request for provision of storm and surface water service to that property.

(B) Any user of the public storm water utility system may disconnect property served by the system from service and terminate further user charges by utilizing the procedure in this Section.

(C) Any user of the public storm water utility may remove all or part of the impervious surface on the property served by the system and apply for use reclassification by utilizing the procedure in this Section.

(D) A person desiring to disconnect property from the system shall make application on a form provided by the City and pay the fee established therefore. The application shall be signed by

the owner of the property; shall provide evidence of demolition or removal of any impervious surface on the property, or of installation of an approved on-site storm and surface water retention or infiltration system serving the property. Such on-site system shall be designed and operated to retain or dispose of on-site all storm and surface waters generated by the property, through the full range of storm events prescribed by City rule. The Council may by rule, adopt additional criteria and administrative procedures to provide for disconnection from storm water utility service, and suspension or termination of user charges.

(E) Upon receipt of a complete application for disconnection or reclassification, and verification of information thereon, and installation of the on-site system or demolition of impervious area as provided in subsection C. of this Section, the City shall issue a permit for disconnection or reclassification. Whether performed by the City or other person, the City shall inspect the disconnection.

(F) The City may inspect the on-site system at any time. If at any time the system fails to perform to the standard specified in subsection C. above, the City shall notify the owner to correct the system. If the system is not corrected to meet on site retention or infiltration standards within thirty (30) days of such notice, the City may treat such deficiency as a reconnection to the storm water utility system and as a specific request for storm water utility service. Service fees shall then relate back to the earliest date on which the system failed to meet applicable performance standards for on-site retention or disposal.

(G) If at any time after reclassification an impervious surface is added to the property, the City shall consider such an addition as a reconnection to the storm water utility and as a specific request for storm water utility service.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-10 Appeals

(A) Appeals.

1. The following may be appealed in accordance with the provisions of this section.

    a. A determination that the person is obligated to pay the service charge imposed herein.

    b. A dispute as to the proper calculation of the amount due from the person. This shall not include, however, an objection to the overall establishment of the storm water utility charge or the charge per ERU established by the City Council or the establishment of classes of impervious surface area.

    c. A discretionary decision implementing a rule adopted by the Council if an appeal is provided in the action adopting the rule.

2. The initial appeal shall be filed in writing and addressed to the City Clerk. The appeal must be received in the office of the City Clerk no later than the thirtieth (30th) day after the action that is being appealed. The thirty (30) days shall be calculated from the due date of a bill, or

a reissued bill, whichever is later.

3. The appeal filed in the office of the City Clerk shall be heard by the City Administrator. The appellant shall be provided a reasonable opportunity to submit written and oral support for the appellant's position. The City Administrator shall issue a written decision within thirty (30) days after the receipt of the appeal, or ten (10) days after receipt of the last information by the appellant in support of the appellant's position, whichever is later.

4. The written decision of the City Administrator may be appealed to the City Council. The appeal must clearly state the basis on which the appeal of the City Administrator's decision is being filed. Any appeal to the City Council must be filed in the office of the City Clerk within fifteen (15) days after the date of the written determination by the City Administrator. The appeal to the City Council shall be heard in an informal proceeding. The appellant shall be provided a reasonable opportunity to submit additional written or oral support for the appellant's position. The City Council shall issue a written decision within forty-five (45) days of the date the appeal is filed in the office of the City Clerk.

5. The written decision of the City Council may be appealed to District Court. Failure to properly exhaust the administrative remedies provided in this section shall constitute a bar to judicial relief

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-11 Severability Clause

If any section, subsection, provision, clause or paragraph of this Ordinance, or rules adopted pursuant hereto, shall be adjudged or declared to be unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Ordinance or such rules; and every other portion thereof shall remain in full force and effect.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Chapter 3-11

ILLICIT DISCHARGE TO STORM SEWER SYSTEM

Sections:

3-11-1 Findings
3-11-2 Illicit Discharges Prohibited
3-11-3 Illicit Connections Prohibited
3-11-4 Industrial Discharges
3-11-5 Illicit Discharge Detection and Reporting; Cost Recovery
3-11-6 Suspension of Access to the City's Storm Sewer System
3-11-7 Watercourse Protection
3-11-8 Waste Disposal Prohibitions
3-11-9 Enforcement

Section 3-11-1 Findings

(A) The U.S.EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Storm Lake, Iowa is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the city clerk and is available for public inspection during regular office hours.

(B) As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce an ILLICIT DISCHARGE TO STORM SEWER SYSTEM ordinance.

(C) No state or federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this ordinance entirely by charges imposed on the owners of properties which are made subject to the Program by virtue of state and federal law, and/or other sources of funding established by a Stormwater Utility ordinance.

(D) Terms used in this ordinance shall have the meanings specified in the Program.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-2 Illicit Discharges Prohibited

(A) For purposes of this ordinance, a "responsible party" is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this ordinance and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned. For purposes of this ordinance, "property" includes but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate.

(B) Nothing in this ordinance shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other federal, state or City permit, statute, ordinance or rule from any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this ordinance.

(C) Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit, the terms of which are hereby incorporated by reference, shall be deemed an "illicit discharge" in violation of this

ordinance.

(D) Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City's Planning & Zoning Ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the DNR shall be deemed an illicit discharge in violation of this ordinance.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-3 Illicit Connections Prohibited

(A) For purposes of this ordinance, an "illicit connection" to the City's storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.

(B) The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this ordinance.

(C) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-4 Industrial Discharges

(A) Any responsible party subject to an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit.

(B) Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-5 Illicit Discharge Detection and Reporting; Cost Recovery

(A) All detection activities permitted under this ordinance shall be conducted by [the city engineer] [the city public works director][the code enforcement officer][police officer and fire fighter] [a subcontractor credentialed in a manner satisfactory to the city], or his or her designee, hereinbefore and after referred to as the "enforcement officer."

(B) The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge, undetected by the City.

(C) Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement officer illicit discharges which the responsible party knows or should have known to have occurred. Failure to comply with any provision of this ordinance is a violation of this ordinance.

1. Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party's sole

cost.

2. If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via 911.

3. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

4. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within twenty-four (24) hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four (24) hours of the personal or phone notice.

(D) Any person or entity shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge.

(E) Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four (24) hours.

(F) The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:

1. A responsible party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by state and federal law.

2. The enforcement officer shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.

3. The enforcement officer shall have the right to require any responsible party at responsible party's sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party's sole expense. All devices shall be calibrated to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and easy access to property to be inspected and/or sampled shall be promptly removed by the responsible party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

5. An unreasonable delay in allowing the enforcement officer access to a property is a violation

of this ordinance.

6. If the enforcement officer has been refused access to any part of the property from an illicit connection and/or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

(G) If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this ordinance shall be recovered from the responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the city for the enforcement activities undertaken. Failure to pay charges invoiced under this ordinance within thirty (30) days of billing shall constitute a violation of this ordinance.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-6 Suspension of Access to the City's Storm Sewer System

(A) Emergency suspension. The enforcement officer may, without prior notice, suspend storm sewer system access to a property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent or minimize the illicit discharge. All costs of such action shall be recovered from the responsible party for the property identified as the source of the illicit discharge.

(B) Non-emergency suspension. If the enforcement officer detects or is informed of circumstances which could cause an illicit discharge but such illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement officer shall notify the responsible party of the proposed suspension of storm sewer system access and the time and date of such suspension. Notice to one responsible party for the property shall be sufficient notice to all. Remediation of the circumstances shall avoid a violation of this ordinance provided that no illicit discharge occurs. In the alternative, the responsible party may request a meeting with the enforcement officer for the purpose of presenting information which the responsible party believes will show that remediation is unnecessary, and if the enforcement officer finds such information is satisfactory the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds such information unsatisfactory the enforcement officer shall issue a final written order of suspension including the date and time of suspension and such order may be appealed as provided hereinafter. Any physical action to reinstate storm sewer system access to property subject to such order prior to obtaining a court order of relief shall be deemed a violation of this ordinance. An order of suspension shall not preclude charging the responsible party with a municipal infraction as provided hereinafter or taking any other enforcement action permitted by statute or ordinance.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-7 Watercourse Protection

Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water

through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-8 Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-9 Enforcement

(A) Violation of any provision of this ordinance may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this ordinance.

(B) Violation of any provision of this ordinance may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance.

(C) Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Chapter 3-12

PRIVATE WELLS

Sections:

3-12-1 Purpose
3-12-2 Potable Water Wells Prohibited
3-12-3 Permit Required
3-12-4 Special Exceptions
3-12-5 Existing Wells
3-12-6 Violation

Section 3-12-1 Purpose

The purpose of this chapter is to protect the public health, safety, and welfare and assure an adequate and safe water supply to the residents of the City of Storm Lake by prohibiting the construction of private wells within the corporate limits that could become possible points of entry of pollutants into the City's water supply or otherwise interfere with the municipal water system maintained and controlled by the City of Storm Lake.
(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-2 Potable Water Wells Prohibited

No person shall construct a well to be used as a potable water supply within the corporate City Limits. For the purposes of this chapter, "person" means private citizen, corporation, or any other entity excluding the City of Storm Lake.
(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-3 Permit Required

No person shall construct a well used for other than drinking water (such as monitoring wells greater than 20' deep, geo thermal wells, heat pump wells, and wells used for irrigation systems) unless a permit has been issued for the well by the Buena Vista County Sanitarian. The County Sanitarian will consult with the City prior to issuing permits for wells inside the corporate City limits to determine if the well will interfere with the City's water supply. If the City of Storm Lake's water supply will be negatively impacted by the construction of the well then the application shall be denied.

Wells shall not be connected directly or indirectly to the City water supply.
(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-4 Special Exceptions

The City of Storm Lake may, upon written request to the City Administrator, grant a special exception to the prohibition set forth in Section 3-12-2 upon such conditions and limitation as the City, in its sole discretion, may prescribe. The City is under no obligation to grant any special exceptions whatsoever, and the authority to grant such special exception includes the authority to set appropriate fees for administration, oversight, and monitoring as the City Council shall deem appropriate.
(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-5 Existing Wells

Any person who owns property in the City of Storm Lake which has a well which was constructed prior to the effective date of this ordinance shall register said well with the City. There will be no fee charged for the registration of pre-existing wells.
(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-6 Violation

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 10 of this Code and by Section 364.22 of the Code of Iowa.
(Ord. 12-O-2008-2009, Add, 06/01/2009)

Chapter 4-1

JUNK YARDS

Sections:

4-1-1 Definition
4-1-2 Junk Yards Not Permitted
4-1-3 Collection Of Junk Prohibited
4-1-4 Municipal Infraction

Section 4-1-1 Definition

JUNK YARD OR SALVAGE YARD: As used herein, junk yard or salvage yard shall have the same meaning and shall mean any business, whether for profit or not, engaged in the business of salvaging or storing junked motor vehicles or machinery, appliances, or other items of tangible personal property unless such business is conducted entirely within the confines of a building.

JUNK: Any material or article having lost its value for the original purpose for which it was created or manufactured and which has a value only for the salvage of its material or parts.

Section 4-1-2 Junk Yards Not Permitted

Junk yards or salvage yards, as defined in this Chapter shall not be permitted within the City limits within the City of Storm Lake.

Section 4-1-3 Collection Of Junk Prohibited

No person shall collect or accumulate junk within the City limits of the City of Storm Lake, Iowa unless such collection of junk is housed entirely within closed structures and provided such enclosed collection of junk does not constitute a nuisance.

Section 4-1-4 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 4-2

INDUSTRIAL PROPERTY IMPROVEMENT TAX EXEMPTIONS

Sections:

4-2-1 Purpose
4-2-2 Definitions
4-2-3 Amount Of Exemption
4-2-4 Application For Exemption
4-2-5 Prior Approval
4-2-6 Repeal Of Exemption
4-2-7 Ineligibility For Exemption

Section 4-2-1 Purpose

The purpose of this Chapter is to implement the provisions of Chapter 427B of the 1993 Code of Iowa and as such Chapter may later be amended, in order 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 and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1, subsection (1), paragraph (e), of the Code of Iowa, as amended.

Section 4-2-2 Definitions

(A) "ACTUAL VALUE ADDED": The actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January first of each year for which the exemption is received.

(B) "NEW CONSTRUCTION": New buildings and structures, including 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 the structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Development Commission. New construction does not include the rezoning of or the acquisition of undeveloped real property.

(C) "NEW MACHINERY AND EQUIPMENT": The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to Section 427A.1, subsection (1), paragraph (e), of the Iowa Code, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

Section 4-2-3 Amount Of Exemption

(A) The actual value added to industrial real estate for the reasons specified in Section 4-2-2 is eligible to

receive a partial exemption of taxation for a period of five (5) years. The amount of actual value added which is eligible to be exempt for taxation shall be as follows:

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

(B) However, the granting of the exemption under this Section 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.

Section 4-2-4 Application For Exemption

An application shall be filed for each project resulting in actual value added for which an exemption is claimed. 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. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

Section 4-2-5 Prior Approval

A person may submit a proposal to the City Council of the City to receive prior approval for eligibility for a tax exemption on new construction. The City Council, by ordinance, may give its prior approval of tax exemption for new construction if the new construction is in conformance with the zoning plans for the City. The prior approval shall also be subject to the hearing requirements of Section 362.3 of the 1985 Code of Iowa. 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. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject.

Section 4-2-6 Repeal Of Exemption

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 Ordinance, but all existing exemptions shall continue until their expiration.

Section 4-2-7 Ineligibility For Exemption

A property tax exemption under this Act shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

Chapter 4-3

SOLICITORS

Sections:

4-3-1	**License Required**
4-3-2	**Definitions**
4-3-3	**Exemptions**
4-3-4	**Application For License**
4-3-5	**Issuance Of License**
4-3-6	**Fees**
4-3-7	**Bond Required**
4-3-8	**Display Of License**
4-3-9	**License Not Transferable**
4-3-10	**Revocation Of License**
4-3-11	**Expiration Of License**
4-3-12	**Sale From Vacant Lots**
4-3-13	**Municipal Infraction**

Section 4-3-1 License Required

Any person engaging in peddling, soliciting, fund raising, or in the business of a transient merchant in this City without first obtaining a license as herein provided shall be in violation of this Ordinance.

Section 4-3-2 Definitions

For the use within this Ordinance the following terms are defined:

(A) "PEDDLER": Any person, firm or corporation carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.

(B) "SOLICITOR": Any person, firm or corporation who solicits or attempts to solicit from house-to-house or upon the public street in order for goods or merchandise to be delivered at a future date.

(C) "FUND RAISER": Any person, firm or corporation who solicits funds for any organization unless such organization has for more than one (1) year preceding the fund raising drive had an established office within the City of Storm Lake, Iowa.

(D) "TRANSIENT MERCHANT": Any person, firm or corporation who engages in a temporary or itinerant merchandising business and for, and in the course of, such business hires, leases, or occupies any building, structure, truck, trailer, parking lot or vacant lot whatsoever. A temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer shall not exempt any person, firm, or corporation from being considered a transient merchant. Any business operating out of a truck, trailer, parking lot or vacant lot shall be considered as engaging in a temporary or itinerant merchandising business.

Section 4-3-3 Exemptions

(A) The provisions of this Ordinance shall not apply to people delivering newspapers, YMCA, YWCA, local Boy Scouts, Girl Scouts, Campfire Girls, Future Farmers of America, 4-H Clubs and students of Storm Lake Community School District, St. Mary's Parochial School System or Buena Vista College conducting projects sponsored by their organizations, Storm Lake volunteer firemen, Storm Lake policemen, farmers who offer for sale products of their own raising, milk delivery men who only incidently solicit additional business or make special sales, and persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

(B) Authorized representatives of educational institutions, religious and charitable organizations that are exempt from taxation under Section 501 of the Internal Revenue Code desiring to solicit money or to distribute literature shall be exempt from the requirements of Section 4-3-4 through Section 4-3-8 of this Ordinance. All such organizations shall be required to submit in writing to the City Clerk the name and purposes of the cause for which such solicitations are sought, names and addresses of the officers and any three (3) directors of the organization, the period during which such activities are to be carried on, and whether any commission fees or wages are to be charged by the solicitor for his/her efforts and the amount thereof.

If the Clerk shall find that the organization is a bona fide educational institution or a religious or charitable organization, he/she shall issue to the applicant, free of charge, a license containing the above information.

Section 4-3-4 Application For License

Any application in writing shall be filed with the City Clerk for a license under this Ordinance. Such application shall set forth the name and address of the principal for whom he/she is soliciting, if any, the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, and right thumb print. The application shall also set forth the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. A fee, in the amount set by Council Resolution, for each applicant shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-3-5 Issuance Of License

If the City Clerk finds the application is made out in conformance with Section 4-3-4 of this Ordinance and the facts stated therein are correct, he/she shall issue a license and charge a fee therefor as determined by Section 4-3-6 of this Ordinance; provided, however, if the Clerk finds that the applicant has made fraudulent, incorrect or deceptive statements, or has conducted business in an unlawful manner, he/she shall not issue a license to said applicant. Said applicant may file with the Clerk a request for hearing before the City Council on the issue of whether or not a license should be issued to said applicant. If the Council finds, after hearing, that the applicant has made fraudulent or incorrect statements, or has otherwise conducted business in an unlawful manner, they may deny the applicant's request for a license under this Ordinance.

Section 4-3-6 Fees

Every licensee shall pay a fee, in the amount set by Council Resolution, in addition to the investigating fee before a license shall be issued:
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-3-7 Bond Required

Before a license under this Ordinance shall be issued, each principal shall post a bond, by a surety company authorized to engage in the business of insuring the fidelity of others in Iowa, in the amount of one thousand dollars ($1,000.00) with the Clerk to the effect that the registrant and the surety company shall consent to the forfeiture of the principal sum of the bond or such part hereof as may be necessary (1) to indemnify the town for any penalties or costs occasioned by the enforcement of this Ordinance, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with such registrant peddling or soliciting. Said bond shall not be retired until a lapse of one (1) year from the expiration of the license which it covers.

Section 4-3-8 Display Of License

Each solicitor or peddler at all times while doing business in this City keep in his/her possession the license provided for in Section 4-3-5 of this Ordinance, and shall, upon request of prospective customers, exhibit the license as evidence that he/she has complied with all requirements of this Ordinance. Each transient merchant shall display publicly the license in his/her place of business.

Section 4-3-9 License Not Transferable

Licenses issued under the provisions of this Ordinance are not transferable in any situation and are to be applicable only to the person filing the application.

Section 4-3-10 Revocation Of License

The City Council, after notice and hearing, may revoke any license issued under this Ordinance where the licensee in the application for the license or in the course of conducting his/her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

Section 4-3-11 Expiration Of License

All licenses granted under this Ordinance shall expire at six o'clock (6:00) P.M. of the last day for which the license is issued.

Section 4-3-12 Sale From Vacant Lots

No person, corporation or other entity shall offer for sale from any vacant lot within the City not owned

by the seller, any merchandise of any type, specifically including motor vehicles and boats, at retail, wholesale or casual sales, unless the seller shall have a written lease with the owner of the property or, alternatively, a written letter of authorization from the owner permitting the seller to use the property for display of the seller's merchandise, and which lease and/or letter of authorization must be available for inspection upon the premises where the merchandise is being offered for sale at all times when the merchandise is displayed for sale. As used herein, a vacant lot shall mean a lot with no improvements or a lot with improvements which are not occupied by the owner, the owner's agent or the owner's tenant. A vacant lot shall specifically not include the parking lot of any business currently in operation or any apartment complex or residence which is currently occupied.

Section 4-3-13 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 4-4

URBAN REVITALIZATION AREAS

Sections:

4-4-1 Urban Revitalization Plan Dated 5/17/82
4-4-2 Urban Revitalization Plan Dated 12/6/82
4-4-3 Urban Revitalization Plan Dated 10/17/88
4-4-4 Urban Revitalization Area And Plan
4-4-5 Division Of Tax Levied On Taxable Property, Industrial Park Urban Renewal Area

Section 4-4-1 Urban Revitalization Plan Dated 5/17/82

The following described area is hereby declared to be an Urban Revitalization Area pursuant to the authority of Chapter 404 of the 1981 Code of Iowa and subject to the provisions of Urban Revitalization Plan approved by the City Council on May 17, 1982:

(A) All that part of the Subdivision of Government Lot Two (2), Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the 5th P.M. located North of the Illinois Central Railroad R.O.W.;

(B) All of Oates and Skewis Second Addition to the City of Storm Lake;

(C) All of Block Four (4), Oates and Skewis First Addition to the City of Storm Lake;

(D) All of the Auditor's Subdivision of the Southwest Quarter Northwest Quarter (SW1/4NW1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the 5th P.M. lying South of East 4th Street in the City of Storm Lake, except for those areas which are platted as a part of Gaherty and Prichard First Addition to the City of Storm Lake and as a part of Oates and Skewis First Addition to the City of Storm Lake.

The areas defined above shall remain a designated Urban Revitalization Area for ten (10) years from and after January 18, 1982. A copy of said Urban Revitalization Plan shall remain on file in the office of the City Clerk and the City Clerk shall provide a certified copy of said Plan to the Buena Vista County Assessor.

Section 4-4-2 Urban Revitalization Plan Dated 12/6/82

The following area is hereby declared to be an Urban Revitalization Area pursuant to the authority of Chapter 404 of the 1981 Code of Iowa and subject to the provisions of the Urban Revitalization Plan approved by the Storm Lake City Council on February 7, 1983:

> Blocks One (1), Two (2), Three (3), and Four (4) of the Industrial Park Addition to the City of Storm Lake, Iowa.

The area defined above shall remain a designated Urban Revitalization Area for ten (10) years from and after July 19, 1982. A copy of said Urban Revitalization Plan shall remain on file in the office of the City Clerk and the City Clerk shall provide a certified copy of said Plan to the Buena Vista County Assessor.

Section 4-4-3 Urban Revitalization Plan Dated 10/17/88

The following area is hereby declared to be an Urban Revitalization Area pursuant to the authority of Chapter 404 of the 1987 Code of Iowa and subject to the provision of the Urban Revitalization Plan approved by the Storm Lake City Council on October 17, 1988:

> Lot Fifteen (15) of the Auditor's Subdivision of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Four (4), Township Ninety (90) North, Range Thirty-Seven (37) West of the 5th P.M.(Government Lot 4).

The area defined above shall remain a designated Urban Revitalization Area for ten (10) years from and after October 17, 1988. A copy of said Urban Revitalization Plan shall remain on file in the office of the City Clerk and the City Clerk shall provide a certified copy of said plan to the Buena Vista County Assessor.

Section 4-4-4 Urban Revitalization Area And Plan

The Storm Lake Urban Revitalization District includes the entire area within the corporate limits as of the effective date of the Plan, except that part of the City that is located south of Richland Avenue and east of Flindt Drive. The excepted area has been designated as an Urban Renewal Area and is not included in the Storm Lake Urban Revitalization Area.
The area shall be eligible for tax abatement under the revitalization plan until January 1, 2015.
(Ord. 23-O-2004-2005, Amended, 04/04/2005; Ord. 14-0-2001-2002, Amended, 03/04/2002)

Section 4-4-5 Division Of Tax Levied On Taxable Property, Industrial Park Urban Renewal Area

1. For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Original Project Area shall mean that portion of the City of Storm Lake, Iowa described in the Urban Renewal Plan for the Storm Lake Industrial Park Urban Renewal Area approved by Resolution No. 33-R-91-92 on September 16, 1991, which Original Project Area includes the lots and parcels located within the area legally described as follows:

A part of the South Half (S1/2) of Section One (1), Township Ninety North (T 90 N), Range Thirty-Seven West (R 37 W) of the Fifth Principal Meridian (5th P.M.) lying North of the Illinois Central Railroad, and a part of the Northeast Quarter (NE1/4) of Section Twelve (12), Township Ninety North (T 90 N), Range Thirty-Seven West (R 37 W) of the Fifth Principal Meridian (5th P.M.) lying North of the Illinois Central Railroad, more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter (SW1/4) Section One (1), Township

Ninety North (T 90 N), Range Thirty Seven West (R 37 W) of the Fifth Principal Meridian (5th P.M.), thence South 00°32' East along the West line of said Southwest Quarter (SW1/4) a distance of One Thousand Two Hundred Seven and Seven Tenths Feet (1,207.7') to the point of beginning; thence North 90°00' East a distance of Two Thousand Six Hundred Forty-Two and Six Hundredths Feet (2,642.06') to the North-South Centerline of said Section One (1); thence South 00°34' East along the North-South Centerline of said Section One (1) a distance of Four Hundred Seven and Eighteen Hundredths Feet (407.18'); thence North 90°00' East a distance of Two Thousand Six Hundred Thirty-Eight and Seventy-Two Hundredths Feet (2,638.72') to the East line of said Section One (1); thence South 00°31' East along the East line of said Section One (1) a distance of One Thousand Eighty-Seven and Seven Tenths Feet (1,087.7') to the Southeast corner of said Section One (1), said point also being the Northeast corner of Section Twelve (12), Township Ninety North (T 90 N), Range Thirty-Seven West (R 37 W) of the Fifth Principal Meridian (5th P.M.); thence South 00°20'20" East along the East line of said Northeast Quarter (NE1/4) Section Twelve (12) a distance of Two Hundred Sixty-Six and Five Hundredths Feet (266.05') to the North Right of Way Line of the Illinois Central Railroad; thence North 77°07" West along the North Right of Way Line of said Railroad a distance of Five Thousand Four Hundred Twenty-Seven and Seven Tenths Feet (5,427.7') to the West line of the Southwest Quarter (SW1/4) said Section One (1); thence North 00°32' West along the West line of said Section One (1) a distance of Five Hundred Fifty and Seventy-One Hundredths Feet (550.71') to the point of beginning.

The above parcel contains 115.46 acres in total.

MCS Industrial Addition to Storm Lake, Iowa.

AND

A part of the Southeast Quarter (SE1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the 5th P.M., Buena Vista County, Iowa and being more fully described as follows:

Beginning at the Northeast (NE) corner of the Southeast Quarter (SE1/4) of said Section Two (2); thence South 89°45'20" West along the North line of said Southeast Quarter (SE1/4), a distance of 2,131.17 Feet to a point on the Easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence Southerly along the Easterly right of way line of said Railroad on a curve whose short chord bearings are as follows: South 29°31'40" East, a distance of 57.05 Feet; thence South 23°07'17" East, a distance of 601.83 Feet; thence South 16°32'54" East, a distance of 56.08 Feet; thence continuing along the Easterly line of said Railroad right of way South 15°59'20" East, a distance of 675.12 Feet to a point on the Northerly line of the Illinois Central Railroad right of way; thence South 89°44'44" East, along the Northerly line of said Railroad, a distance of 824.23 Feet; thence South 1°56'40" West, a distance of 238.22 Feet; thence South 76°34'40" East, a distance of 872.88 Feet to a point on the East line of said Southeast Quarter (SE1/4); thence North along the East line of said Southeast Quarter (SE1/4) a distance of 1,759.60 Feet to the point of beginning containing 62.91 acres and subject to all easements of record.

The East line of the Southeast Quarter (SE1/4) of said Section Two (2) is assumed to bear due North and South in the above description.

(b) Amendment No. 1 Area shall mean that portion of the City of Storm Lake, Iowa described in Amendment No. 1 to the Urban Renewal Plan for the Storm Lake Industrial Park Urban Renewal Area approved by Resolution No. 25-R-2004-2005 on October 18, 2004, which Amendment No. 1 Area includes all the lots and parcels located within the area legally described as follows:

All of the property within the corporate limits that is located South of Richland Avenue and East of Flindt Drive. The area also includes the full right-of-way of all streets

forming the boundary.

(c) Amended Project Area shall mean that portion of the City of Storm Lake, Iowa included within the Original Project Area and the Amendment No. 1 Area, which Amended Project Area includes the lots and parcels located within the area legally described as follows:All of the property within the corporate limits that is located South of Richland Avenue and East of Flindt Drive. The area also includes the full right-of-way of all streets forming the boundary.

2. The taxes levied on the taxable property in the Amended Project Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, City of Storm Lake, County of Buena Vista, Storm Lake Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

3. As to the Original Project Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Project Area upon the total sum of the assessed value of the taxable property in the Original Project Area as shown on the assessment roll as of January 1, 1990, being the first day of the calendar year preceding the effective date of Ordinance No. 5-O-91-92, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As to Amendment No. 1 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

4. That portion of the taxes each year in excess of the base period taxes for the Amended Project Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Storm Lake to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of Storm Lake, Iowa to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Project Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for payment of bonds and interest of each taxing district shall be collected against all taxable property within the Amended Project Area without any limitation as hereinabove provided.

5. Unless or until the total assessed valuation of the taxable property in the areas of the Amended Project Area exceeds the total assessed value of the taxable property in said areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Project Area shall be paid into the fund for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

6. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Storm Lake referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(Ord. 11-O-2004-2005, Amended, 11/15/2004)

Chapter 4-5

TAXICABS

Sections:

4-5-1 Definitions
4-5-2 License
4-5-3 License Fee
4-5-4 Application For License
4-5-5 Personal Qualifications
4-5-6 Equipment Regulations
4-5-7 Insurance Requirements
4-5-8 Additional Regulations
4-5-9 Municipal Infraction
4-5-10 Special Provisions Relating to the Operation of a Rickshaw

Section 4-5-1 Definitions

(A) "TAXICAB" means any motor vehicle or conveyance kept for hire.

(B) "PERSON" means every natural person, firm, co-partnership, association or corporation.

(C) "OWNER" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Chapter.

(D) "DRIVER" means every person who drives or is in actual physical control of a vehicle.

(E) "RICKSHAW", ALSO KNOWN AS PEDICAB, is defined as a bicycle or other opened or closed vehicle with three or more wheels operated by one individual for the purpose of or capable of transporting passengers for hire in seats or a platform made a part of the rickshaw. This definition shall not include a bicycle built for two where the operators are seated one behind the other nor shall it include the operation of a bicycle with trainer or beginner wheels affixed thereto nor shall it include a wheelchair or other vehicle with a purpose of operation by or for the transportation of a disable person nor shall it include a tricycle built for a child or an adult with a seat for only one operator and no passenger nor shall it include a bicycle with a trailer attached suitable for carrying small children unless the bicycle operator is being paid. A rickshaw is included within the definition of taxicab.
(Ord. 14-O-2008-2009, Amended, 06/01/2009)

Section 4-5-2 License

It shall be unlawful for any person to operate a taxicab within the limits of the City, unless such person shall first obtain a license therefor. All taxicab owners shall obtain such a license and they shall in all other respects fully comply with the requirements of this Chapter.

Section 4-5-3 License Fee

The annual license fee for each owner engaged in operating taxicabs shall be in the amount set by Council Resolution.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-5-4 Application For License

Applications for a taxicab license shall be filed with the Clerk, and shall be issued by the Council. Applications shall be in writing, signed by the applicant, and shall contain the following:

(A) The name and address of the applicant.

(B) The location and legal description of the principal place of business or base of operations of the taxicab stand.

(C) The description and number of taxicabs to be operated.

(D) Such further and additional information as may be requested by the Council.

Section 4-5-5 Personal Qualifications

An applicant for such a license shall be at least eighteen (18) years of age, of sound physique, good eyesight, not subject to epilepsy or any other infirmity of body or mind which would affect his or her ability to properly operate a taxicab. He or she must be able to read and write the English language and must show that he or she is familiar with the traffic laws of the City. Applicant must be of good moral character and not addicted to the use of intoxicating liquor or controlled substances. The foregoing qualifications apply equally as well to all hired drivers of applicant as to the said applicant personally. In addition to the foregoing, all drivers of taxicabs must be licensed chauffeurs under the laws of the State.

Section 4-5-6 Equipment Regulations

An applicant for such a license shall operate only taxicabs that are in good repair and safe operating condition. The applicant shall be the owner of the taxicab or taxicabs. All taxicabs operated under this Chapter shall be inspected at least once every ninety (90) days as to lights, brakes, horn, steering, tires, and operating condition and a certificate of a reputable auto mechanic shall be filed with the Clerk showing that the said taxicabs are in safe operating condition.

Section 4-5-7 Insurance Requirements

Any person operating a taxicab, shall at all times carry liability insurance for the benefit and protection of any person whether passenger or other person for personal injury or property damage, by reason of the negligent operation of the said taxicab or taxicabs. Said negligent operation of the said taxicab to include the negligence of employees. The said liability insurance is to be in a minimum indemnifying amount of one million dollars ($1,000,000) per occurrence and the original of the insurance policy is to be deposited

with the Clerk, during the period of operation under the license, as herein provided for, and the said policy is to be approved by the said Clerk.
(Ord. 14-O-2008-2009, Amended, 06/01/2009)

Section 4-5-8 Additional Regulations

(A) All taxicabs operated under this Chapter are to be kept clean and sanitary.

(B) No taxicab driver shall be permitted to use foul, abusive or offensive language, or use intoxicants or drugs while on duty, or engage in any illegal activity.

(C) All taxicab drivers shall be duly licensed motor vehicle operators under the laws of the State of Iowa and shall be required to obey the provisions of this Code and the provisions of Chapter 321 and 321J of the Iowa Code at all times.

(D) All taxicabs operated under the provisions of this Chapter will be required to file their rates in the office of the City Clerk.
(Ord. 14-O-2008-2009, Amended, 06/01/2009)

Section 4-5-9 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.

Section 4-5-10 Special Provisions Relating to the Operation of a Rickshaw
The following special requirements shall apply to the operation for hire of a rickshaw within the City of Storm Lake, Iowa:

(A) The provisions of 4-5-6 as related to rickshaws are modified to delete the requirement that the bicycle be equipped with a horn and substituting "a reputable bicycle repair shop" in place of the phrase "reputable auto mechanic".

(B) All rickshaws shall be operated with a slow-moving vehicle sign mounted on the rear of the rickshaw which shall be clearly visible to traffic approaching from the rear of the rickshaw.

(C) Rickshaws shall not be operated on the sidewalk or Lake Trail within the City of Storm Lake. Rickshaws may operate on the streets of Storm Lake but on any street which has 4 lanes, rickshaws may only be operated in the outside lanes other than when turning left.

(D) Rickshaws shall not be operated during rain or snow events. If precipitation occurs after a trip has begun, the operator of the rickshaw shall return as quickly as possible to the location where the passengers can be discharged.

(E) All rickshaws shall be equipped with tail lights or LED flashing lights so that they are clearly visible as well as a head light or forward LED flasher. All such lights must be utilized between the hours of dusk and dawn and must be visible from the front and from the rear for a minimum of 200 feet.

(F) All of the requirements relating to rickshaws shall be equally applicable to a horse-drawn carriage for hire other than the requirement that the carriages be certified by a reputable auto mechanic/bicycle repair shop. The operators of any horse-drawn carriage must provide the City with a manure management plan which ensures that no horse manure will be left on the streets or in other public places.
(Ord. 14-O-2008-2009, Add, 06/01/2009)

Chapter 4-6

CABLE TELEVISION REGULATION

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Section 4-6-1 Definitions

The following words and phrases, when used in this Chapter, shall, for the purposes of this Chapter, have the meanings ascribed to them in this Section:

(A) "BASIC SERVICES": Any or all of the different combinations of basic program services as described in the grantee's franchise ordinance including the delivery of local broadcast signals, satellite signals, local origination and access signals, covered by the entry level monthly charges paid by subscribers, excluding the optional premium services for which separate charges are made.

(B) "CABLE COMMUNICATION SYSTEM, CABLE TELEVISION SYSTEM OR CATV SYSTEM": A system of antennas, cables, wire, lines, towers, wave-guides or other converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing, audio, video and other forms of electronic or electrical signals, located in the City. Said definition shall not include any facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management and does not use City rights of way.

(C) "CHANNEL": The segment of the electromagnetic spectrum to which a source of television transmission is assigned.

(D) "CITY": The City of Storm Lake, Iowa. When the context so requires, the term "City" shall mean and include the City, its officers, agents, employees, servants and independent contractors.

(E) "FCC": The Federal Communications Commission.

(F) "FRANCHISE": The rights, privileges, and authority granted by the City to the grantee hereunder and shall include all of the terms and conditions of this Chapter.

(G) "GRANTEE": Any corporation or other business entity which holds a franchise to provide cable television service in Storm Lake, Iowa, or its successors and assigns. When the context so requires, the term "grantee" shall mean and include the grantee, its officers, agents, employees, servants and independent contractors.

(H) "PERSON": Any individual, or any corporation, business, or mixed, owned by a private person, including property owned by a public utility not owned or operated by the City.

(I) "PROPERTY OF THE GRANTEE": All property, real, personal or mixed, owned or used by the grantee however arising from or related to or connected with the franchise.

(J) "PUBLIC PROPERTY": All property, real, personal or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

Section 4-6-2 Use Of Property

The grantee may use public property within the City, and with the written consent of the owner thereof, private property within the City, in furtherance of such activities within the City as may now or hereinafter be consistent with generally accepted principles applicable to the operation of a cable television system, subject, however, to the following restrictions:

(A) The grantee shall comply with all governmental laws, ordinances, rules or regulations as may now or hereinafter be applicable thereto.

(B) The grantee shall not use or occupy or permit public property or private property to be used or occupied, or do or permit anything to be done on or about public property or private property which will, in any manner:

1. Impair the owner's interest in or title thereto;

2. Impair the mortgage or lease as may now or hereinafter be applicable thereto;

3. Adversely affect the then value or character thereof;

4. Cause or be likely to cause structural damage thereto, or any part thereof;

5. Cause or be likely to cause any damage or injury to any utility service available thereto;

6. Create a public or private nuisance, cause any offensive or obnoxious vibration, noise, odor or undesirable effect or interfere with the safety, comfort or convenience of the owner thereof, and person lawfully on or about the same;

7. Violate the rules, regulations and requirements or any person furnishing utilities or services thereto; or

8. Make void or voidable any insurance then in force affecting the same or cause an increase in the rates applicable thereto.

Section 4-6-3 Taxes

The grantee shall pay all real estate taxes, special assessments, personal property taxes, license fees, permit fees and other charges of a like nature which may be taxed, charged, assessed, levied or imposed upon the property of the grantee and upon any services rendered by the grantee.

Section 4-6-4 Insurance

(A) The grantee shall, at all times during the term of the franchise, carry and require their contractors to carry:

1. Insurance in such forms and in such companies as shall be approved by the City to protect the City and grantee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, equipment or appliance in connection with the cable television system. The amount of such insurance shall be not less than one hundred thousand dollars ($100,000.00) as to any one person, five hundred thousand dollars ($500,000.00) as to any one occurrence for injury or death to persons, and one hundred thousand dollars ($100,000.00) for damages to property, with, as to grantee, excess liability coverage of at least five million dollars ($5,000,000.00).

2. Workmen's compensation insurance, as provided by the laws of the State as amended.

3. Automobile insurance with limits of not less than one hundred thousand dollars/three hundred thousand dollars ($100,000.00/ $300,000.00) of public liability coverage and automobile property damage insurance with a limit of not less than one hundred thousand dollars ($100,000.00) covering all automotive equipment, with, as to grantee, so-called umbrella coverage of at least five million dollars ($5,000,000.00).

(B) All of said insurance coverage shall provide a ten (10) day notice to the City in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date of said material alteration or cancellation shall become effective.

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

(D) The grantee shall pay all reasonable expenses incurred by the City in defending itself with regard to all damages, penalties or other claims resulting from the acts of the grantee, its assigns, employees, agents, invitees or other persons. Said expenses shall include all out-of-pocket expenses, such as attorney's fees, and shall include the value of any service rendered by the City Attorney or any other officers or employees of the City.

Section 4-6-5 Construction And Performance Bond

(A) The grantee shall construct or reconstruct its cable television system required by the terms of grantee's franchise ordinance within eighteen (18) months of the effective date of the franchise ordinance. All construction and reconstruction of grantee's system facilities shall be in compliance with the rules and regulations of the Federal Communications Commission (FCC) and of this Chapter.

(B) Within thirty (30) days after the award of a franchise, the grantee shall file with the City a performance bond in the amount of fifty thousand dollars ($50,000.00). This bond shall be maintained throughout the reconstruction of the system pursuant to subsection (A) hereof.

(C) In the event the grantee fails to comply with any law, ordinance or regulation governing the franchise, or fails to well and truly observe, fulfill and perform each term and condition of the franchise, as it relates to the conditions relative to the construction or reconstruction of the system, including the grantee's design proposal which is incorporated herein by reference, there shall be recoverable jointly and severally, from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee, plus a reasonable allowance for attorney's fees, including the City's legal staff, the costs, up to the full amount of the bond. This subsection shall be an additional remedy for any and all violations outlined in Section 4-6-12.

(D) Upon completion of construction or reconstruction of a system in the City, to the satisfaction of the City Council, the amount of the bond shall be reduced to five thousand dollars ($5,000.00) and shall be maintained throughout the remaining term of the franchise to insure the faithful performance by the grantee of all provisions of this franchise.

(E) The bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be canceled by the surety nor the intention not

to renew be stated by the surety until thirty (30) days after receipt by the City, by registered mail, a written notice of such intent to cancel and not to renew."

(F) Upon receipt of a thirty (30) day notice, this shall be construed as default granting the City the right to call in the bond.

Section 4-6-6 Liquidated Damages

By acceptance of a franchise granted hereunder, the grantee understands and agrees that failure to comply with any time and performance requirements, as stipulated in this Chapter or in the franchise, will result in damage to the City, and that it is and will be impracticable to determine the actual amount of such damage in the event of delay or nonperformance. The grantee therefore agrees that it shall pay to the City government the following amounts which shall be chargeable to the performance bond if such amounts are not paid by the grantee within thirty (30) days of written notice by the City that the grantee is required to pay such amounts.

(A) For failure to complete system construction in accordance with Section 4-6-5, unless the City Council by motion or resolution specifically approves the delay due to the occurrence of conditions beyond grantee's control, grantee shall pay two hundred fifty dollars ($250.00) per day for each day, or part thereof, said deficiency continues.

(B) For failure to provide, upon written request, data, documents, reports, information, grantee shall pay fifty dollars ($50.00) per day, or part thereof, for so long as each violation occurred or continues.

(C) For failure to provide in a continuing manner the services required under Section 4-6-32 of this Chapter, unless the City Council specifically approves a request by the grantee for a delay or change, the grantee shall pay to the City two hundred fifty dollars ($250.00) per day, or part thereof, that such noncompliance continues.

(D) If grantee fails to make the improvements within the time period established by the City Council pursuant to Section 4-6-7, grantee shall pay to the City two hundred fifty dollars ($250.00) for each day, or part thereof, that such noncompliance continues.

Section 4-6-7 New Developments

(A) The City Council shall have the authority to order a public hearing from time to time on the provision of additional channel capacity by the grantee or on the inclusion in the grantee's CATV system of state-of-the-art technology or upgraded facilities.

(B) If after such a hearing, the City Council determines (1) that there exists a reasonable need and demand for additional channel capacity and/or state-of-the-art technology or upgraded facilities, and (2) that provision has been made or will be made for adequate rates which will allow a grantee a fair rate of return on its investment (including the investment required to provide the additional channels and/or the state-of-the-art technology or upgraded facilities), and will not result in economic waste for the grantee, the City Council may order grantee to provide a specified number of additional channels and/or specified state-of-the-art technology or upgraded facilities. Without implying any limitations as to other provisions of this Chapter, failure of the grantee to act in accordance with such order is hereby deemed to be in violation of a material provision within the meaning of Section 4-6-12(A)1 of this Chapter.

Section 4-6-8 Repairs

During the term of the franchise, the grantee shall, at its own expense, make all necessary repairs and replacement to the property of the grantee. Such repairs and replacements, interior and exterior, ordinary as well as extraordinary, and structural as well as nonstructural, shall be made promptly, as and when needed.

Section 4-6-9 Hold Harmless

During the term of a franchise, the grantee absolutely forever indemnifies the City against, and agrees to hold and save the City harmless from, any and all damage, injury, costs, expenses, liability, claims, settlements, judgments, decrees and awards of every kind and nature whatsoever, including attorney's fees, costs and disbursements, that may ever be claimed against the City by any person whatsoever, or on account of any actual or alleged loss, damage or injury to any property whatsoever, however arising from or related to or connected with, directly or indirectly:

(A) Injury to or death of any person, or loss, damage or injury to any property resulting from acts of the grantee;

(B) The nonobservance by the grantee of the provisions of any laws, statutes, ordinances, resolutions, regulations or rules duly promulgated by any governmental entity which may be applicable directly or indirectly, to rights, privileges, and authority, and the obligations and liabilities, assumed by the grantee under the franchise;

(C) The nonobservance by the grantee of any of the terms and conditions of the franchise; and/or

(D) The granting of the franchise.

Section 4-6-10 Assignment

A grantee shall not assign or transfer any right granted under its franchise ordinance to any other person, company or corporation without prior consent of the City Council, which consent shall not be unreasonably withheld; provided that a grantee shall have the right to assign the provisions of its franchise to a corporation wholly owned by the grantee or its parent company.

Section 4-6-11 Insolvency Of Grantee

In the event that a grantee shall become insolvent, or be declared a bankrupt, or the property of the grantee shall come into the possession of any receiver, assignee or other officer acting under an order of court, and any such receiver, assignee or other such officer shall not be discharged within sixty (60) days after taking possession of such property, the City may, at its option, terminate the franchise by giving written notice thereof to the grantee.

Section 4-6-12 Default Of Grantee

(A) In addition to all other rights and powers retained by the City under a franchise or otherwise, the City Council reserves the right to forfeit and terminate a franchise and all rights and privileges of the grantee thereunder in the event of a material breach of its terms and conditions. A material breach by grantee shall include, but not be limited to, the following:

1. Violation of any material provision of the franchise or any material rule, order, regulation or determination of the City Council made pursuant to the franchise;

2. Attempt to evade any material provision of the franchise or practices any fraud or deceit upon the City or its subscribers or customers;

3. Failure to begin or complete system construction or system extension as provided under the franchise;

4. Failure to provide the types of services promised therein;

5. Failure to restore service after ninety-six (96) consecutive hours of interrupted service of a major portion of the system, except when approval of such interruption is maintained from the City Administrator; or

6. Material misrepresentation of fact in the application for or negotiation of the franchise.

(B) The foregoing shall constitute a material breach if the violation occurs but it is without fault of the grantee or occurs as a result of circumstances beyond its control. Grantee shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its shareholders, directors, officers or employees.

(C) The City Administrator shall make a written demand that a grantee comply with any such provision, rule, order or determination under or pursuant to a franchise. If the violation by the grantee continues for a period of thirty (30) days following such written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the City Administrator may place the issue of termination of the franchise before the City Council. The City Administrator shall cause to be served upon the grantee, at least twenty (20) days prior to the date of such City Council hearing, a written notice of intent to request such termination and the time and place of the hearing. Public notice shall be given not more than twenty (20) days prior to the hearing and shall include a description of the issue which the City Council is to consider.

(D) The City Council shall hear and consider the issue and shall hear any person interested therein, and shall determine in its discretion, whether or not any violation by a grantee has occurred.

(E) If the City Council shall determine the violation by a grantee was the fault of grantee and within its control, the City Council may, by resolution, declare that the franchise of the grantee shall be forfeited and terminated unless there is compliance within such period as the City Council may fix provided no opportunity for compliance need be granted for fraud or misrepresentation.

(F) The issue of forfeiture and termination shall automatically be placed upon the City Council agenda at the expiration of the time set by it for compliance. The City Council then may terminate the franchise forthwith upon finding that grantee has failed to achieve compliance or may further extend the period, in its discretion.

Section 4-6-13 Termination

In the event of termination or non-renewal of the franchise, grantee, at its own expense, shall remove all coaxial cable, amplifiers and any other items of equipment which may have been installed from time to time; provided, however, that in the event of a sale or transfer of grantee's system to a successor or substituted grantee, grantee shall be prohibited from performance under the terms of this Section.

Section 4-6-14 Compliance With Applicable Laws

During the term of a franchise, the grantee shall comply with all governmental laws, ordinances, rules or regulations as may now be or hereinafter applicable to the construction, operation, maintenance, repair, replacement, renewal, reconstruction and removal of a cable television system, the sale and supply of audio and video communications services, the use of public property and private property and the engagement in such further activities as may now or hereinafter be consistent with generally accepted principles applicable to the operation of a cable television system.

Section 4-6-15 Installation And Maintenance Of Property Of The Grantee

During the term of a franchise, the property of the grantee shall be constructed, operated, maintained, repaired, replaced, renewed, reconstructed, and removed in accordance with generally accepted engineering principles as not to endanger or interfere with the lives of persons or to interfere with improvements which the City may deem proper to make or to unnecessarily hinder or obstruct pedestrian or vehicular traffic or use of public property or private property.

Section 4-6-16 Interference

A grantee's cable television system shall be so designed, engineered and maintained so as not to interfere with the radio and television reception of persons who are not subscribed of the grantee.

Section 4-6-17 Installation Of Cables

A grantee shall have the right, privilege, and authority to lease, rent, or in any other manner obtain the use of wooden poles with overhead lines, conduits, trenches, ducts, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the City, and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business. A grantee shall install its cable on the existing poles owned by other holders of public licenses and franchises with the City whenever possible for the installation of its cable. When installation of cable on poles is insufficient, or when holders of other public licenses or franchises have both installed underground cable, then in that event, the cable used by the grantee shall be installed underground.

Section 4-6-18 Restoration Of Ground Surface

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

commenced.

Section 4-6-19 Alteration Of Grade

In the event that, during the term of a franchise, the City shall elect to alter, or change the grade of any street, alley, or public way, a grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

Section 4-6-20 Temporary Removal Of Cables

A grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its cables to permit the moving of buildings. The expense of such temporary removal, raising or lowering of cables shall be paid by the person requesting the same and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than five (5) days' advance notice to arrange for such temporary cable charges.

Section 4-6-21 Tree-Trimming

A grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the cables of the grantee. All trimming shall be done at the expense of the grantee and grantee shall be responsible for removing all resultant trimmings.

Section 4-6-22 Line Extensions

A grantee shall be obligated to make cable service available to all dwelling units in the City at the normal installation charge and monthly rates subject to only the following exceptions:

(A) Service need not be available at the normal installation charge in any area that has a dwelling unit density or less than thirty-five (35) homes per street mile.

(B) Any potential subscriber(s) in an area of less than thirty-five (35) dwelling units per street mile may receive cable service upon payment of an installation charge equal to the actual cost per subscriber of extending the cable plant to provide service less the cost the company would have incurred per subscribed had the density been thirty-five (35) dwelling units per street mile.

Section 4-6-23 Service Requirements

(A) During the term of the franchise, the grantee shall put, keep and maintain all parts of the system in good condition and furnish reasonable, adequate and efficient cable television service to subscriber terminals.

(B) Upon termination of service to any subscriber, a grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his/her request.

(C) Grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during period of minimum system use. Repairs shall be considered promptly made if made within the guidelines set forth in subsection 4-6-33(C).

(D) Grantee shall not allow its cable or other operations to interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the City.

(E) The grantee shall continue, through the term of the franchise, to maintain the technical, operational and maintenance standards and quality of service set forth in this Chapter and in a grantee's franchise ordinance. Should the City Council find that the grantee has failed to maintain these standards and quality of service, the grantee shall make such improvements as identified by the City Council. Failure to make such improvements within ninety (90) days will constitute a breach of condition, for which the remedy of Section 4-6-12 is applicable.

Section 4-6-24 Performance Standards

The grantee shall produce a picture in black and white or in color that is of high quality accompanied by proper sound of typical standard television sets in good repair. The grantee shall also transmit signals of adequate strength to produce good pictures with good sound at all subscriber terminals throughout the City without causing cross modulation in the cables or interfering with other electrical or electronic systems.

Section 4-6-25 Channel Capacity And Performance

During the term of the franchise, the cable television system of a grantee shall conform to the channel capacity and performance requirements contained in the then current regulations of the FCC, or to the channel capacity and performance requirements of the grantee's franchise ordinance, whichever is greater and/or sets forth a higher standard.

Section 4-6-26 Installation And Maintenance Of Subscriber Terminals In City Buildings And Schools

During the franchise, a grantee shall at its sole cost, install and maintain a subscriber terminal in such buildings owned or used by the City, and in such buildings owned or used by recognized educational authorities within the City, both public and private, as may be designated by the governing body having jurisdiction thereof. Such subscriber terminals shall be placed in such location within such buildings as may be designated by the governing body having jurisdiction thereof. This provision is meant to apply only to those buildings accessible to grantee's system.

Section 4-6-27 Telecast Of Education Activities

A grantee shall not cablecast, tape, reproduce or otherwise convey to its subscribers the activities of any recognized educational authority, public or private, without the written consent of the governing body of

such activity.

Section 4-6-28 Program Alteration

Any signal received by the grantee from a television broadcast station shall be cablecast by the grantee in its entirety, as received, without alteration.

Section 4-6-29 Emergency Override

A grantee shall equip its system with an emergency override system which shall have the capability of interrupting all channels, including pay services, so that emergency broadcast messages may be transmitted to all viewers. The emergency broadcast system shall only be used at the request of the Mayor, Mayor Pro Tem, City Administrator or Police Chief of the City or the Buena Vista County Civil Defense Director.

Section 4-6-30 Subscriber Rates And Charges

A grantee shall have the right, privilege and authority to charge reasonable rates and charges to its subscribers for its services and to change such rates and charges from time to time, except to the extent that subscriber rates and charges are regulated by a grantee's franchise ordinance.

Section 4-6-31 Service Rules And Regulations

A grantee shall have the right to prescribe reasonable service rules and regulations and operating rules for the conduct of its business. Such rules and regulations shall be consistent with the terms and conditions of the franchise.

The grantee shall file such rules and regulations, and all amendments thereto, with the City.

Section 4-6-32 Service Agreements

The grantee shall have the right to prescribe a reasonable form of service agreement for use between a grantee and its subscribers. Such service agreement shall be consistent with the terms and conditions of the franchise. No service agreement shall contain any terms or conditions which directly or by effect prevent a subscriber from canceling all services at the end of any month.

Section 4-6-33 Complaint Procedure

(A) The City Administrator or the City Administrator's designee is specified by the City Council as having primary responsibility for the continuing administration of the franchise and implementation of complaint procedures.

(B) A grantee shall maintain an office or designated agent within the City, for the purpose of receiving

and resolving complaints regarding the quality of service, equipment malfunctions, and similar matters and requests for repairs or adjustments.

The provisions of this Section shall be complied with if a grantee maintains an office which may be reached by a local toll-free telephone call on a twenty-four (24) hour basis, has a service technician in the Storm Lake area and provides the City Clerk's office with the name, address and phone number of a person in the City who will act as a grantee's agent to receive inquiries or complaints from subscribers during normal business hours.

(C) A grantee shall maintain a repair and maintenance crew capable of making an initial response to subscriber complaints or requests for service within eight (8) hours after receipt of the complaint or request. No charge shall be made to the subscriber for this service unless such maintenance or repair is required as a result of damage caused by subscriber. A grantee may charge for service calls to the subscriber's home that are not a result of cable failure upon approval of a rate and equitable procedure by the City Council.

(D) The grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints to the satisfaction of the City Administrator's office. A grantee shall furnish a notice of such procedures to each subscriber at the time of initial subscription to the system and annually thereafter.

(E) A grantee shall keep a maintenance service record which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. Such maintenance service record, or a printout thereof if such record is computerized, shall be made available upon request for inspection by representatives of the City Administrator's office. All service complaint entries shall be retained on file for a period consisting of the most recent two (2) years.

(F) When there have been similar complaints made, or where there exists other evidence, which, in the judgment of the City, casts doubt on the reliability or quality of cable service, the City shall have the right and authority to require a grantee to test, analyze and report on the performance of the system. A grantee shall fully cooperate with the City in performing such testing and shall prepare results and a report, if requested, within thirty (30) days after notice. Such report shall include the following information:

1. The nature of the complaint or problem which precipitated the special tests.

2. What system component was tested.

3. The equipment used and procedures employed in testing.

4. The method, if any, in which such complaint or problem was resolved.
5. Any other information pertinent to said tests and analyses which may be required.

(G) The City Administrator may require that tests and analyses shall be supervised by a professional engineer with the requisite expertise in cable television operations and not a member of the staff of the grantee. The aforesaid engineer shall sign all records of the special tests and forward to the City Administrator such records with a report interpreting the results of the tests and recommending actions to be taken by a grantee and the City Administrator.

(H) The City Administrator's right under this Section, shall be limited to requiring tests, analyses and reports covering specific subjects and characteristics based on said complaints or other evidence when and under such circumstances as the City Administrator has reasonable grounds to believe that the complaints or other evidence requires that tests be performed to protect the public against substandard

cable service.

Section 4-6-34 Rights Of Individuals

(A) A grantee shall not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of race, color, religion, national origin, or sex. A grantee shall comply at all times with all other applicable Federal, State and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this Chapter by reference.

(B) A grantee shall strictly adhere to the equal employment opportunity requirements of Federal, State and local regulations and as amended from time to time.

(C) No signals shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such authorization is required for each type and classification of two-way cable communications activity planned; provided, however, that a grantee shall be entitled to conduct system wide or individually addressed "sweeps" for the purpose of verifying system integrity, controlling return-path transmission, or billing for pay services.

(D) The grantee or any of its agents or employees shall not, without providing subscribers the opportunity to prohibit or restrict such disclosure, sell or otherwise make available to any party for any purpose other than as may be necessary for a grantee to conduct its business of providing the services to which such subscriptions have been made:

1. Lists of the names and addresses of such subscribers or;

2. Any list which identified the individual viewing habits of subscribers.

Section 4-6-35 Payment Of Franchise Fee

A grantee shall pay to the City during the period of its franchise a franchise fee in such amounts as may be provided for by the franchise ordinance. All franchise fees shall be based upon gross or net receipts received on a month-by-month basis, and shall be payable quarterly within thirty (30) days following the end of each calendar quarter of the year. A grantee shall provide to the City along with said payment a current count of the number of subscribers as of the billing cut-off date in the last month in the preceding calendar quarter.

In addition, within ninety (90) days after the completion of a grantee's fiscal year, the grantee shall provide to the City a certified statement of revenue by grantee's certified public accountants. A grantee shall also permit the City at any time to have independent certified public accountants audit a grantee's records to verify the accuracy of the certified statement of revenue, and if the independent audit should discover a discrepancy in the amount of the franchise fee payable to the City which is five percent (5%) or more in excess of the franchise fee documented by the certified statement of revenue from grantee's certified public accountants, the grantee shall reimburse the City for the costs of the independent audit.

Section 4-6-36 Injury To Property Of The Grantee

No person shall wrongfully or unlawfully injure the property of the grantee.

Section 4-6-37 Intercepting Signals Of The Grantee

No person shall wrongfully or unlawfully intercept the signals of the grantee.

Section 4-6-38 Penalty

Any person violating any of the provisions of Sections 4-6-36 or 4-6-37 of this Chapter shall, upon conviction, be subject to a fine of not to exceed one hundred dollars ($100.00) or imprisonment not exceeding thirty (30) days.

Section 4-6-39 Filing Of Reports

On or before April l of each year, a grantee shall file with the City a copy of FCC Form 325 for the preceding calendar year.

Section 4-6-40 Filing Of Maps And Plats

On or before April 1 of each year, a grantee shall file with the City maps and plats showing the location and nature of all new property of the grantee within the City as of the end of the preceding calendar year.

Section 4-6-41 Access

A grantee shall and does hereby grant to the City the right to enter upon property of the grantee, upon reasonable notice, at any and all reasonable times to inspect the same for purposes pertaining to the rights of the City.

Section 4-6-42 Discrimination Prohibited

A grantee shall not grant any undue preference or advantage to any person, nor subject any person to prejudice or disadvantage with respect to rates, charges, services, service facilities, rules, regulations or in any other respect.

Section 4-6-43 Reservations

The right is reserved to the City Council or its successors or equivalent to adopt, in addition to the provisions contained herein, and in existing applicable ordinances, such additional regulations as it shall

find necessary in the exercise of the police power.

Chapter 4-6A

REGULATION OF RATES FOR CABLE TELEVISION BASIC SERVICE TIER AND RELATED EQUIPMENT

Sections:

4-6A-1 Legal Authority
4-6A-2 Rate Regulation Proceedings
4-6A-3 FCC Certification
4-6A-4 Cable Programming Service Tier
4-6A-5 Powers to Enforce
4-6A-6 Controling Ordinance Provisions

Section 4-6A-1 Legal Authority

The City of Storm Lake (hereincalled "the City") has the legal authority to administer and shall enforce against any non-municipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission (FCC), concerning Cable Rate Regulation, 47 C.F.R. Sections 76.900 et seq., as they currently read and hereafter may be amended, which are herewith incorporated by reference.

(Ord. No. 4-O-93-94, Enacted, 02/12/94)

Section 4-6A-2 Rate Regulation Proceedings

Any rate regulation proceedings conducted under Section 1 hereto shall provide a reasonable opportunity for consideration of the view of any interested party, including but not limited to, the City or its designee, the Cable Operator, subscribers and residents of the franchise area. In addition to all other provisions required by the laws of the State of Iowa and the City of Storm Lake for such proceedings, and in order to provide for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

(A) The City shall publish notice as provided in Code of Iowa Chapter 362.4, and shall mail, by certified mail, to the Cable Operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.

(B) Said notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the FCC Rules and Regulations; and that the decision of the City is subject to review by the FCC.

(C) The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increase are reasonable. The City may delegate the responsibility to conduct the proceeding to any duly qualified and eligible individual(s) or entity. If the City or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may extend the effective date of the proposed rates for an additional period of time as permitted by the FCC Rules and Regulations, and issue any other necessary or appropriate order and give

notice accordingly.

(D) In the course of the rate regulation proceeding, the City may require additional information from the Cable Operator that is reasonably necessary to determine the reasonableness of the basic service tier rates and equipment charges. Any such additional information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry. The City may request proprietary information, provided that the City shall consider a timely request from the Cable Operator that said proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, said proprietary information may be used only for the purpose of determining the reasonableness of the rates and charges or the appropriate rate level based on a cost-of-service showing submitted by the Cable Operator. The City may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the State of Iowa and of the City of Storm Lake to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents and deposition.

(E) Upon termination of the rate regulation proceeding, the City shall adopt and release a written decision as to whether or not the rates or proposed rate increase are reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription and refunds.

(F) The City may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.

(G) Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.

(H) The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television systems supervising the preparation of the response on behalf of the entity, and submitted by way of Affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

(Ord. No. 4-O-93-94, Enacted, 02/12/94)

Section 4-6A-3 FCC Certification

The City has filed with the FCC the required certification form (FCC Form 328) on or before September 1, 1993. As soon hereafter as appropriate, the City shall notify the Cable Operator that the City has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges.

(Ord. No. 4-O-93-94, Enacted, 02/12/94)

Section 4-6A-4 Cable Programming Service Tier

With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, the FCC Rules and Regulations, and over which the City is not empowered to exercise rate regulation, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

(Ord. No. 4-O-93-94, Enacted, 02/12/94)

Section 4-6A-5 Powers to Enforce

The City may delegate its powers to enforce this Law to municipal employees or officers ("cable official"). The cable official will have the authority to: (1) administer oaths and affirmations; (2) issue subpoenas; (3) examine witnesses; (4) rule upon questions of evidence; (5) take or cause depositions to be taken; (6) conduct proceedings in accordance with this Law; (7) exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings; (8) hold conferences for the settlement or simplification of the issues by consent of the parties; and (9) take actions and make decisions or recommend decisions in conformity with this Law.

(Ord. No. 4-O-93-94, Enacted, 02/12/94)

Section 4-6A-6 Controling Ordinance Provisions

If any ordinances or parts of ordinances, specifically including 4-6-30, are inconsistent with the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

(Ord. No. 4-O-93-94, Enacted, 02/12/94)

Chapter 4-7

BURGLAR AND FIRE ALARM SYSTEMS

Sections:

4-7-1	**Definitions**
4-7-2	**Alarm Business Permit**
4-7-3	**Alarm Agent Permit**
4-7-4	**Alarm Permit**
4-7-5	**Exemptions**
4-7-6	**Application Fees**
4-7-7	**Application Contents**
4-7-8	**Permit Procedure**
4-7-9	**Permit Renewal**
4-7-10	**Revocation And Suspension Of Permits**
4-7-11	**Notice Of Decisions**
4-7-12	**Right To Appeal**
4-7-13	**Procedure On Appeal**
4-7-14	**Posting And Presentation Of Permits**
4-7-15	**Alarm System Standards**
4-7-16	**False Alarms**
4-7-17	**Service Available**
4-7-18	**Responsibility For Alarm Response**
4-7-19	**Alarm Devices Terminating Point**
4-7-20	**Municipal Infraction**

Section 4-7-1 Definitions

For the purposes of this Ordinance the following words and phrases shall be construed to have the meanings set forth unless it is apparent from the context that a different meaning is intended.:

(A) "BURGLAR ALARM SYSTEM" means a method of detecting and signaling the presence, entry or attempted entry of an intruder into protected premises.

(B) "FIRE ALARM SYSTEM" means a method of detecting and signaling the presence of fire, the products of combustion, or heat in a protected premises.

(C) "ALARM SYSTEM" means either a fire, burglar or hold-up alarm system.

(D) "PROTECTED PREMISES" means that part of a building to which protection is afforded by an alarm system.

(E) "ALARM BUSINESS" means the business of selling, leasing, maintaining, inspecting, servicing, repairing, replacing, altering, moving or installing any alarm system.

(F) "ALARM AGENT" means any person employed by an alarm business, either directly or indirectly, whose duties include any of the following: Selling, maintaining, leasing, servicing, inspecting, repairing, altering, replacing, moving or installing on any building, place or premises, any alarm system.

(G) "CENTRAL STATION" means premises, usually maintained by an alarm company, equipped to

receive and display signals from intruder alarm systems.

(H) "AUDIBLE ALARM" means an alarm system, which when actuated, generates an audible sound on the premises. This audible alarm may or may not be combined with a method of transmitting a signal to a remote point.

(I) "SILENT ALARM" means an alarm signal transmitted in such a manner that any intruder into the premises is not aware of the signal.

(J) "FALSE ALARM" means an alarm signal necessitating response by police, fire or other public safety agency where an emergency situation does not exist.

(K) "SUBSCRIBER" means a person who contracts for or receives service or maintenance with respect to an alarm system from an alarm business.

(L) "PERSON" means individual, corporation or organization.

(M) "CITY" means the City of Storm Lake or such officers or employees as may be designated by this Ordinance to have specific duties in relation to this Ordinance.

Section 4-7-2 Alarm Business Permit

No person shall conduct an alarm business in the absence of a currently valid alarm business permit issued pursuant to the provisions of this Ordinance.

Section 4-7-3 Alarm Agent Permit

No person shall conduct himself as an alarm agent in the absence of a currently valid alarm agent permit issued pursuant to the provisions of this Ordinance. A person holding a currently valid alarm business permit is exempt from the requirement for an alarm agent permit.

Section 4-7-4 Alarm Permit

No person shall have or maintain at premises under his control or ownership an alarm system in the absence of a currently valid alarm system permit issued pursuant to the provisions of this Ordinance.

Section 4-7-5 Exemptions

No person needs to be licensed as an alarm business or as an alarm agent to install, maintain, service, inspect, repair, alter, move or replace any alarm system at premises under his control or ownership, or if he is the regular employee of the person controlling or owning the premises. No alarm system permit is required if an alarm signal is transmitted only to the residence of the person in control of or owning the premises or the residence of someone in his regular employee or if the alarm signal is not audible on the exterior of the protected premises.

Section 4-7-6 Application Fees

(A) Applications: Applications for alarm business permits or alarm agent permits shall be filed with the Chief of Police on forms provided for that purpose. Applications for alarm permits shall be filed with the Chief of Police in the case of burglar alarm systems and the Fire Chief in the case of fire alarm systems. An application fee may only be such an amount as to fairly compensate the City for the cost of processing the application and issuing the license.

(B) Fees: Each application for an alarm business permit shall be accompanied by receipt for a non-refundable permit fee, in the amount set by Council Resolution, from the City Treasury.

Each application for an alarm agent permit shall be accompanied by a receipt for a non-refundable permit fee, in the amount set by Council Resolution, from the City Treasury.

No fee will be charged for an alarm system permit.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-7-7 Application Contents

Applications for alarm business permits and alarm agent permits shall be on a form prescribed by the Chief of Police. The applicant shall supply such information as shall be reasonably necessary to evaluate and act upon the permit application. An application for an alarm system permit shall be on a form prescribed by the Police Chief or the Fire Chief and shall specify the name, address and telephone number of the persons who will render service or repairs during any hour of the day or night.

Section 4-7-8 Permit Procedure

(A) Alarm business and alarm agent permits. After reviewing an application for an alarm business or alarm agent permit, the Police Chief shall have reasonable time to investigate the application and the background of the applicant to the extent deemed necessary. Thereafter, the permit shall be issued unless the Police Chief finds that (1) the applicant has submitted an application that contains a misstatement or omission of any material fact, or (2) that some matter or activity in the background of the applicant reasonably related to the activities to be engaged in is such that a reasonable person would conclude that there would be an undue risk to the public health or safety if the permit were granted, or (3) the applicant has been convicted of a felony or is not of good moral character. If the permit is denied, the reasons for denial shall be set forth in writing and provided to the applicant or his/her designee.

(B) Alarm system permits. All alarm systems in operation at the time of passage of this Ordinance and all alarm systems installed following passage shall have a permit. Those conducting alarm businesses shall be responsible for procuring and processing applications for their subscribers and promptly transmitting such completed applications to the Police Chief if a burglar system and the Fire Chief if a fire alarm system. Where the alarm system is in operation prior to the effective date of this Ordinance and is not serviced by an alarm business, the person, owning, using or possessing such system shall be responsible for obtaining the permit and shall make direct application to the Police Chief or Fire Chief.

Section 4-7-9 Permit Renewal

Alarm business and alarm agent permits issued pursuant to this Ordinance shall expire annually on December 31. All applications for renewal of such permits shall be filed with the Police Chief on forms provided for that purpose.

A fee, in the amount set by Council Resolution, shall be paid to the City Clerk for renewal of an alarm business permit and a fee, in the amount set by Council Resolution, shall be paid to the City Clerk for renewal of an alarm agent permit. A renewal shall be granted unless a suspension or revocation has occurred or unless grounds for a suspension or revocation exists, in which case renewal may be denied. If renewal is denied, notice of the denial shall be given as provided in Section 4-7-10. A denial of a renewal permit may be appealed as provided in Sections 4-7-12 and 4-7-13.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-7-10 Revocation And Suspension Of Permits

A permit granted under this Ordinance may be suspended or revoked by the Police Chief if he shall find that the business operations of the permittee are being, or have been, conducted in violation of State Statute or in violation of any provisions of this Ordinance, or that a misstatement or an omission of material fact has been made by the permittee, or that there exists any other grounds for revocation which are specified in this Ordinance. For the purpose of this Section the holder of an alarm business permit shall be responsible for the conduct of its officers, agents or employees. An alarm system permit may be revoked where such device actuates excessive false alarms and thereby constitutes a public nuisance.
A permit, however, may not be revoked or suspended, except as noted in Section 4-7- 17 relating to intentionally caused fire alarms, until a hearing has been held before the Police Chief. Written notice of the time and place of hearing shall be served upon the permittee at least seven (7) days prior to the date set for such hearing if such notice is personally served. Such notice shall contain a brief statement of the grounds to be relied on for revoking or suspending such permit. Notice shall be given either by personal delivery to the person to be notified, or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon the application for the permit. If notice is given by mail as herein provided, it shall be deemed given at least seven (7) days prior to the date set for such hearing. Any person aggrieved by the action of the Police Chief may appeal to the City Council within the time and manner provided in this Ordinance. In the case of the revocation or suspension of a fire alarm system permit, the Fire Chief shall have the authority and duties enumerated for the Police Chief.

Section 4-7-11 Notice Of Decisions

Within ten (10) days after reaching a determination (a) with reference to an application for a permit, or (b) after a hearing concerning suspension or revocation of a permit, the Police Chief, or the Fire Chief in the case of a fire alarm system permit, shall serve a written copy of his decision on the applicant or permittee either by personal service or by mailing a copy of his decision, postage prepaid, to the applicant or permittee at the address set forth in writing or otherwise specified in writing by the applicant or permittee. If served by mail, the decision shall be deemed to be served upon its deposit in the United States mail. The copy of the decision shall apprise the applicant or permittee of his right to appeal and of the time limitations and procedures specified in this Ordinance.

Section 4-7-12 Right To Appeal

An applicant or permittee aggrieved by the decision of the Police Chief or the Fire Chief shall have the right to appeal to the City Council. Notice of appeal must be filed with the City Clerk within fifteen (15) days after service of the decision. The notice of appeal shall briefly state the basis for such appeal.

Section 4-7-13 Procedure On Appeal

Upon receipt of the notice of appeal with the required fee, the City Clerk shall place the matter on the agenda of the next regularly scheduled meeting of the City Council. The City Council shall set the matter for hearing at least fourteen (14) days, but not more than twenty-eight (28) days, in the future. The City Clerk shall thereupon give the appealing party written notice of the time and place of the hearing. If the appealing party deems additional time is necessary to prepare his presentation to the Council the hearing shall be continued by the Council to a later date, not to exceed thirty (30) days beyond the date previously set.

At the time and place set for hearing upon the appeal from the decision of the Police Chief or the Fire Chief, the City Council shall give the appealing party a reasonable opportunity to be heard in order to show cause why the determination by the Police Chief or the Fire Chief should not be upheld. In cases where a permit has been denied, the burden of proof to show that the action taken by the Police Chief or the Fire Chief was arbitrary, capricious, or in excess of the authority of that Chief, shall be upon the appealing party. In cases where a permit has been suspended or revoked, or a permit renewal denied, the burden of proof shall be upon the City to establish that appropriate grounds existed for such action. The determination of the City Council shall be final and conclusive.

Section 4-7-14 Posting And Presentation Of Permits

An alarm business permit shall be posted at all times at the premises from which the alarm business is conducted. A person acting as an alarm agent shall carry his alarm agent permit on his person at all times while he is so engaged and shall display said permit to any police officer or fireman upon request.

Section 4-7-15 Alarm System Standards

The Police Chief may propose regulations prescribing minimum standards for the construction, maintenance and operation of burglar alarm systems and requiring inspection and approval of all such systems. The Fire Chief may have the same authority in relation to fire alarm systems. Such standards shall have the full force and effect of law upon adoption by resolution by the City Council after a public hearing. No permit shall be issued for any device that does not comply with said regulations as finally adopted. Copies of these standards shall be furnished to all licensed alarm businesses and shall be available for inspection in the office of the Police Chief or Fire Chief.

Section 4-7-16 False Alarms

A report on a form provided by the Police Chief or the Fire Chief shall be filed with the Police Department or Fire Department within forty-eight (48) hours, Sundays and holidays excepted, with regard to each and every false alarm transmitted to that department and such additional information as may be

reasonably required by the Chief of that department shall be supplied with regard thereto. The report shall be made by the alarm system permittee in all other instances.

If any false alarm occurs as a result of any defect of the alarm equipment, including the method of sounding or transmitting the alarm signal or from any defect in installation of the equipment, including the method of sounding or transmitting the alarm signal, the report of the false alarm shall include a statement as to the action taken to remedy this false alarm cause.

The Police Chief and the Fire Chief are given authority to determine if an excessive number of false alarms results from the operation of any alarm system. When such a determination is made, the Police Chief or the Fire Chief shall inform the subscriber or the proprietor, owner or operator of that alarm system that an excessive number of false alarms have occurred. If in the opinion of the Police Chief or the Fire Chief, excessive numbers of false alarms continue to occur, the Chief has the authority to suspend or revoke the license. Such a suspension or revocation shall then follow the procedures in Section 4-7-10, 4-7-12 and 4-7-14 of this Ordinance.

In the event of a false alarm caused intentionally by any alarm business, alarm agent or the owner, operator, proprietor, or employee of a premises where an alarm system is installed, the Police Chief or the Fire Chief may revoke or suspend the permit at once. Such a suspension or revocation shall then follow the procedures in Section 4- 7-10, 4-7-11, 4-7-12 and 4-7-13 of this Ordinance.

The subscriber or proprietor utilizing any single alarm shall be liable to the City for the sum, in the amount set by Council Resolution, for each false police alarm activated by any person whether known or not, and the subscriber or proprietor utilizing any single alarm shall also be liable to the City for the sum, in the amount set by Council Resolution, for each false police alarm in excess of four (4) in any twelve (12) month period caused by equipment malfunction. The subscriber or proprietor utilizing a fire alarm system shall be liable to the City for the sum, in the amount set by Council Resolution, for each false fire alarm in excess of one (1) in any twelve (12) month period, whether intentionally activated by any person whether known or not, or due to equipment malfunction. Failure to pay the charge for false alarms within fifty (50) days after notice thereof shall be grounds for revocation of the alarm permit.
(Ord. No. 08-95-96, Amended, 02/05/96)
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-7-17 Service Available

Each alarm business shall have licensed employees and supplies and equipment so located as to be able to respond to a request for repair or adjustment of any alarm system that such an alarm business sold, maintained or inspected within four (4) hours of the request for this service. They shall respond within four (4) hours of the request except that if a request occurs within the hours that the protected premise is open for business or otherwise substantially occupied, repair or adjustment may be made anytime prior to closing of the protected premise.

Section 4-7-18 Responsibility For Alarm Response

Every person who has on premises under his control or ownership an alarm system, audible or silent, shall, upon notification that the alarm system is giving a signal, proceed immediately to the premises and render all necessary service. Provided, however, that the owner or person in control of the premises may enter into an agreement with an alarm business or a licensed private detective agency or watch service to respond in his stead.

Section 4-7-19 Alarm Devices Terminating Point

A burglar or fire alarm may only terminate at the Buena Vista County Communication Center and shall be subject to the rules and regulations governing such center established by the Buena Vista County Communications Commission, the Buena Vista County Board of Supervisors, or the Buena Vista County Sheriff.

Section 4-7-20 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 4-8

TAX EXEMPTION FOR SPECULATIVE SHELL BUILDINGS

Sections:

4-8-1 Definitions
4-8-2 Purpose
4-8-3 Amount of Exemption
4-8-4 Exemption Effective
4-8-5 Application for Exemption
4-8-6 Industrial Property Exemption

Section 4-8-1 Definitions

a. (1) "Community Development Organization" means an organization, which meets the membership requirements of subparagraph (2), formed within the City of Storm Lake or Buena Vista County or a multi-community group for one or more of the following purposes:

(a) To promote, stimulate, develop and advance the business prosperity and economic welfare of the community, area or region and its citizens.

(b) To encourage and assist the location of new business and industry.

(c) To rehabilitate and assist existing business and industry.

(d) To stimulate and assist in the expansion of business activity.

(2) For purposes of this definition, a community development organization must have at least fifteen (15) members with representation from the following:

(a) A representative from government at the level or levels corresponding to the community development organization's area of operation.

(b) A representative from a private sector lending institution.

(c) A representative of a community organization in the area.

(d) A representative of business in the area.

(e) A representative of private citizens in the community, area or region.

b. "New Construction" means new buildings or structures and includes new buildings or structures which are constructed as additions to existing buildings or structures. "New construction" also includes reconstruction or renovations of an existing building or structure (to the extent of value added) which constitutes complete replacement of an existing building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations to market a building or structure as a speculative shell building, which determination must receive prior

approval from the City Council.

c. "Speculative Shell Building" means a building or structure owned and constructed or reconstructed by a community development organization without a tenant or buyer for the purpose of attracting an employer or user which will complete the building to the employer's or user's specification for manufacturing, processing, or warehousing the employer's or user's product line.

(Ord. 06-O-97-98, Add, 11/17/1997)

Section 4-8-2 Purpose

The City Council, by this Chapter, and pursuant to the authority of Section 427. 1(27) Code of Iowa approves of exemption from property taxation as provided herein for all new construction of speculative shell buildings by community development organizations for speculative purposes or the portion of value added to buildings being reconstructed renovated by community development organizations in order to become speculative shall buildings.

(Ord. 06-O-97-98, Add, 11/17/1997)

Section 4-8-3 Amount of Exemption

The actual value added to the prior value of the same real estate is eligible to receive an exemption for taxation beginning with the year in which the building is first assessed for property taxation or the assessment year in which the reconstruction or renovation first adds value and all subsequent years until the property is leased or sold. If any portion of the shell building is leased or sold, the portion of the shell building which is leased or sold shall not be entitled to an exemption for subsequent years.

(Ord. 06-O-97-98, Add, 11/17/1997)

Section 4-8-4 Exemption Effective

The exemption shall be effective for the assessment year in which the speculative shell building is first assessed for property taxation or the assessment year in which the reconstruction or renovation first adds value. Eligibility for an exemption as a speculative shell building shall be determined as of January 1, of the assessment year.

(Ord. 06-O-97-98, Add, 11/17/1997)

Section 4-8-5 Application for Exemption

An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the city clerk of the City of Storm Lake, Iowa, and with the Buena Vista County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and any other information deemed necessary by the Director of Revenue.

(Ord. 06-O-97-98, Add, 11/17/1997)

Section 4-8-6 Industrial Property Exemption

Upon the sale of the shell building, the shell building shall be considered new construction of the purposes of Chapter 4-2 of the Municipal Code of Storm Lake, Iowa, if used for purposes set forth in Chapter 4-2.

(Ord. 06-O-97-98, Add, 11/17/1997)

Chapter 4-9

REGULATORY SCHEME FOR CABLE TELEVISION FRANCHISE WHICH ARE INITIALLY GRANTED OR WHICH ARE RENEWED ON OR AFTER MARCH 1, 1999

Sections:

4-9-1 INTENT
4-9-2 DEFINITIONS
4-9-3 FRANCHISE TO INSTALL AND OPERATE
4-9-4 FRANCHISE REQUIRED
4-9-5 TERM OF THE FRANCHISE
4-9-6 FRANCHISE TERRITORY
4-9-7 FEDERAL, STATE AND CITY JURISDICTION
4-9-8 FRANCHISE NON-TRANSFERABLE
4-9-9 PURCHASE BY CITY UPON EXPIRATION OR REVOCATION
4-9-10 EMERGENCY USE
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Section 4-9-1 INTENT

a. The City of Storm Lake, Iowa, pursuant to Applicable Laws, is authorized to grant one or more nonexclusive Franchises to construct, operate, maintain and reconstruct Cable Television Systems within the City limits.

b. The City Council finds that the development of Cable Television Systems has the potential

of having great benefit and impact upon the residents of the City. Because of the complex and rapidly changing technology associated with cable television, the City Council further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the City or such Persons as the City shall designate. It is the intent of this Ordinance and subsequent amendments to provide for and specify the means to attain the best possible cable television service to the public and any Franchises issued pursuant to this Ordinance shall be deemed to include this finding as an integral part thereof.

Section 4-9-2 DEFINITIONS

1. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this Section. The words " shall" and " will" are mandatory and " may" is permissive. Words not defined shall be given their common and ordinary meaning.

2.

3. a. "Applicable Laws" means any law, statute, charter, ordinance, rule, regulation, code, license, certificate, franchise, permit, writ, ruling, award, executive order, directive, requirement, injunction (whether temporary, preliminary or permanent), judgment, decree or other order issued, executed, entered or deemed applicable by any Governmental Authority.

4.

5. b. "Basic Cable Service" means any Service Tier which includes the retransmission of local television broadcast signals. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. 543(b)(7).

6.

c. "Cable Act" means the Cable Communications Policy Act of 1984, Pub. L. No. 98-549, 98 Stat. 2779 (1984) (codified at 47 U.S.C. 521-611 (1982 & Supp. V 1987)) as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385 and the Telecommunications Act of 1996, Pub. L. No. 104-458 and as the same may, from time to time, be amended.

d. "Cable Television System", "System" or "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include:

1. A facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;

2. A facility that serves Subscribers without using any public rights-of-way;

3. A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. 201-226, except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. 541©) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;

4. An open video system that complies with 47 U.S.C. 573 and is not otherwise exempt from the City' s authority to grant and regulate franchises pursuant to Section 364.2(4) of the Iowa Code.

5. Any facilities of any electric utility used solely for operating its electric utility system.

e. "Cable Service" means:

1. The one-way transmission to Subscribers of (i) Video Programming, or (ii) Other Programming Service; and

2. Subscriber interaction, if any, which is required for the selection or use of such Video Programming or Other Programming Service.

f. "Channel" or "Cable Channel" means a portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel as defined by the Federal Communications Commission.

g. "Class IV Channel" means a signaling path provided by a Cable System to transmit signals of any type from a Subscriber terminal to another point in the Cable System.

h. "Council" means the City Council of the City of Storm Lake, Iowa.

i. "Franchise" means an initial authorization, or renewal thereof, (including a renewal of an authorization which has been granted subject to 47 U.S.C. 546), issued by the City, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of a Cable System**.**

j. "Franchise Agreement" means a Franchise granted pursuant to this Ordinance containing the specific provisions of the Franchise granted, including references, specifications, requirements and other related matters for the construction or operation of a Cable System.

k. "Franchise Fee" means any tax, fee or assessment of any kind imposed by the City on a Grantee or cable Subscriber, or both, solely because of their status as such. The term " Franchise Fee" does not include: (i) any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminating against cable operators or cable Subscribers**)**; (ii) capital costs which are required by the Franchise Agreement to be incurred by the Grantee for PEG Access Facilities; (iii) requirements or charges incidental to the awarding or enforcing of the Franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damages; or (iv) any fee imposed under Title 17 of the United States Code.

l. "Governmental Authority" means any Court or other federal, state, county, municipal or other governmental department, commission, board or agency.

m. "Grantee" means any Person receiving a Franchise pursuant to this Ordinance as represented

by its agents, officers, designees, or any lawful successor, transferee or assignee.

n. "Grantor" or "City" means the City of Storm Lake, Iowa. The City Administrator shall be responsible for the continuing administration of the Franchise.

o. "Gross Revenues" means all revenue derived directly or indirectly by the Grantee, its affiliates, subsidiaries, parents, or any Person in which Grantee has a financial interest of five percent (5%) or more, arising from or attributable, to the sale or exchange of Cable Service by the Grantee within the City. Gross Revenues shall be the basis for computing the Franchise Fees imposed pursuant to Section 1.20 hereof. Gross Revenues does not include uncollected amounts for Cable Service, or support for PEG Access Facilities collected from Subscribers.

p. "Installation" means the connection of the System from the tap to the point of connectivity to a Subscriber's terminal for the provision of Cable Service.

q. "Normal Business Hours" means those hours during which most similar businesses in the City are open to serve customers. In all cases, "Normal business Hours" must include some evening hours at least one night per week and/or some weekend hours.

r. "Normal Operating Conditions" means those service conditions which are within the control of the Grantee. Those conditions which are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and unusually severe or unusual weather conditions. Those conditions which are ordinarily within he control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the System.

s. "Other Programming Service" means information that a Grantee makes available to all Subscribers generally and has the same meaning as set forth at 47 USC Section 522.

t. "Person" means any individual or any association, firm, general partnership, limited partnership, joint stock company, joint venture, trust, corporation, limited liability company or other legally recognized entity, private or public, whether for-profit or not-for-profit.

u. "Public, Educational or Government Access Facilities" or a PEG Access Facilities" means:

1. Channel capacity designated for public, educational or governmental use; and

2. Facilities and equipment for the use of such channel capacity.

v. "Section" means any Section, subsection or provision of this Ordinance.

w. "Service Area" or "Franchise Area" means the entire geographic area within the City as it is now constituted or may in the future be constituted, unless otherwise specified in the Franchise Agreement.

x. "Service Interruption" means the loss of picture or sound on one or more Cable Channels.

y. "Service Tier" means a category of Cable Service or other services provided by a Grantee and for which a separate rate is charged by the Grantee.

z. "State" means the State of Iowa.

aa. "Street" means the surface of and the space above and below each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the City limits; streets, roadways, highways, avenues, paths, lanes, alleys, sidewalks, boulevards, permit to be included within the definition of Street from time to time.

bb. "Subscriber" means any Person who or which lawfully elects to subscribe to Cable Service provided by the Grantee by Means of or in connection with the Cable System whether or not a fee is paid for such service.

cc. "Video Programming" means programming provided by, or generally considered comparable to programming provided by a television broadcast station.

Section 4-9-3 FRANCHISE TO INSTALL AND OPERATE

a. A Franchise granted by the City under the provisions of this Ordinance shall encompass the following purposes:

1. To engage in the business of providing Cable Service to Subscribers within the Service Area.

2. To erect, install, construct, repair, rebuild, reconstruct, replace, maintain and retain cables, lines, related electronic equipment, supporting structures, appurtenances and other property in connection with the operation of a Cable System in, on, over, under, upon, along and across Streets within the Service Area.

3. To maintain and operate said Franchise properties for the origination, reception, transmission, amplification and distribution of television and radio signals for the delivery of Cable Services.

4. To set forth the obligations of a Grantee under the Franchise Agreement.

b. Nothing contained in this Ordinance relieves a Person from liability arising out of failure to exercise reasonable care to avoid injuring Grantee' s facilities while performing work connected with grading, regrading or changing the line of a Street or public place or with the construction or reconstruction of a sewer or water system.

Section 4-9-4 FRANCHISE REQUIRED

It shall be unlawful for any Person other than the City (unless required by Applicable Laws), to construct, install or operate a Cable Television System in the City in, on, over, under, upon, along or across any Street without a Franchise properly granted pursuant to the provisions of this Ordinance.

Section 4-9-5 TERM OF THE FRANCHISE

a. An initial or renewal Franchise granted hereunder shall be for the term established in the Franchise Agreement and shall not exceed fifteen (15) years.

b. A Franchise granted hereunder may be renewed upon application by the Grantee pursuant to the provisions of this Ordinance and Applicable Laws.

Section 4-9-6 FRANCHISE TERRITORY

Any Franchise granted pursuant to this Ordinance shall be valid within the Service Area.

Section 4-9-7 FEDERAL, STATE AND CITY JURISDICTION

a. This Ordinance shall at all times be construed and enforced in a manner consistent with Applicable Laws.

b. In the event that the State or Federal government discontinues preemption in any area of cable communications over which it currently exercises jurisdiction, Grantor reserves all of its rights to adopt rules and regulations in those areas to the extent permitted by Applicable Laws.

c. This Ordinance shall be effective after its passage, approval and publication and shall apply to all Franchises granted or renewed after the effective date of this Ordinance.

d. The rights of all Grantees are subject to the policing powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. All Grantees shall comply with all Applicable Laws enacted by the City pursuant to that power.

e. No Grantee shall be relieved of its obligation to comply with any of the provisions of this Ordinance or any Franchise granted pursuant to this Ordinance by reason of any failure of the City to enforce prompt compliance.

f. This Ordinance and any Franchise granted pursuant to this Ordinance shall be construed and enforced in accordance with the substantive laws of the City, State of Iowa and applicable federal laws, including the Cable Act.

g. This Ordinance complies with all Iowa statutes. To the extent Iowa Statutes imposes requirements not addressed within this Ordinance or any Franchise granted hereunder, such requirements shall be considered part of this Ordinance as if fully set forth herein.

h. Grantee and the City shall conform to State laws and rules regarding cable communications not later than one year after they become effective, unless otherwise stated, and shall conform to federal laws and regulations regarding cable communications as they become effective.

Section 4-9-8 FRANCHISE NON-TRANSFERABLE

a. Grantee shall not voluntarily or involuntarily, by operation of law or otherwise, sell, assign, transfer, or otherwise dispose of, in whole or in part, the Franchise and/or Cable System without the prior written consent of the Grantor and then only upon such reasonable terms and conditions as may be allowed under Applicable Laws.

Any attempt to sell, assign, transfer, lease, sublet or otherwise dispose of all or any part of the Franchise and/or Cable System or Grantee' s rights therein without the prior written consent of the Grantor shall be null and void and shall be grounds for termination of the Franchise pursuant to Section 4-9-29 hereof and the applicable provisions of any Franchise Agreement.

b. In the case of any sale or transfer of ownership of any Franchise and/or Cable System**,** the City shall have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in this Ordinance and Applicable Laws and such other reasonable information as the City may request. If the City fails to render a final decision on the request within 120 days from receipt by the City of all required information, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.

c. Grantee shall notify Grantor in writing of any foreclosure or any other judicial sale of all or a substantial part of the property and assets comprising the Cable System of the Grantee or upon the termination of any lease or interest covering all or a substantial part of said property and assets. Such notification shall be considered by

Grantor as notice that a change in control or ownership of the Franchise has taken place and the provisions under this Section governing the consent of Grantor to such change in control or ownership shall apply.

d. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, Grantor may inquire into the qualifications of the prospective transferee or controlling party, and Grantee shall assist Grantor in any such inquiry. In seeking Grantor' s consent to any change of ownership or control, Grantee shall have the responsibility of insuring that the transferee completes an application in form and substance reasonably satisfactory to Grantor, which application shall include the information required under this Ordinance and Applicable Laws of this Ordinance. An application shall be submitted to Grantor not less than one hundred twenty (120) days prior to the date of transfer. City shall notify the Grantee in accordance with Applicable Laws of any question concerning the accuracy of the information provided, or such information shall be deemed accepted. The transferee shall be required to establish to the satisfaction of the City that it possesses the legal, technical and financial

qualifications to operate and maintain the System and comply with all Franchise requirements for the remainder of the term of the Franchise. If, after considering the legal, financial and technical qualities of the transferee and determining that they are satisfactory, the Grantor finds that such transfer is acceptable, the Grantor shall permit such transfer and assignment of the rights and obligations of such Franchise as may be in the public interest. The consent of the Grantor to such transfer shall not be unreasonably withheld.

e. The granting of a security interest or mortgage in all or part of the Franchise or Cable System by a Grantee shall not require the consent of the Grantor. Any financial institution having a security interest in any and all of the property and assets of Grantee as security for any loan made to Grantee for the construction and/or operation of the Cable System shall notify the Grantor that it or its designee satisfactory to the Grantor shall take control of and operate the Cable Television System, in the event of a default in the payment or performance of the debts, liabilities or obligations of Grantee to such financial institution. Further, said financial institution shall also submit a plan for such operation of the System within thirty (30) days of assuming such control that will insure continued service and compliance with all Franchise requirements during the term the financial institution or its designee exercises control over the System. The financial institution or its designee shall not exercise control over the System for a period exceeding one (1) year unless extended by the Grantor in its reasonable discretion and during said period of time it shall have the right to petition the Grantor to transfer the Franchise to another Grantee.

Section 4-9-9 PURCHASE BY CITY UPON EXPIRATION OR REVOCATION

In accordance with Applicable Laws, at the expiration, cancellation, revocation or termination of any Franchise Agreement for which the City has lawfully denied renewal under Applicable Laws, the City shall have the right to purchase the entire Cable System upon the payment to Grantee of the fair market value of the Cable System determined on the basis of the going concern value of the Cable System (exclusive of any value attributable to the Franchise itself).

Section 4-9-10 EMERGENCY USE

In the case of any emergency or natural disaster, Grantee shall, upon request of the City or emergency management personnel, make its Cable System and related facilities available to the City during the period of the emergency or natural disaster, to provide emergency alert services consistent with Applicable Laws.

Section 4-9-11 GEOGRAPHICAL COVERAGE

a. Grantee shall design, construct and maintain the Cable Television System to have the capability to pass every dwelling unit in the Service Area having a minimum density equivalent of nine (9) residential units per one quarter (1/4) cable plant mile, measured from the closest point of connectivity to Grantee' s System from which it is feasible to extend service to the area. Grantee shall be responsible for providing sufficient information to

Grantor to evaluate whether the System must be extended.

b. After service has been established by activating trunk and/or distribution cables for any portion of the Service Area, Grantee shall provide Cable Service under Normal Operating Conditions to any requesting Subscriber within that Service Area within thirty (30) days from the date of request, provided that the Grantee is able to secure all private easements and rights-of-way necessary to extend service to such Subscriber within such thirty (30) day period on reasonable terms and conditions.

Section 4-9-12 NONEXCLUSIVE FRANCHISE

Any Franchise granted under this Ordinance shall be nonexclusive. The Grantor specifically reserves the right to grant, at any time, such additional Franchises for a Cable Television System or any component thereof, as it deems appropriate, subject to Applicable Laws. The Grantor also specifically reserves the right to operate a municipal Cable Television System pursuant to Applicable Laws and shall not be required to grant a Franchise to the City for the operation of a municipal Cable Television System unless specifically required by Applicable Laws.

Section 4-9-13 MULTIPLE FRANCHISES

a. Grantor may grant one or more Franchises for a Service Area. Grantor may, in its sole discretion, limit the number of Franchises granted, based upon, but not necessarily limited to, the requirements of Applicable Laws and specific local considerations; such as:

   1. The capacity of the public rights-of-way to accommodate multiple coaxial cables in addition to the cables, conduits and pipes of the utility systems, such as electrical power, telephone, gas and sewage.

   2. The impact on the City of having multiple Franchises.

   3. The financial capabilities of the applicant.

b. Each Grantee awarded a Franchise to provide Cable Service in the City shall offer service to all residences in the City, subject to the density requirements of Section 4-9-11, within a reasonable period of time, in accordance with construction and service schedules mutually agreed upon between Grantor and Grantee, and consistent with Applicable Laws. Any additional Franchise granted by City for a Service Area included in an existing Franchise Agreement shall contain terms and conditions no more favorable or less burdensome than those in the existing Franchise Agreement pertaining to (i) the Service Area; (ii) PEG Access Facilities; or (iii) Franchise Fees.

c. The City may, in its sole discretion, require developers of new residential housing with underground utilities to provide conduit to accommodate cables for a minimum of two (2) Cable Systems.

d. Grantor may require that any new Grantee be responsible for its own underground trenching

and the costs associated therewith (including the cost of acquisition of additional right-of-way), if, in Grantor' s reasonable opinion, the rights-of-way in any particular area cannot feasibly and reasonably accommodate additional cables.

e. Any additional Franchise granted by the City to provide Cable Service in a part of the City in which a Franchise has already been granted (such as a newly annexed area) and where an existing Grantee is providing Cable Service shall require the new Grantee to provide service throughout its Service Area within a reasonable time and in a sequence which does not discriminate against lower income residents as prohibited by Applicable Laws.

Section 4-9-14 FRANCHISE APPLICATIONS

Any Person desiring an initial Franchise for a Cable Television System shall file an application with the City. A reasonable application fee in an amount established by the City shall accompany the initial application for the reasonable and necessary costs of the process of awarding the Franchise. Such application fee shall not be deemed to be " franchise fees" within the meaning of Section 622 of the Cable Act (47 U.S.C. 542), and such payments shall not be deemed to be (i) " payments in kind" or any involuntary payments chargeable against the Franchise Fees to be paid to the City by Grantee pursuant to Section 4-9-19 hereof and applicable provisions of a Franchise Agreement, or (ii) part of the Franchise Fees to be paid to the City by Grantee pursuant to Section 4-9-19 hereof and applicable provisions of a Franchise Agreement.

Section 4-9-15 CONSIDERATION OF INITIAL APPLICATIONS

a. Upon receipt of any application for an initial Franchise, the City Administrator shall prepare a report and make written recommendations respecting such application to the City Council.

b. A public hearing shall be set prior to any initial Franchise grant, at a time and date approved by the Council. The Council shall make a decision based upon the evidence received at the hearing as to whether or not the Franchise(s) should be granted, and, if granted subject to what conditions. The Council may grant one (1) or more initial Franchises, or may decline to grant any Franchise in accordance with Applicable Laws.

Section 4-9-16 FRANCHISE RENEWAL

Franchise renewals shall be in accordance with Applicable Laws. Grantor and Grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the Franchise. To the extent consistent with Applicable Laws, a reasonable non-refundable renewal application fee in an amount established by the City may be required to accompany any renewal application to the extent consistent with Applicable Laws.

Section 4-9-17 CONSUMER PROTECTION AND SERVICE STANDARDS

Grantee shall, at a minimum, comply with the following consumer protection standards under Normal Operating Conditions:

a. Cable System office hours and telephone availability:

1. Grantee will maintain a local, toll-free or collect call telephone access line which will be available to its Subscribers 24 hours a day, seven (7) days a week.

(i) Trained Grantee representatives will be available to respond to customer telephone inquiries during Normal Business Hours.

(ii) After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after Normal Business Hours must be responded to by a trained Grantee representative on the next business day.

2. Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less then ninety (90%) percent of the time under Normal Operating Conditions, measured on a quarterly basis.

3. The Grantee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards, unless an historical record of complaints indicates a failure to comply.

4. Under Normal Operating Conditions, the customer will receive a busy signal less than three percent (3%) of the time.

5. Customer service center and bill payment locations will be open at least during Normal Business Hours and will be conveniently located.

b. Installations, outages and service calls. Under Normal Operating Conditions, each of the following four standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:

1. Standard Installations will be performed within seven (7) business days after an order has been placed. " Standard" Installations are those that are located up to 125 feet from the existing distribution system.

2. Excluding conditions beyond the control of Grantee, Grantee will begin working on " service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The Grantee must begin actions to correct other service problems the next business day after notification of the service problem.

3. The "appointment window" alternatives for Installations, service calls, and other Installation activities will be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. (The Grantee may schedule service calls and other Installation activities outside of Normal Business Hours for the express

convenience of the customer.)

4. Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

5. If Grantee' s representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

c. Communications between Grantee and Subscribers:

1. Notifications to Subscribers:

(i) The Grantee shall provide written information on each of the following areas at the time of Installation of service at least annually to all Subscribers, and at any time upon request:

(A) Products and services offered;

(B) Prices and options for programming services and conditions of subscription to programming and other services;

(C) Installation and service maintenance policies;

(D) Instructions on how to use the Cable Service;

(E) Channel positions of the programming carried on the System; and

(F) Billing and complaint procedures, including the address and telephone number of the Grantor' s cable office.

(ii) Customers will be notified of any changes in rates, programming services or Channel positions as soon as possible through announcements on the Cable System and in writing. Notice must be given to Subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the Grantee. In addition, the Grantee shall notify Subscribers thirty (30) days in advance of any significant changes in the other information required by Section 1.18©(1)(i). A Grantee shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, Franchise Fee, or any other fee, tax, assessment, or charge of any kind imposed by any Governmental Authority on the transaction between the Grantee and the Subscriber.

2. Billing:

(i) Bills will be clear, concise and understandable. Bills must be fully itemized,

with itemizations including, but not limited to, Basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(ii) In case of a billing dispute, the Grantee must respond to a written complaint from a Subscriber within thirty (30) days.

3. Refunds: Refund checks will be issued promptly, but no later than either:

(i) The customer' s next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(ii) The return of the equipment supplied by the Grantee if service is terminated.

4. Credits: Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

Section 4-9-18 RATE REGULATION

The City reserves the right to regulate rates for Cable Service offered over the Cable System, to the extent not prohibited by Applicable Laws. The Grantee shall be subject to the rate regulation provisions provided for herein, and those of the Federal Communications Commission (FCC) at 47 C.F.R., Part 76, Subpart N, as the same may be amended from time to time. The City shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part 76, Subpart N, as the same may be amended from time to time.

Section 4-9-19 FRANCHISE FEE

a. Following the issuance and acceptance of a Franchise, the Grantee shall pay to the Grantor a Franchise Fee in the amount set forth in the Franchise Agreement. Nothing herein shall be construed to prohibit a Grantee from itemization of the Franchise Fee on Subscriber bills consistent with 47 U.S.C. 542© and 47 C.F.R. 76.985.

b. The Grantor, on an annual basis, shall be furnished a statement within sixty (60) days of the close of the calendar year, certified by an officer of the Grantee reflecting the total amounts of Gross Revenues and all payments, and computations of the Franchise Fee for the previous calendar year. Upon ten (10) days prior written notice, Grantor shall have the right to conduct an independent audit of Grantee' s records. If such audit indicates a Franchise Fee underpayment of five percent (5%) or more, the Grantee shall assume all reasonable costs of such an audit and shall remit to Grantor all applicable Franchise Fees due and payable together with interest thereon at the lesser of the maximum rate permitted by Applicable Laws or 18% per annum.

c. Except as otherwise provided by law, no acceptance of any payment by the Grantor shall be construed as a release or as an accord and satisfaction of any claim the Grantor may have for further or additional sums payable as a Franchise Fee under this Ordinance or any Franchise

Agreement or for the performance of any other obligation of the Grantee.

d. In the event that any Franchise Fee payment or recomputed amount is not made on or before the dates specified in the Franchise Agreement, Grantee shall pay as additional compensation an interest charge, computed from such due date, at an annual rate equal to the lesser of the maximum rate permitted by Applicable Laws or 18% per annum during the period for which payment was due.

e. Franchise Fee payments shall be made in accordance with the schedule indicated in the Franchise Agreement.

Section 4-9-20 DESIGN AND CONSTRUCTION REQUIREMENTS

1. a. Grantee shall not construct any Cable System facilities until Grantee has secured the necessary permits from Grantor, or other applicable Governmental Authorities.
2.
3. b. In those areas of the City where transmission or distribution facilities of all the public utilities providing telephone and electric power service are underground, the Grantee likewise shall construct, operate and maintain its transmission and distribution facilities therein underground.
4.
5. c. In those areas of the City where Grantee' s cables are located on the above-ground transmission or distribution facilities of the public utility providing telephone or electric power service, and in the event that the facilities of both such public utilities subsequently are placed underground, then within a reasonable period of time the Grantee likewise shall construct, operate and maintain its transmission and distribution facilities underground, at Grantee' s cost. Certain of Grantee's equipment, such as pedestals, amplifiers and power supplies, which normally are placed above ground,
may continue to remain in above-ground closures, however, the City specifically reserves all of its rights to approve above-ground or underground locations for pedestals subject to Applicable Laws.
6.
7. d. Construction Codes and Permits.
8.
9. 1. Grantee shall obtain all necessary permits from City before commencing any construction, upgrade or extension of the System, including the opening or disturbance of any Street, or private or public property within City.
Grantee shall adhere to all state and local laws and building and zoning codes currently or hereafter applicable to construction, operation or maintenance of the System in City and give due consideration at all times to the aesthetics of the property.
10.
11. 2. Upon at least one (1) days written notice to a Grantee, the City shall have the right to inspect all construction or installation work performed pursuant to the provisions of the Franchise and to make such tests at its own expense as it shall find necessary to ensure compliance with the terms of the Franchise and applicable provisions of local, state and federal law in such a manner so as to minimize disruption of Service to Subscribers.
12.

e. Repair of Streets and Property. Any and all Streets or public property or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly and fully restored by Grantee, at its expense, to a condition as reasonably good as that prevailing prior to Grantee's work and otherwise as required by Title X, Chapter 9 of this Code. If Grantee shall fail to promptly perform the restoration required herein after written notice and an opportunity to cure, City shall have the right to put the Streets, public, or private property back into a condition as good as that prevailing prior to Grantee's work. City reserves its rights to pursue reimbursement for such restoration from Grantee.

f. Conditions on Street Use.

1. Nothing in this Franchise shall be construed to prevent City from constructing, maintaining, repairing or relocating sewers; grading, paving, maintaining, repairing, relocating and/or altering any Street; constructing, laying down, repairing, maintaining or relocating any water mains; or constructing, maintaining, relocating, or repairing any sidewalk or other public work.

2. All System transmission and distribution structures, lines and equipment erected by the Grantee within City shall be located so as not to unreasonably obstruct or unnecessarily interfere with the usual and customary use of Streets, alleys and other public ways and places, and to cause minimum interference with the rights of property owners who abut any of the said Streets, alleys and other public ways and places, and not to unreasonably interfere with existing public utility installations. The Grantee shall furnish to and file with City Administrator the maps, plats, and permanent records of the location and character of all facilities constructed, including underground facilities, and Grantee shall file with City updates of such maps, plats and permanent records annually if changes have been made in the System.

3. If at any time during the period of this Franchise, City shall elect to alter, or change the grade or location of any Street, alley or other public way or repair or relocate its own underground utilities, the Grantee shall, at its own expense, upon reasonable notice by City, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the System, and in each instance comply with the standards and specifications of City. If City reimburses other occupants of the Street, Grantee shall be likewise reimbursed.

4. The Grantee shall not place poles, conduits, or other fixtures of System above or below ground where the same will unreasonably interfere with any gas, electric, telephone, water or other utility fixtures and all such poles, conduits, or other fixtures placed in any Street shall be so placed as to comply with all requirements of City.

5. The Grantee shall, on request of any Person holding a moving permit issued by City, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid in advance by the Person

requesting the same, and the Grantee shall be given not less than ten (10) days advance notice to arrange for such temporary changes.

26.

27. 6. If there should be a conflict between the provisions of this Section and the provisions of Chapter 10-9, the more restrictive provisions shall apply.

Section 4-9-21 TECHNICAL STANDARDS

a. The Grantee shall construct, install, operate and maintain its System in a manner consistent with all Applicable Laws and the Federal Communications Commission technical standards, and any standards set forth in its Franchise Agreement. In addition, the Grantee shall provide to the Grantor, upon request, a written report of the results of the Grantee' s periodic proof of performance tests conducted pursuant to Federal Communications Commission standards and guidelines.

b. Grantee shall at all times fully comply with the provisions of the Federal Communications Commission technical standards at Section 76, Subpart K of the Code of Federal regulations.

c. All Installation of electronic equipment shall be of a permanent nature, durable installed in accordance with the provisions of the National Electrical and Safety Code and National Electrical Code, as amended, and as may from time to time be amended. All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, as amended, as well as all other Applicable Laws.

d. Antennae and their supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other Applicable Laws.

e. All of Grantee's plant and equipment, including, but not limited to, the antenna site, headend and distribution system, towers, house connections, structures, poles, wire, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or unreasonably interfere with improvements the City may reasonably deem appropriate to make or to unreasonably interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic.

f. Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

Section 4-9-22 TRIMMING OF TREES

Grantee shall have the authority, provided they give the City and adjacent property owners ten (10) days written notice in advance, to trim trees, in accordance with all applicable utility

restrictions, ordinance and easement restrictions, upon and hanging over Streets and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee. City representatives shall have authority to supervise and approve all trimming of trees conducted by Grantee, except in cases of emergency where advance notification by Grantee may not be possible.

Section 4-9-23 USE OF GRANTEE FACILITIES

The City shall have the right to install or maintain any wires and fixtures desired by the City upon the poles and within the underground pipes and conduits of Grantee. If the City desires to utilize Grantee' s facilities, the City and Grantee shall enter into a mutually acceptable separate agreement for the provision thereof. Any such agreement shall contain rates, terms, and conditions that are no more favorable nor less burdensome than the rates, terms, and conditions made available by Grantee to any other Person. The Grantee may deny use of its facilities if the City' s proposed installation or maintenance is not technically feasible, exceeds available space, or otherwise interferes with the existing or future operations of Grantee.

Section 4-9-24 PROGRAMMING DECISIONS

All programming decisions shall be at the sole discretion of Grantee; provided, however, that if a Grantee shall have committed to providing a particular mix, quality or level of programming services in its Franchise agreement and that Grantee anticipates the need to change that mix, quality, or level of programming, it must request permission of the City to make such change as provided in 47 U.S.C. §545. The City must act within one hundred twenty (120) days of such a request and approval shall not be unreasonably withheld. Failure of the City to act within one hundred twenty (120) days shall be deemed approval of the proposed change.

Section 4-9-25 INDEMNIFICATION

Grantee shall indemnify, defend and hold the City, its officers, boards, commissions, agents and employees (collectively the " Indemnified Parties") harmless from and against any and all lawsuits, claims, causes of action, actions, liability, demands, damages, judgments, settlements, losses, expenses (including reasonable attorneys' fees) and costs that any of the Indemnified Parties acting within the performance of the official duties of the position and not resulting from malfeasance in office, willful neglect of duty or bad faith, may at any time suffer, sustain or incur arising out of, based upon or in any way connected with the grant of a Franchise to Grantee, the operation of Grantee' s System and/or the acts and/or omissions of Grantee or its agents or employees, whether or not pursuant to the Franchise. This indemnity shall apply, without limitation, to any action or cause of action for invasion of privacy, defamation, antitrust, errors and omissions, fire, violation or infringement of any copyright, trademark, trade names, service mark, patent, or any other right of any Person by a Grantee, but shall exclude any claim or action arising out of the acts or omissions of the Indemnified Parties or related to any City programming or other access programming for which the Grantee is not legally responsible.

An Indemnified Party shall promptly submit a written request to Grantee of any claim or legal proceeding which gives rise to Grantee' s indemnification obligations under this Section. An

Indemnified Party shall be offered the opportunity to participate in the defense, compromise, settlement or other resolution or disposition of any claim or proceeding. The Indemnified Party shall fully cooperate with Grantee regarding any such matter.

Section 4-9-26 INSURANCE

a. Within sixty (60) days following the grant of a Franchise, the Grantee shall obtain, pay all premiums for and make available to the City at its request copies of a general comprehensive liability insurance policy insuring, indemnifying, defending and saving harmless the Indemnified Parties from any and all claims by any Person whatsoever on account of injury to or death of a Person or Persons occasioned by the operations of the Grantee under any Franchise granted hereunder, or alleged to have been so caused or occurred with a minimum coverage equal to the statutory requirements of Section 115.24(14) of the Iowa Administrative Code.

b. All insurance policies called for herein shall be in a form satisfactory to the City with a company authorized to do business in the State of Iowa with a rating by A.M. Best & Co. of not less than " A," and shall require thirty (30) days written notice of any cancellation to both the City and the Grantee. The Grantee shall, in the event of any such cancellation notice, obtain, pay all premiums for, and file with the City, written evidence of the issuance of replacement policies within thirty (30) days following receipt by the City or the Grantee of any notice of cancellation.

c. If Grantee sells or transfers the Cable System, or in the event of expiration, termination or revocation of a Franchise, insurance tail coverage shall be purchased and filed with the City for the then applicable amounts, providing coverage for the time periods according to applicable statutes of limitation, insurance for any issues attributable to the period Grantee held its Franchise.

d. It shall be the obligation of Grantee to promptly notify the City of any pending or threatened litigation that would be likely to adversely affect the Indemnified Parties.

Section 4-9-27 RECORDS REQUIRED AND GRANTOR' S RIGHT TO INSPECT

a. Grantee shall at all times maintain and upon request provide to City:

    1. A full and complete set of plans, records and " as-built" maps showing the location of the Cable Television System installed or in use in the City, exclusive of Subscriber service drops and equipment provided in Subscribers' homes. To the extent technically feasible, Grantee shall also make records and maps available to City in electronic format compatible with the City' s computer system.

    2. If requested by Grantor, a summary of service calls, identifying the number, general nature and disposition of such calls, on a monthly basis. A summary of such service calls shall be submitted to the Grantor within thirty (30) days following its request in a form reasonably acceptable to the Grantor.

b. Upon reasonable notice, and during Normal Business Hours, Grantee shall permit examination by any duly authorized representative of the Grantor, of all Cable System property and facilities, together with any appurtenant property and facilities of Grantee situated within or without the City, and all records relating to the Franchise, provided they are necessary to enable the Grantor to carry out its regulatory responsibilities under Applicable Laws, this Ordinance and the Franchise Agreement. Grantee shall have the right to be present at any such examination.

c. The City shall also have the right to inspect, upon twenty-four (24) hours written notice, at any time during Normal Business Hours at Grantee' s office, all books, records, maps, plans, financial statements, service complaint logs, performance test results, and records of request for service of Grantee. To the extent not inconsistent with Applicable Laws, Grantee shall have the right to withhold confidential, proprietary, trade secret and privileged information. Grantor shall provide any Grantee with reasonable advance notice of any request by a third party for disclosure of information designated by that Grantee as confidential, proprietary, trade secret or privileged.

d. Copies of all petitions, applications, communications and reports submitted by Grantee or on behalf of or relating to Grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other Governmental Authority having jurisdiction with respect to any matters affecting the Cable System authorized pursuant to this Ordinance and any Franchise shall be submitted upon request to the City. Copies of responses from the Governmental Authority to Grantee shall likewise be furnished upon request to the City.

Section 4-9-28 ANNUAL REPORTS

a. Grantee shall, within ninety (90) days of each calendar year end, submit a written end of the year report to Grantor with respect to the preceding calendar year containing the following information:

1. A Summary of the previous year' s (or in the case of the initial reporting year, the initial year' s) activities in development of the Cable System, including but not limited to Cable Services commenced or discontinued during the reporting year;

2. A list of Grantee' s officers, members of its board of directors, and other principals of Grantee; and

3. A list of stockholders or other equity investors holding five percent (5%) or more of the voting interest in Grantee.

b. All reports required under this Ordinance, except those required by law to be kept confidential, shall be available for public inspection in the Grantee' s offices during Normal Business Hours.

c. All reports and records required under this Ordinance shall be furnished at the sole expense

of Grantee, except as otherwise provided in this Ordinance or the Franchise agreement.

Section 4-9-29 FRANCHISE VIOLATION

In the event Grantor believes that Grantee has breached or substantially violated any material provision of this Ordinance or a Franchise granted hereunder, or has practiced fraud or deceit upon the Grantor, Grantor may act in accordance with the following procedures:

Grantor may notify Grantee of the alleged violation or breach and demand that Grantee cure the same within a reasonable time, which shall not be less than ten (10) days in the case of an alleged failure of the Grantee to pay any sum or other amount due the Grantor under this Ordinance or the Grantee' s Franchise and thirty (30) days in all other cases. If Grantee fails either to cure the alleged violation or breach within the time prescribed or to commence correction of the violation or breach within the time prescribed and thereafter diligently pursue correction of such alleged violation or breach, the Grantor shall then give written notice of not less than fourteen (14) days of a public hearing to be held before the Council. Said notice shall specify the violations or breaches alleged to have occurred. At the public hearing, the Council shall hear and consider relevant evidence and thereafter render findings and its decision. In the event the Council finds that a material violation or substantial breach exists and that Grantee has not cured the same in a satisfactory manner or has not diligently commenced to cure of such violation or breach after notice thereof from Grantor and is not diligently proceeding to fully cure such violation or breach, the Council may revoke and terminate the Franchise or impose any other remedy permitted by the Franchise Agreement or Applicable Laws. Grantee may appeal on such action to any court and/or regulatory agency of competent jurisdiction and the Franchise shall remain in full force and effect during the pendency of any such appeal.

Section 4-9-30 FORCE MAJEURE; GRANTEE' S INABILITY TO PERFORM

In the event Grantee' s performance of any of the terms, conditions or obligations required by this Ordinance or a Franchise granted hereunder is prevented by a cause or event not within Grantee' s reasonable control, such inability to perform shall be deemed excused for the period of such inability and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this Section, causes or events not within the reasonable control of Grantee shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, restraints imposed by order of a governmental agency or court, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides and fires.

Section 4-9-31 ABANDONMENT OR REMOVAL OF FRANCHISE PROPERTY

a. A Grantee shall not abandon any portion of its Cable System without giving at least three (3) months prior written notice to Grantor. A Grantee shall not abandon any portion of the Cable System without compensating Grantor for any damages resulting to the City from the abandonment.

b. Grantor, upon such terms as Grantor may reasonably impose, may give Grantee permission to abandon, without removing, any System facility or equipment laid, directly constructed,

operated or maintained in, on, under or over the Franchise Area. Unless such permission is granted or unless otherwise provided in this Ordinance, the Grantee shall remove all abandoned facilities and equipment upon receipt of written notice from Grantor and shall restore any affected street to its former state at the time such facilities and equipment were installed, so as not to impair its usefulness. In removing its plant, structures and equipment, Grantee shall refill, at its own expense, any excavation made by or on behalf of Grantee and shall leave all Streets and other public ways and places in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. Grantor shall have the right to inspect and approve the condition of the Streets, public ways, public places, cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this Ordinance and any security fund provided for in the Franchise Agreement shall continue in full force and effect during the period of removal and until full compliance by Grantee with the terms and conditions of this Section.

c. Upon abandonment of any Franchise property in place, the Grantee, if required by the Grantor, shall submit to Grantor a bill of sale and/or other an instrument, reasonably satisfactory in form and content to the Grantor, transferring to the Grantor the ownership of the Cable System property abandoned.

d. At the expiration of the term for which the Franchise is granted, or upon its earlier revocation or termination, as provided for herein and/or in the Franchise Agreement, in any such case without renewal, extension or transfer, the Grantor shall have the right to require Grantee to remove, at its own expense, all above-ground portions of the Cable Television System from all Streets and public ways within the City within a reasonable period of time, which shall not be less than one hundred eighty (180) days, except to the extent Grantee is authorized or utilizing the System pursuant to other Applicable Laws.

e. Notwithstanding anything to the contrary set forth in this Ordinance, the Grantee may, with the consent of the Grantor, abandon any underground Franchise property in place so long as it does not materially interfere with the use of the Street or public rights-of-way in which such property is located or with the use thereof by any public utility or other cable Grantee.

Section 4-9-32 EXTENDED OPERATION AND CONTINUITY OF SERVICES

Upon the expiration, revocation or termination of the Franchise, Grantee may continue to operate the Cable Television System for a period of time not to exceed six (6) months from the date of such expiration, revocation or termination under the terms and conditions of this Ordinance and the Franchise and to provide the regular Subscriber service and any and all of the services that may be provided at that time.

Section 4-9-33 RECEIVERSHIP AND FORECLOSURE

a. A Franchise granted hereunder shall, at the option of Grantor, cease and terminate one hundred twenty (120) days after appointment of a receiver or receivers, or trustee or trustees, to take over and conduct the business of Grantee, whether in a receivership, reorganization,

bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless: (1) such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this Ordinance and the Franchise granted pursuant hereto, and the receivers or trustees within said one hundred twenty (120) days shall have remedied all the defaults and violations under the Franchise and/or this Ordinance or provided a plan for the remedy of such defaults and violations which is satisfactory to the Grantor; and (2) such receivers or trustees shall, within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the Franchise and this Ordinance.

b. In the case of a foreclosure or other judicial sale of the Franchise property, or any material part thereof, Grantor may give notice of termination of any Franchise granted pursuant to this Ordinance upon Grantee and the successful bidder at such sale, in which the event the Franchise granted and all rights and privileges of the Grantee hereunder shall cease and terminate thirty (30) days after such notice has been given, unless (1) Grantor shall have approved the transfer of the Franchise in accordance with the provisions of the Franchise and this Ordinance; and (2) such successful bidder shall have covenanted and agreed with Grantor to assume and be bound by all terms and conditions of the Franchise.

c. Upon termination or revocation of this franchise, the City may in a lawful manner and upon the payment of an equitable price lawfully obtain, purchase, condemn, acquire, take over and hold the system.

Section 4-9-34 RIGHTS RESERVED TO GRANTOR

a. In addition to any rights specifically reserved to the Grantor by this Ordinance, the Grantor reserves to itself every right and power which is required to be reserved by a provision of any ordinance or under the Franchise.

b. The Grantor shall have the right to waive any provision of the Franchise, except those required by Applicable Laws, if the Grantor, in its reasonable opinion, determines (1) that it is in the public interest to do so, and (2) that the enforcement of such provision will impose an undue hardship on the Grantee or the Subscribers. Waiver of any provision in one instance shall not be deemed a waiver of such provision subsequent to such instance nor be deemed a waiver of any other provision of the Franchise unless the statement so recites.

Section 4-9-35 RIGHTS OF INDIVIDUALS

a. Grantee shall not deny Cable Service, deny access, or otherwise discriminate against Subscribers, Channel users, or general citizens on the basis of race, color, religion, disability, national origin, age, gender or sexual preference. Grantee shall comply at all times with all other Applicable Laws, relating to nondiscrimination.

b. Grantee shall adhere to the applicable equal employment opportunity requirements of Applicable Laws, as now written or as amended from time to time.

c. Neither Grantee, nor any Person, agency, or entity shall, without the Subscriber' s consent, tap or arrange for the tapping, of any cable, line, signal input device, or Subscriber outlet or receiver for any purpose except routine maintenance of the System, or detection of unauthorized service.

d. In the conduct of providing its Cable Services, Grantee shall take reasonable steps to prevent the invasion of a Subscriber' s or general citizen' s right of privacy or other personal rights through the use of the System as such rights are delineated or defined by Applicable Laws. Grantee shall not, without lawful court order or other applicable valid legal authority, utilize the System' s interactive two-way equipment or capability for unauthorized personal surveillance of any Subscriber or general citizen.

e. No signals of a Class IV Channel may be transmitted from a Subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of a Subscriber. The request for permission must be contained in a separate document with a prominent statement that the Subscriber is authorizing the permission in full knowledge of its provisions. The written permission must be for a limited period of time not to exceed one year which is renewable at the option of the Subscriber. No penalty may be invoked for a Subscriber' s failure to provide or renew the authorization. The authorization is revocable at any time by the Subscriber without penalty of any kind. The permission must be required for each type or classification or Class IV Channel cable communications activity planned.

1. No information or data obtained by monitoring transmission of a signal from a Subscriber terminal, including but not limited to the lists of the names and addresses of the Subscribers or lists that identify the viewing habits of Subscribers may be sold or otherwise made available to any Person other than to Grantee and its employees for internal business use, or to the Subscriber who is the subject of that information, unless the Grantee has received specific written authorization from the Subscriber to make the data available.

2. Written permission from the Subscriber is not required for the systems conducting system wide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of this information is subject to paragraph 1 above.

Section 4-9-36 SEVERABILITY

If any provision of this Ordinance is held by any Governmental Authority of competent jurisdiction, to be invalid or unenforceable as conflicting with any Applicable Laws now or hereafter in effect, or is held by such Governmental Authority to be modified in any way in order to conform to the requirements of any such Applicable Laws, such provision shall be considered a separate, distinct, and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such Applicable Laws are subsequently repealed, rescinded, amended or otherwise changed, so that the provision hereof which had been held invalid or modified is no longer in conflict with such laws, said provision shall thereupon return to full force and effect and shall thereafter be binding on Grantor and Grantee,

provided that Grantor shall give Grantee thirty (30) days written notice of such change before requiring compliance with said provision or such longer period of time as may be reasonably required for Grantee to comply with such provision.

(07-O-98-99 Added 5/17/99)

Chapter 9-1

PURPOSE

Sections:

9-1-1 Purpose
9-1-2 Short Title
9-1-3 Words And Phrases

Section 9-1-1 Purpose

The purpose of Title 9 of this Code is to regulate traffic upon the use of the streets of Storm Lake, Iowa and to provide for the enforcement of these regulations.

Section 9-1-2 Short Title

This Title may be known and cited as the "Traffic Code".

Section 9-1-3 Words And Phrases

Where words and phrases used in this Title are defined by the laws of Iowa, such definitions shall apply to this Title. Where the following additional words and phrases are used in this Title they are hereby defined:

(A) "PARK AND PARKING": Means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(B) "STAND OR STANDING": Means the halting of a vehicle, whether occupied or not, other than for the purpose of and while actually engaged in receiving or discharging passengers.

(C) "STOP": When required means complete cessation from movement.
(D) "STOP OR STOPPING": When prohibited means any halting even momentarily of a vehicle, 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.

Chapter 9-2

ENFORCEMENT AND OBEDIENCE TO THE TRAFFIC REGULATIONS

Sections:

9-2-1 Authority Of Police And Fire Department Officials
9-2-2 Required Obedience To Provisions Of This Title And State Law

Section 9-2-1 Authority Of Police And Fire Department Officials

Provisions of this Title and the Iowa law relating to motor vehicles and the 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, when at the scene of a fire, may direct, or assist the police in directing, traffic in the immediate vicinity.

Section 9-2-2 Required Obedience To Provisions Of This Title And State Law

Any person who shall wilfully 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 shall fail to abide by the provisions of this Title and the applicable provisions of the following Iowa Statutory Laws relating to motor vehicles and that Statutory Law of the road is in violation of this Title and shall be guilty of a simple misdemeanor. These Sections of the Code of Iowa, 1993, are:

(A) 321.174 and 321.218 through 321.224: license to drive.

(B) 321.229 through 321.234: obedience to a peace officer and responsibility of public officers, emergency vehicles, radar jamming devices and bicycles to obey traffic regulations.

(C) 321.256 through 321.260: traffic signs, signals and markings.

(D) 321.261 through 321.266 and 321.268: accidents and accident reporting.

(E) 321.277 through 321.279 specifically including 321.277A and 321.285 through 321.288: reckless driving, drag racing, speed and control of vehicle.

(F) 321.297 through 321.310: driving on right, meeting, overtaking, following or towing.

(G) 321.311 through 321.318: turning and starting, signals on turning and stopping.

(H) 321.319 through 321.324: right of way.

(I) 321.325 through 321.334 and 321.340: pedestrian rights and duties, and safety zones.

(J) 321.341 through 321.344: railroad crossings.

(K) 321.345 and 321.353 through 321.360: stop at sidewalks, stopping, standing and parking.

(L) 321.362 through 321.371: unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting glass, etc., on streets.

(M) 321.384 through 321.409, 321.415, 321.417 through 321.423, subsection 3: lighting equipment required and time of use. Under the provisions of Section 321.395, motor vehicles parked where permitted by this Ordinance need not have parking lamps lighted if the vehicle is within one hundred sixty feet (160') of a City street light ahead and to the rear of the vehicle and the permitted speed on said street is twenty-five (25) miles per hour or less.

(N) 321.430 through 321.450: brakes, horns and sirens, mufflers, wipers, mirrors, tires, flares, safety glass, safety belts or harnesses, and child restraint devices.

(O) 321.452 through 321.463, 321.465 and 321.466: size, weight and load.
(Ord. 07-O-2004-2005, Amended, 09/20/2004)

Chapter 9-3

TRAFFIC CONTROL DEVICES

Sections:

9-3-1 Authority To Install Traffic Control Devices
9-3-2 Designating Crosswalks, Establishing And Marking Traffic Lanes

Section 9-3-1 Authority To Install Traffic Control Devices

The City Administrator shall order the placement and maintenance of traffic control devices when and as required under the Ordinances of this City to make effective its provisions, and the Chief of Police may place and maintain such additional emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic ordinances of this City or under the State law or to guide or warn traffic.

The Chief of Police shall keep a record of all traffic control devices placed by his/her Department or placed by his/her order.

All traffic control devices shall comply with standards established by the United States Department of Transportation Manual Of Uniform Traffic Control Devices For Streets And Highway.

Section 9-3-2 Designating Crosswalks, Establishing And Marking Traffic Lanes

The City Administrator is hereby authorized to designate and cause to be maintained by appropriate devices, markers or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require, and to cause to be marked lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic ordinances of this city. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Chapter 9-4

SPEED REGULATIONS

Sections:

9-4-1 Scope Of Ordinance
9-4-2 Definitions And Rules Of Construction
9-4-3 General Speed Regulations
9-4-4 Specific Speed Regulations

Section 9-4-1 Scope Of Ordinance

The speed limits set forth in this Chapter 4 shall be the maximum speed limits for all streets and highways within the corporate limits of the City of Storm Lake, Iowa.

Section 9-4-2 Definitions And Rules Of Construction

For the purposes of this Chapter the following definitions and rules of construction shall apply:

(A) "BUSINESS DISTRICT" means the property contiguous to a street or highway when fifty percent (50%) or more of the frontage of such property on said street or highway for a distance of three hundred feet (300') or more is occupied and used for business and commercial purposes.

(B) "SCHOOL DISTRICT" means the property contiguous to a street or highway and such property is occupied by a public or private schoolhouse, including land adjoining such schoolhouse that is used for school recreational purposes.

(C) "RESIDENCE DISTRICT" means the property contiguous to a street or highway when forty percent (40%) or more of the property fronting on such street or highway for a distance of three hundred (300) or more feet is occupied by dwellings. Any district which does not meet the definition of a Business District or a School District shall be considered a Residence District.

(D) If a particular street or highway is named as a beginning or ending point for a particular speed zone, the center line of the improved portion of such street (or an extension of such center line) shall be such beginning or ending point.

Section 9-4-3 General Speed Regulations

Except as may be specifically provided for in Section 9-4-4, of this Code, the following maximum speed limits shall apply in this City:

(A) Business District - 20 M.P.H.

(B) Residence or School District - 25 M.P.H.

Section 9-4-4 Specific Speed Regulations

The following maximum speed limits shall apply on the following streets or highways (or portions thereof):

(A) West Fifth Street:

1. From intersection with Highway 110 easterly to (East) Vista Drive, 35 M.P.H.; then, continuing easterly from such point on (East) Vista Drive to Otsego Street, 30 M.P.H.

2. From Otsego Street east to Lake Avenue, 20 M.P.H.

(B) All of Sunrise Park Road, 30 M.P.H. except that from May 1 to September 30 of each year, the speed limit shall be reduced to 20 M.P.H.

(C) All roads in Chautauqua Park, which roads are collectively designated Chautauqua Park Drive, including the north-south drive immediately west of Block 71, Original Town Addition to Storm Lake, Iowa, 20 M.P.H.

(D) Oates Street:

1. Between Richland and East Fourth Street, 20 M.P.H.

(E) Skewis Street:

1. Between Richland and East Fourth Street, 20 M.P.H.

(F) Richland Street:

1. East of Flindt Drive, 35 M.P.H.

(G) Expansion Boulevard:

1. All sections south of Fourth Street, 35 M.P.H.

2. North of Fourth Street, 25 M.P.H.

(H) Grand Avenue:

1. South of West Fifth Street, 20 M.P.H.

(I) College Avenue:

1. South of West Fifth Street, 20 M.P.H.

(J) West Lakeshore Drive:

1. Between College and Grand Avenue, 20 M.P.H.

(K) County Road C49 (590th Street):

1. Between North Lake Avenue and a point One Thousand One Hundred Feet (1100') west on C-49

(590th St.), 35 M.P.H. From this point west Six Hundred Fifty Feet (650'), 45 M.P.H.

2. Between North Lake Avenue and a point One Thousand Feet (1000') east on C-49 (590th St.), 35 M.P.H. From this point Six Hundred Fifty Feet (650') east , 45 M.P.H.(L) East Fourth Street east of Flindt Drive to Ray Street, 25 M.P.H.

(M) East Lakeshore Drive:

1. Between Flindt Drive and Lake Avenue, 25 M.P.H.

(N) East Milwaukee Avenue:

1. Between Geisinger Road and a point Six Hundred Eighty-Three feet (683') east of Geisinger Road, 25 M.P.H.

2. Between a point Six Hundred Eighty-Three Feet (683') east of Geisinger Road easterly to a point One Hundred Feet (100') east of Rothmoor Road, 35M.P.H.

In addition, it shall also be a violation of this Ordinance to violate the speed limits governing primary and secondary highways which are determined by the State of Iowa to the extent that those highways coincide with established streets located within the City of Storm Lake and which speed limits are as follows:

(AA) North Lake Avenue:

1. Between Milwaukee Avenue and a point Thirteen Hundred Feet (1300') north of C-49 (590th St.), 35 M.P.H. From that point north Six Hundred Fifty Feet (650'), 45 M.P.H.

(BB) West Milwaukee Avenue:

1. Between Lake Avenue and Geneseo Street, 30 M.P.H.

2. Between Geneseo and Northwestern Drive, 35 M.P.H.

3. Between Northwestern Drive and a point Eight Hundred Fifty Feet (850') west of Allen Avenue, 45 M.P.H.

4. Between a point Eight Hundred Fifty Feet (850') west of Allen Avenue and a point Four Hundred Fifty Feet (450') west of Highway 110, 50 M.P.H.

(CC) East Milwaukee Avenue and Flindt Drive:

1. Between Lake Avenue and Seneca, 30 M.P.H.

2. From Seneca, east and continuing southeasterly and south on Flindt Drive to Richland Street, 30 M.P.H.

3. From Richland Street south to East Lakeshore Drive, 35 M.P.H.

(DD) Highway 110 (and portion of West Fifth Street):

1. From intersection with West Fifth north to intersection with Highway 7, 45 M.P.H.

2. From intersection with West Fifth Street southwest for a distance of Two Thousand Feet (2000'), 45 M.P.H.

3. From a point Two Thousand Feet (2000') south of the intersection with West Fifth Street south to the southern most City limits, 50 M.P.H.

(EE) East Lakeshore Drive:

1. Between east City limits and a point One Thousand Two Hundred and Thirty-five Feet (1,235') westerly, 45 M.P.H.

2. Between a point One Thousand Two Hundred Thirty-five Feet (1,235') west of the east City limits and Flindt Drive, 35 M.P.H.

(FF) Radio Road:

1. From the intersection of East Lakeshore Drive south to the Lakeside city limits, 45 M.P.H.

2. Between US Highway 71 and four hundred feet (400') north of the Railroad Crossing, 35 M.P.H.

3. Between four hundred feet (400') north of the Railroad Crossing and East Milwaukee, 45 M.P.H.

(GG) 610th Street (County Road C-63)

1. From the intersection of Highway 110 west One Thousand (1000) feet, 35 M.P.H.

(HH) Vestal Street

1. Between the north right-of-way of Tenth Street north to C-49 (590th St.), 35 M.P.H.

(Ord. No. 02-94-95, Amended, 07/18/94; Ord. No. 039495, Amended, 07/18/94; Ord. No. 049495, Amended, 09/06/94; Ord. No. 029596, Amended, 07/05/95; Ord. No. 059596, Amended, 11/20/95)
(Ord. 01-O-2009-2010, Amended, 07/06/2009; Ord. 03-O-2008-2009, Amended, 10/06/2008; Ord. 02-O-2008-2009, Amended, 09/02/2008; Ord. 17-O-2004-2005, Amended, 12/20/2004; Ord. 09-O-2002-2003, Amended, 05/05/2003)

Chapter 9-5

TURNING MOVEMENTS

Sections:

9-5-1 Turning Markers, Buttons And Signs
9-5-2 Restricted Turn Signs
9-5-3 Obedience To No Turn Signs
9-5-4 U-Turns
9-5-5 Left Turns To Parking Place

Section 9-5-1 Turning Markers, Buttons And Signs

The City Administrator after a traffic study 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 such markers, buttons, or signs.

Section 9-5-2 Restricted Turn Signs

The City Administrator is hereby authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn and so recommend to the Council for inclusion herein. The making of such turns may be prohibited between certain hours of any day in which event the same shall be plainly indicated on signs. Such turns are prohibited at the following places, as indicated:

No left turn from Bair Street onto Irving Street when coming from the east.

No right turn from Bair Street onto Irving Street when coming from the west.

(Ord. 04-O-2009-2010, Amended, 08/17/2009; Ord. 01-O-2000-2001, Amended, 08/07/2000; Ord. ORDINANCE NO. 01-O-2000-2001, Amended, 08/07/2000)

Section 9-5-3 Obedience To No Turn Signs

Whenever authorized signs are erected in pursuance to ordinance indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

Section 9-5-4 U-Turns

It shall be unlawful for a driver to make a U-turn except at an intersection, provided, however, that U-turns are prohibited at intersections within the Business District and at intersections where there are automatic traffic signals.

Section 9-5-5 Left Turns To Parking Place

No person shall make a left turn in the middle of any street for the purpose of turning into a parking space.

Chapter 9-6

ONE-WAY STREETS AND ALLEYS

Sections:

9-6-1 Authority To Designate One-Way Streets And Alleys
9-6-2 One-Way Streets And Alleys

Section 9-6-1 Authority To Designate One-Way Streets And Alleys

Whenever any street or alley is designated as a one-way street or alley by Ordinance, the Street Department shall cause to be placed and maintained signs giving notice thereof and no such regulation shall be effective unless such 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 such markings, signs, barriers, or other devices so placed in accordance with this Section.

Section 9-6-2 One-Way Streets And Alleys

Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

Irving Street, between East Second Street and Bair Street; direction of travel: north.

The north-south alley in Block 14, City of Storm Lake, Iowa; direction of travel: south.

The north-south alley in Block 22, City of Storm Lake, Iowa; direction of travel: north.

The north-south alley in Block 21, City of Storm Lake, Iowa; direction of travel: south.

Seneca Street, between Third Street and Second Street; direction of travel: south.

The north-south alley in Block 24; direction of travel: north.

The north-south alley in Block 23; direction of travel: south.

The north-south alley in Block 5; direction of travel: south.

The north-south alley in Block 4; direction of travel: north.

The north-south alley in Block 15; direction of travel: north.

The north-south alley in Block 13; direction of travel: north.

The north-south alley in Block 6; direction of travel: north.

(Ord. 03-O-2009-2010, Amended, 08/17/2009; Ord. 01-O-2000-2001, Amended, 08/07/2000; Ord. ORDINANCE NO. 01-O-2000-2001, Amended, 08/07/2000)

Chapter 9-7

SPECIAL STOPS REQUIRED

Sections:

9-7-1 Through Streets
9-7-2 Authority To Erect Stop Or Yield Signs
9-7-3 Stops At Intersecting Through Streets And Other Intersections
9-7-4 Stop When Traffic Is Obstructed
9-7-5 School Stops
9-7-6 Stop Lights

Section 9-7-1 Through Streets

Streets or portions of streets described below are hereby declared to be through streets:

West Third Street
Fourth Street between Flindt Drive and Cayuga Street
Fifth Street
Lake Avenue
Lakeshore Drive
Milwaukee Avenue
Flindt Drive
Northwestern Drive from West Milwaukee Avenue to West Fifth Street.
(Ord. 01-O-2000-2001, Amended, 08/07/2000; Ord. ORDINANCE NO. 01-O-2000-2001, Amended, 08/07/2000)

Section 9-7-2 Authority To Erect Stop Or Yield Signs

Whenever any Ordinance of this City designates and describes a through street it shall be the duty of the Street Department to cause to be placed and maintained a stop or yield sign on each and every street intersecting such through street except as hereinafter modified in the case of intersecting through streets.

Section 9-7-3 Stops At Intersecting Through Streets And Other Intersections

At the intersections of through streets and at intersections upon streets other than through streets where, because of heavy cross traffic or other traffic conditions, particular hazard exists, the Chief of Police is hereby authorized to determine under applicable State rules whether vehicles shall stop or yield at one or more entrances to any such intersection, and to make recommendations to the City Administrator. Upon passage of an ordinance for such stop or yield signs the Street Department shall cause to be erected stop or yield signs at every such place where a stop or yield is required by said Ordinances. Stop or yield signs are hereby authorized as follows:

STOP SIGNS:

The SW corner of the intersection of Walnut Street and Geisinger Road.

The NW corner of the intersection of Erie Street and Railroad Street.

The NW corner of the intersection of Ontario Street and Railroad Street.

The SE corner and NW corner of the intersection of Seventh Street and Michigan Street.

The SW corner and the NE corner of the intersection of Seventh Street and Erie Street.

The SE corner of the intersection of Seventh Street and Cayuga Street.

The SE corner and the NW corner of the intersection of Seventh Street and College Avenue.

The SE corner of the intersection of Irving Street and Bair Street.

The NW corner of the intersection of Chautauqua Park Drive and the extension of Hudson Street.

The NE corner and the SW corner of the intersection of Tenth Street and Seneca Street.

The SE corner and the NW corner of the intersection of East Ninth Street and Erie Street.

The NW and the SE corners of the intersection of Sixth Street and Michigan Street.

The NW corner and the SE corner of the intersection of Sixth Street and Barton Street.

The NW corner and the SE corner of the intersection of Sixth Street and Larchwood Drive.

The NW corner of the intersection of Fourth Street and Larchwood Drive.

The NW corner of the intersection of Fourth Street and Western Avenue.

The NW corner and the SE corner of the intersection of Fourth Street and Barton Street.

The NW corner and the SE corner of the intersection of Fourth Street and Terrence Street.

The NE corner and SW corner of the intersection of Iowa Street and Grand Avenue.

The NE corner of the intersection of Iowa Street and Early Street.

All corners of the intersection of West Fourth and Grand Avenue.

All corners of the intersection of East Fifth Street and Russell Street.

The NE corner and the SW corner of the intersection of East Milwaukee Avenue and Russell Street.

The SW corner of the intersection of East Fifth Street and Geisinger Road.

The NW corner of the intersection of Shoreway Road and Northwestern Drive.

All corners of the intersection of Milwaukee Avenue and Geisinger Road.

The SW corner of the intersection of Lake Avenue and Lakeshore Drive.

The SW corner and the NW corner of the intersection of East Lakeshore Drive and Flindt Drive.

The SW corner, the SE corner, the NE corner and the NW corner of the intersection of Cayuga Street and Railroad Street.

All corners of the intersection of West Fourth Street and College Avenue.

The NW corner and the SE corner of the intersection of Richland Street and Vilas Road.

The NW corner and the SE corner of the intersection of West Fourth Street and Early Street.

The NW corner of West Sixth Street and Hyland Drive.

The SW corner of Peterson Drive and Grand Avenue.

The NW corner and the SE corner of Railroad Street and Ontario Street.

The NW corner and the SE corner of Railroad Street and Geneseo Street.

The NW corner and the SE corner of the intersection of West Seventh Street and Michigan Street.

The NW corner and the SE corner of the intersection of North Erie Street and East Ninth Street.

The SW corner and the NE corner of the intersection of East Tenth Street and Seneca Street.

The NW corner and the SE corner of the intersection of Railroad Street and West Fifth Street.

The NE corner and the SW corner of the intersection of East Sixth Street and Seneca Street.

The SE corner of East Tenth Street and Oneida Street.

The NE corner of the intersection of Tornado Drive and Oneida Street.

The NE corner of East Eighth Street and Russell Street.

The NW corner of Richland Street and Skewis Street.

The NW corner of East Fourth Street and Geisinger Road.

The NE corner of Highway Street and East Third Street.

The NW corner of East Lakeshore Drive and Kenzy Street.

The SE corner of East Third Street and Kenzy Street.

The NW corner of East Lakeshore Drive and Mae Street.

The SE corner of East Third Street and Mae Street.

The NW corner of East Lakeshore Drive and Russell Street.

The SE corner of East Third Street and Russell Street.

The NW corner of East Lakeshore Drive and Superior Street.

The NW corner and the SE corner of East Third Street and Superior Street.

The NW corner of East Lakeshore Drive and Hudson Street.

The NW corner and the SE corner of East Third Street and Hudson Street.

The SE corner of East Fourth Street and Skewis Street.

The NW corner and the SE corner of East Fourth Street and Oates Street.

The SE corner of East Fifth Street and Oates Street.

The SW corner of East Sixth Street and Russell Street.

The NW corner and the SE corner of East Fourth Street and Superior Street.

The NW corner and the SE corner of East Fifth Street and Superior Street.

The NW corner and the SE corner of East Fourth Street and Hudson Street.

The NW corner and the SE corner of East Fifth Street and Hudson Street.

The NW corner and the SE corner of East Fourth Street and Oneida Street.

The NW corner and the SE corner of East Fifth Street and Oneida Street.

The NE corner and the SW corner of East Sixth Street and Oneida Street.

The NW and the SE corner of East Milwaukee Avenue and Walnut Street.

The SW corner of the intersection of Tornado Drive and Russell Street.

The SE corner of east and west entrances of Chautauqua Park Drive onto Lakeshore Drive.

The NE and the SW corner of Oneida Street and East Third Street.

The NW corner of Seneca Street and East Lakeshore Drive.

The NW corner of East Third and Seneca Street.

The NW corner and the SE corner of East Fourth Street and Seneca Street.

The NW corner and the SE corner of East Fifth Street and Seneca Street.

The NW and SE corner of East Sixth Street and Cayuga Street.

The NW corner of Irving Street and East Lakeshore Drive.

The SW corner and the NE corner of Lake Avenue and First Street.

The SW corner and the NE corner of Lake Avenue and Second Street.

All four corners of the intersection of Lake Avenue and Third Street.

The NE corner of Lake Avenue and Bair Street.

The NW corner and the SE corner of West Third Street and Michigan Street.

The NW corner and the SE corner of West Third Street and Geneseo Street.

The NW corner of West Lakeshore Drive and Ontario Street.

The NW and the SE corner of West Third Street and Ontario Street.

The NW and the SE corner of West Sixth Street and Ontario Street.

The NW corner of West Lakeshore Drive and Otsego Street.

The NW corner and the SE corner of West Third Street and Otsego Street.

The NW corner of West Fifth Street and Otsego Street.

The NW corner and the SE corner of West Sixth Street and Otsego Street.

The NW corner and the SE corner of West Seventh Street and Otsego Street.

The NW corner and the SE corner of West Lakeshore Drive and College Avenue.

The SW corner of College Avenue and Iowa Street.

The NW corner and the SE corner of West Fifth Street and College Avenue.

The NW corner and the SE corner of West Sixth Street and College Avenue.

The SE corner and the NW corner of West Fifth Street and Grand Avenue.

The NW corner of West Fifth Street and Vestal Street.

The NE corner of West Eighth Street and Vestal Street.

The NE corner of West Third Street and Early Street.

The NW corner and the SE corner of West Fifth Street and Early Street.

The NW corner of West Third Street and Terrence Street.

The SE corner of West Fifth Street and Terrence Street.

The NW corner and the SE corner of West Fifth Street and Barton Street.

The SE corner of West Fifth Street and Western Drive.

The NW corner and the SE corner of West Fifth Street and Larchwood Drive.

The NW and the SE corner of West Fifth Street and Northwestern Drive.

The SE corner of West Fifth Street and Angier Drive.

The NW and SE corner of West Fifth Street and Vista Drive.

The SE corner of the east intersection and the SE corner of the west intersection of West Fifth Street and Renshaw Drive.

The NE corner of West Sixth Street and Northwestern Drive.

The NE corner and the SW corner of Northwestern Drive and Lochedem Drive.

The NE corner and the SW corner of Northwestern Drive and Hyland Drive.

The NW and the SE corner of West Sixth Street and Geneseo Street.

The SW corner and the NE corner of Flindt Drive and Park Street.

The NE corner and the SW corner of Flindt Drive and East Fourth Street.

The SW corner and the NE corner of Flindt Drive and East Fifth Street.

The NW corner and the SE corner of Flindt Drive and Russell Street.

The SE corner of the intersection of East Lakeshore Drive and Sunrise Park Road.

The NW corner of the intersection of East Lakeshore Drive and Memorial Road.

The NW corner and the SE corner of East Milwaukee Avenue and Erie Street.

The NE corner of Lake Avenue and East Eighth Street.

The SW corner of Lake Avenue and West Eighth Street.

The SW corner and the NE corner of Lake Avenue and Ninth Street.

The NE corner of Lake Avenue and East Twelfth Street.

The SW corner and the NE corner of Lake Avenue and East Thirteenth Street.

The SW corner of Lake Avenue and West Fourteenth Street.

The NE corner of Lake Avenue and Sixteenth Street.

The SE corner of West Milwaukee Avenue and Michigan Street.

The SE corner of West Milwaukee Avenue and Geneseo Street.

The NW corner and the SE corner of West Milwaukee Avenue and Ontario Street.

The SE corner of West Milwaukee Avenue and Otsego Street.

The SE corner of West Milwaukee Avenue and College Avenue.

The SE corner of West Milwaukee Avenue and Grand Avenue.

The SE corner and the NW corner of West Milwaukee Avenue and Vestal Street.

The SE corner of West Milwaukee Avenue and Elmwood Drive.

The SE corner and the NW corner of West Milwaukee Avenue and Barton Street.

The NW corner of West Milwaukee Avenue and Allen Avenue.

The SE corner and the NW corner of West Milwaukee Avenue and Northwestern Drive.

The NW corner of West Milwaukee Avenue and Early Street.

The SE corner of West Fifth Street and Bypass No. 110 and unnamed Street.

The SE corner of the intersection of Vista Drive and Highway No. 110.

The northeast corner of the north entrance to Emerald Park at the intersection of Emerald Drive and Highway No. 110.

The NE corner of the south entrance to Emerald Park and Highway No. 110.

The SE corner of Clover Lane and Buena Vista County Road C-63.

The SW corner of Leona Drive and Highway No. 110.

The NW corner of Richland Street and Expansion Boulevard.

The NW corner of Richland Street and Ray Street.

The NE corner of East Ninth Street and Russell Street.

The SE corner of East Third Street and Irving Street.

The NW and the SE corner of West Sixth Street and Grand Avenue.

The SE corner of Meadow Lane and Buena Vista County Road C-63.

The SW corner of Expansion Boulevard and 130th Avenue.

The SW and the NE corner of Expansion Boulevard and Radio Road.

The NW corner of the intersection of Michigan Street and Railroad Street.

The SW corner and the NE corner of the intersection of Bair Street and Cayuga Street.

The SW corner of the intersection of West Sixth Street and Vestal Street.

The SW corner of the intersection of Elmwood Drive and Vestal Street.

The SW corner and the NE corner of the intersection of West Eighth Street and Ontario Street.

The NE corner and the SW corner of intersection of East Second Street and Cayuga Street.

The SW corner and the NE corner of the intersection of East Seventh Street and Oneida Street.

The NE corner of Lakeshore Drive and Lake Avenue.

The NE corner of Seneca Street and East Seventh Street.

The NW corner and the SE corner of Seventh Street and Ontario Street.

The SW corner of the intersection of Bair Street and Third Street.

The NW corner and the SE corner of the intersection of Hudson Street and East Sixth Street.

The NW corner and the SE corner of the intersection of Superior Street and East Sixth Street.

The NE corner of Third Street and College Avenue.

The NW corner and the SE corner of Geneseo Street and Seventh Street.

The NE corner of West Ninth Street and Vestal Street.

The NW corner of Highway Street and East Lakeshore Drive.

The NW corner of Cayuga Street and East Lakeshore Drive.

The NW corner of Oneida Street and East Lakeshore Drive.

All four corners of the intersection of East Third Street and Cayuga Street.

The NW corner of Oates Street and Richland Street.

The NW corner and the SE corner of Russell Street and East Fourth Street.

The SE corner of East Seventh Street and East Milwaukee Avenue.

The NW corner of Geneseo Street and Lakeshore Drive.

The SW corner of Richland Street and Radio Road.

The SE corner of Rothmoor Road and East Milwaukee Avenue.

The NW corner of Rothmoor Road and Richland Street.

The NE corner of the intersection of Hyland Drive and Abner Bell Road.

The NW corner and the SE corner of the intersection of Pinecrest Drive and Hyland Drive.

The NW corner and the SE corner of the intersection of Highview Drive and Hyland Drive.

The NW corner and the SE corner of the intersection of Pleasantview Drive and Hyland Drive.

All four corners of the intersection of Angier Drive and Hyland Drive.

The SE corner of Vestal Street and Buena Vista County Road C-49.

The NW corner and the SE corner of Grand Avenue and Seventh Street.

The NW corner and the SE corner of Hudson and East Seventh Street.

The NW corner of Gilbert Street and Highway 7 & 71.

The SE corner of Vilas Road and East Fourth Street.

The SE and NW corners of West Fifth Street and Michigan Street.

The NW corner of the intersection of Railroad Street and West Fifth Street.

The SE corner of Gran Drive and West Fifth Street.

The SE corner of Swallum Drive and West Fifth Street.

The NW corner of Highway 110 and West Fifth Street.

All corners of the intersection of Expansion Blvd. and East 4th Street.

The NW corner and the SE corner of the intersection of Leona Drive, Meadow Lane, and Leona Circle.

The NE corner and the SW corner of the intersection of Leona Drive and Clover Lane.

The NW corner and the SE corner of the intersection of West 4th and Otsego Street.

The NW corner and the SE corner of the intersection of West 4th and Ontario Street.

The SW corner of the intersection of West 4th and Geneseo Street.

The NE corner and the SW corner of the intersection of West Fourth and Barton Streets.

The NW corner and the SE corner of the intersection of East Ninth Street and Windsor Circle.

The SE corner of the intersection of Bair Street and Seneca Street.

The NW and SE corners of all intersections of streets with the railroad tracks at crossings that are not otherwise controlled by lights or arms.

The NW corner and the SE corner of the intersection of Tenth and Seneca Streets.

The NE and SW corners of the intersection of W. Lakeshore Drive and College Avenue.

The NE corner of the intersection of West Sixth Street and Vestal Street.

The NE corner of the intersection of West Seventh Street and Vestal Street.

The NE corner of Vestal Street and West 10th Street.

The SE corner of North Michigan Street and West 10th Street.

The SE corner of North Geneseo and West 10th Street.

The SE corner of North Ontario and West 10th Street.

The SE corner of North Witter and West 10th Street.

The SE corner of Prairie Lane and County Road C-63.

The NE corner and the SW corner of the intersection of First Street and Cayuga Street.

The NE corner and the SW corner of the intersection of First Street and Hudson Street.

The NE corner and the SW corner of the intersection of Second Street and Oneida Street.

The NW corner of West Lakeshore Drive and West First Street.

The SW corner of East 7th Street and Seneca Street

The NE corner of West 6th Street and Vista Drive.

The SW corner of West 6th Street and Vista Drive.

The SE corner of Gilbert Road and Expansion Blvd.

YIELD SIGNS:

The SW corner of the intersection of Colonial Circle and Lochedem Drive.

The SW corner of the intersection of East Second Street and Superior Street.

The NW corner of the intersection of North Emerald Drive and Emerald Drive.

The NE corner and the SW corner of Seneca Street and East Railroad Street.

The NE corner and the SW corner of Oneida Street and East Railroad Street.

The SW corner of Hudson Street and East Railroad Street.

The NW corner of Flindt Drive and East Lakeshore Drive.

(Ord. No. 069596, Amended, 12/04/95; Ord. No. 049697, Amended, 08/19/96; Ord. No. 079697, Amended, 10/21/96; Ord. No. 09-O-96-97, Amended, 11/18/96)
(Ord. 07-O-2009-2010, Amended, 11/02/2009; Ord. 06-O-2009-2010, Amended, 09/08/2009; Ord. 05-O-2009-2010, Amended, 08/17/2009; Ord. 04-O-2008-2009, Amended, 10/20/2008; Ord. 07-O-2007-2008, Amended, 12/03/2007; Ord. 04-O-2007-2008, Amended, 08/20/2007; Ord. 09-O-2004-2005, Amended, 11/01/2004; Ord. 05-O-2004-2005, Amended, 08/16/2004; Ord. 12-O-2003-2004, Amended, 05/03/2004; Ord. 10-O-2003-2004, Amended, 04/19/2004; Ord. 01-O-2003-2004, Amended, 08/18/2003; Ord. 03-O-2002-2003, Amended, 09/03/2002; Ord. 07-o-2001-2002, Amended, 11/05/2001; Ord. 03-O-2000-2001, Amended, 08/07/2000; Ord. 02-O-2000-2001, Amended, 08/07/2000; Ord. 04-O-2000-2001, Amended, 08/07/2000; Ord. 05-O-2000-2001, Amended, 08/07/2000; Ord. 07-O-97-98, Amended, 12/15/1997)

Section 9-7-4 Stop When Traffic Is Obstructed

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 he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 9-7-5 School Stops

When a driver of a vehicle approaches an authorized school stop he/she shall bring such vehicle to a full stop at a point ten feet (10') from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed slowly and in a careful and prudent manner until he/she shall have passed such school site.

Section 9-7-6 Stop Lights

No driver shall enter any intersection which is set out hereafter and which intersection shall be controlled by an operating stop light if the color regulator showing in the direction of the driver shall be red. The affected intersections shall be as follows:

The intersection of Lake Avenue and Milwaukee Avenue.

The intersections of East Milwaukee Avenue/Flindt Drive with Oneida, Seneca and Russell Streets.

The intersection of West Fifth Street and Barton Street.

The intersections of Erie Street and Fifth and Sixth Streets.

The intersection of Cayuga Street and Fifth Street.

The intersections of Lake Avenue and Railroad, Fifth, Sixth, Seventh, Tenth and Twelfth Streets.

The intersection of Northwestern Drive and Milwaukee Avenue.

The intersections of Flindt Drive and East Fifth Street, Richland Street and East Lakeshore Drive.

The pedestrian crossing one hundred feet (100') west of the west right of way line of Mae Street on East Lakeshore Drive.

The intersection of North Lake Avenue and C49 (590th Street).
(Ord. 05-O-2002-2003, Amended, 11/18/2002)

Section 9-7-1 Through Streets

Streets or portions of streets described below are hereby declared to be through streets:

West Third Street
Fourth Street between Flindt Drive and Cayuga Street
Fifth Street
Lake Avenue
Lakeshore Drive
Milwaukee Avenue
Flindt Drive
Northwestern Drive from West Milwaukee Avenue to West Fifth Street.
(Ord. 01-O-2000-2001, Amended, 08/07/2000; Ord. ORDINANCE NO. 01-O-2000-2001, Amended, 08/07/2000)

Section 9-7-2 Authority To Erect Stop Or Yield Signs

Whenever any Ordinance of this City designates and describes a through street it shall be the duty of the Street Department to cause to be placed and maintained a stop or yield sign on each and every street intersecting such through street except as hereinafter modified in the case of intersecting through streets.

Section 9-7-3 Stops At Intersecting Through Streets And Other Intersections

At the intersections of through streets and at intersections upon streets other than through streets where, because of heavy cross traffic or other traffic conditions, particular hazard exists, the Chief of Police is hereby authorized to determine under applicable State rules whether vehicles shall stop or yield at one or more entrances to any such intersection, and to make recommendations to the City Administrator. Upon passage of an ordinance for such stop or yield signs the Street Department shall cause to be erected stop or yield signs at every such place where a stop or yield is required by said Ordinances. Stop or yield signs are hereby authorized as follows:

STOP SIGNS:

The SW corner of the intersection of Walnut Street and Geisinger Road.

The NW corner of the intersection of Erie Street and Railroad Street.

The NW corner of the intersection of Ontario Street and Railroad Street.

The SE corner and NW corner of the intersection of Seventh Street and Michigan Street.

The SW corner and the NE corner of the intersection of Seventh Street and Erie Street.

The SE corner of the intersection of Seventh Street and Cayuga Street.

The SE corner and the NW corner of the intersection of Seventh Street and College Avenue.

The SE corner of the intersection of Irving Street and Bair Street.

The NW corner of the intersection of Chautauqua Park Drive and the extension of Hudson Street.

The NE corner and the SW corner of the intersection of Tenth Street and Seneca Street.

The SE corner and the NW corner of the intersection of East Ninth Street and Erie Street.

The NW and the SE corners of the intersection of Sixth Street and Michigan Street.

The NW corner and the SE corner of the intersection of Sixth Street and Barton Street.

The NW corner and the SE corner of the intersection of Sixth Street and Larchwood Drive.

The NW corner of the intersection of Fourth Street and Larchwood Drive.

The NW corner of the intersection of Fourth Street and Western Avenue.

The NW corner and the SE corner of the intersection of Fourth Street and Barton Street.

The NW corner and the SE corner of the intersection of Fourth Street and Terrence Street.

The NE corner and SW corner of the intersection of Iowa Street and Grand Avenue.

The NE corner of the intersection of Iowa Street and Early Street.

All corners of the intersection of West Fourth and Grand Avenue.

All corners of the intersection of East Fifth Street and Russell Street.

The NE corner and the SW corner of the intersection of East Milwaukee Avenue and Russell Street.

The SW corner of the intersection of East Fifth Street and Geisinger Road.

The NW corner of the intersection of Shoreway Road and Northwestern Drive.

All corners of the intersection of Milwaukee Avenue and Geisinger Road.

The SW corner of the intersection of Lake Avenue and Lakeshore Drive.

The SW corner and the NW corner of the intersection of East Lakeshore Drive and Flindt Drive.

The SW corner, the SE corner, the NE corner and the NW corner of the intersection of Cayuga Street and Railroad Street.

All corners of the intersection of West Fourth Street and College Avenue.

The NW corner and the SE corner of the intersection of Richland Street and Vilas Road.

The NW corner and the SE corner of the intersection of West Fourth Street and Early Street.

The NW corner of West Sixth Street and Hyland Drive.

The SW corner of Peterson Drive and Grand Avenue.

The NW corner and the SE corner of Railroad Street and Ontario Street.

The NW corner and the SE corner of Railroad Street and Geneseo Street.

The NW corner and the SE corner of the intersection of West Seventh Street and Michigan Street.

The NW corner and the SE corner of the intersection of North Erie Street and East Ninth Street.

The SW corner and the NE corner of the intersection of East Tenth Street and Seneca Street.

The NW corner and the SE corner of the intersection of Railroad Street and West Fifth Street.

The NE corner and the SW corner of the intersection of East Sixth Street and Seneca Street.

The SE corner of East Tenth Street and Oneida Street.

The NE corner of the intersection of Tornado Drive and Oneida Street.

The NE corner of East Eighth Street and Russell Street.

The NW corner of Richland Street and Skewis Street.

The NW corner of East Fourth Street and Geisinger Road.

The NE corner of Highway Street and East Third Street.

The NW corner of East Lakeshore Drive and Kenzy Street.

The SE corner of East Third Street and Kenzy Street.

The NW corner of East Lakeshore Drive and Mae Street.

The SE corner of East Third Street and Mae Street.

The NW corner of East Lakeshore Drive and Russell Street.

The SE corner of East Third Street and Russell Street.

The NW corner of East Lakeshore Drive and Superior Street.

The NW corner and the SE corner of East Third Street and Superior Street.

The NW corner of East Lakeshore Drive and Hudson Street.

The NW corner and the SE corner of East Third Street and Hudson Street.

The SE corner of East Fourth Street and Skewis Street.

The NW corner and the SE corner of East Fourth Street and Oates Street.

The SE corner of East Fifth Street and Oates Street.

The SW corner of East Sixth Street and Russell Street.

The NW corner and the SE corner of East Fourth Street and Superior Street.

The NW corner and the SE corner of East Fifth Street and Superior Street.

The NW corner and the SE corner of East Fourth Street and Hudson Street.

The NW corner and the SE corner of East Fifth Street and Hudson Street.

The NW corner and the SE corner of East Fourth Street and Oneida Street.

The NW corner and the SE corner of East Fifth Street and Oneida Street.

The NE corner and the SW corner of East Sixth Street and Oneida Street.

The NW and the SE corner of East Milwaukee Avenue and Walnut Street.

The SW corner of the intersection of Tornado Drive and Russell Street.

The SE corner of east and west entrances of Chautauqua Park Drive onto Lakeshore Drive.

The NE and the SW corner of Oneida Street and East Third Street.

The NW corner of Seneca Street and East Lakeshore Drive.

The NW corner of East Third and Seneca Street.

The NW corner and the SE corner of East Fourth Street and Seneca Street.

The NW corner and the SE corner of East Fifth Street and Seneca Street.

The NW and SE corner of East Sixth Street and Cayuga Street.

The NW corner of Irving Street and East Lakeshore Drive.

The SW corner and the NE corner of Lake Avenue and First Street.

The SW corner and the NE corner of Lake Avenue and Second Street.

All four corners of the intersection of Lake Avenue and Third Street.

The NE corner of Lake Avenue and Bair Street.

The NW corner and the SE corner of West Third Street and Michigan Street.

The NW corner and the SE corner of West Third Street and Geneseo Street.

The NW corner of West Lakeshore Drive and Ontario Street.

The NW and the SE corner of West Third Street and Ontario Street.

The NW and the SE corner of West Sixth Street and Ontario Street.

The NW corner of West Lakeshore Drive and Otsego Street.

The NW corner and the SE corner of West Third Street and Otsego Street.

The NW corner of West Fifth Street and Otsego Street.

The NW corner and the SE corner of West Sixth Street and Otsego Street.

The NW corner and the SE corner of West Seventh Street and Otsego Street.

The NW corner and the SE corner of West Lakeshore Drive and College Avenue.

The SW corner of College Avenue and Iowa Street.

The NW corner and the SE corner of West Fifth Street and College Avenue.

The NW corner and the SE corner of West Sixth Street and College Avenue.

The SE corner and the NW corner of West Fifth Street and Grand Avenue.

The NW corner of West Fifth Street and Vestal Street.

The NE corner of West Eighth Street and Vestal Street.

The NE corner of West Third Street and Early Street.

The NW corner and the SE corner of West Fifth Street and Early Street.

The NW corner of West Third Street and Terrence Street.

The SE corner of West Fifth Street and Terrence Street.

The NW corner and the SE corner of West Fifth Street and Barton Street.

The SE corner of West Fifth Street and Western Drive.

The NW corner and the SE corner of West Fifth Street and Larchwood Drive.

The NW and the SE corner of West Fifth Street and Northwestern Drive.

The SE corner of West Fifth Street and Angier Drive.

The NW and SE corner of West Fifth Street and Vista Drive.

The SE corner of the east intersection and the SE corner of the west intersection of West Fifth Street and Renshaw Drive.

The NE corner of West Sixth Street and Northwestern Drive.

The NE corner and the SW corner of Northwestern Drive and Lochedem Drive.

The NE corner and the SW corner of Northwestern Drive and Hyland Drive.

The NW and the SE corner of West Sixth Street and Geneseo Street.

The SW corner and the NE corner of Flindt Drive and Park Street.

The NE corner and the SW corner of Flindt Drive and East Fourth Street.

The SW corner and the NE corner of Flindt Drive and East Fifth Street.

The NW corner and the SE corner of Flindt Drive and Russell Street.

The SE corner of the intersection of East Lakeshore Drive and Sunrise Park Road.

The NW corner of the intersection of East Lakeshore Drive and Memorial Road.

The NW corner and the SE corner of East Milwaukee Avenue and Erie Street.

The NE corner of Lake Avenue and East Eighth Street.

The SW corner of Lake Avenue and West Eighth Street.

The SW corner and the NE corner of Lake Avenue and Ninth Street.

The NE corner of Lake Avenue and East Twelfth Street.

The SW corner and the NE corner of Lake Avenue and East Thirteenth Street.

The SW corner of Lake Avenue and West Fourteenth Street.

The NE corner of Lake Avenue and Sixteenth Street.

The SE corner of West Milwaukee Avenue and Michigan Street.

The SE corner of West Milwaukee Avenue and Geneseo Street.

The NW corner and the SE corner of West Milwaukee Avenue and Ontario Street.

The SE corner of West Milwaukee Avenue and Otsego Street.

The SE corner of West Milwaukee Avenue and College Avenue.

The SE corner of West Milwaukee Avenue and Grand Avenue.

The SE corner and the NW corner of West Milwaukee Avenue and Vestal Street.

The SE corner of West Milwaukee Avenue and Elmwood Drive.

The SE corner and the NW corner of West Milwaukee Avenue and Barton Street.

The NW corner of West Milwaukee Avenue and Allen Avenue.

The SE corner and the NW corner of West Milwaukee Avenue and Northwestern Drive.

The NW corner of West Milwaukee Avenue and Early Street.

The SE corner of West Fifth Street and Bypass No. 110 and unnamed Street.

The SE corner of the intersection of Vista Drive and Highway No. 110.

The northeast corner of the north entrance to Emerald Park at the intersection of Emerald Drive and Highway No. 110.

The NE corner of the south entrance to Emerald Park and Highway No. 110.

The SE corner of Clover Lane and Buena Vista County Road C-63.

The SW corner of Leona Drive and Highway No. 110.

The NW corner of Richland Street and Expansion Boulevard.

The NW corner of Richland Street and Ray Street.

The NE corner of East Ninth Street and Russell Street.

The SE corner of East Third Street and Irving Street.

The NW and the SE corner of West Sixth Street and Grand Avenue.

The SE corner of Meadow Lane and Buena Vista County Road C-63.

The SW corner of Expansion Boulevard and 130th Avenue.

The SW and the NE corner of Expansion Boulevard and Radio Road.

The NW corner of the intersection of Michigan Street and Railroad Street.

The SW corner and the NE corner of the intersection of Bair Street and Cayuga Street.

The SW corner of the intersection of West Sixth Street and Vestal Street.

The SW corner of the intersection of Elmwood Drive and Vestal Street.

The SW corner and the NE corner of the intersection of West Eighth Street and Ontario Street.

The NE corner and the SW corner of intersection of East Second Street and Cayuga Street.

The SW corner and the NE corner of the intersection of East Seventh Street and Oneida Street.

The NE corner of Lakeshore Drive and Lake Avenue.

The NE corner of Seneca Street and East Seventh Street.

The NW corner and the SE corner of Seventh Street and Ontario Street.

The SW corner of the intersection of Bair Street and Third Street.

The NW corner and the SE corner of the intersection of Hudson Street and East Sixth Street.

The NW corner and the SE corner of the intersection of Superior Street and East Sixth Street.

The NE corner of Third Street and College Avenue.

The NW corner and the SE corner of Geneseo Street and Seventh Street.

The NE corner of West Ninth Street and Vestal Street.

The NW corner of Highway Street and East Lakeshore Drive.

The NW corner of Cayuga Street and East Lakeshore Drive.

The NW corner of Oneida Street and East Lakeshore Drive.

All four corners of the intersection of East Third Street and Cayuga Street.

The NW corner of Oates Street and Richland Street.

The NW corner and the SE corner of Russell Street and East Fourth Street.

The SE corner of East Seventh Street and East Milwaukee Avenue.

The NW corner of Geneseo Street and Lakeshore Drive.

The SW corner of Richland Street and Radio Road.

The SE corner of Rothmoor Road and East Milwaukee Avenue.

The NW corner of Rothmoor Road and Richland Street.

The NE corner of the intersection of Hyland Drive and Abner Bell Road.

The NW corner and the SE corner of the intersection of Pinecrest Drive and Hyland Drive.

The NW corner and the SE corner of the intersection of Highview Drive and Hyland Drive.

The NW corner and the SE corner of the intersection of Pleasantview Drive and Hyland Drive.

All four corners of the intersection of Angier Drive and Hyland Drive.

The SE corner of Vestal Street and Buena Vista County Road C-49.

The NW corner and the SE corner of Grand Avenue and Seventh Street.

The NW corner and the SE corner of Hudson and East Seventh Street.

The NW corner of Gilbert Street and Highway 7 & 71.

The SE corner of Vilas Road and East Fourth Street.

The SE and NW corners of West Fifth Street and Michigan Street.

The NW corner of the intersection of Railroad Street and West Fifth Street.

The SE corner of Gran Drive and West Fifth Street.

The SE corner of Swallum Drive and West Fifth Street.

The NW corner of Highway 110 and West Fifth Street.

All corners of the intersection of Expansion Blvd. and East 4th Street.

The NW corner and the SE corner of the intersection of Leona Drive, Meadow Lane, and Leona Circle.

The NE corner and the SW corner of the intersection of Leona Drive and Clover Lane.

The NW corner and the SE corner of the intersection of West 4th and Otsego Street.

The NW corner and the SE corner of the intersection of West 4th and Ontario Street.

The SW corner of the intersection of West 4th and Geneseo Street.

The NE corner and the SW corner of the intersection of West Fourth and Barton Streets.

The NW corner and the SE corner of the intersection of East Ninth Street and Windsor Circle.

The SE corner of the intersection of Bair Street and Seneca Street.

The NW and SE corners of all intersections of streets with the railroad tracks at crossings that are not otherwise controlled by lights or arms.

The NW corner and the SE corner of the intersection of Tenth and Seneca Streets.

The NE and SW corners of the intersection of W. Lakeshore Drive and College Avenue.

The NE corner of the intersection of West Sixth Street and Vestal Street.

The NE corner of the intersection of West Seventh Street and Vestal Street.

The NE corner of Vestal Street and West 10th Street.

The SE corner of North Michigan Street and West 10th Street.

The SE corner of North Geneseo and West 10th Street.

The SE corner of North Ontario and West 10th Street.

The SE corner of North Witter and West 10th Street.

The SE corner of Prairie Lane and County Road C-63.

The NE corner and the SW corner of the intersection of First Street and Cayuga Street.

The NE corner and the SW corner of the intersection of First Street and Hudson Street.

The NE corner and the SW corner of the intersection of Second Street and Oneida Street.

The NW corner of West Lakeshore Drive and West First Street.

The SW corner of East 7th Street and Seneca Street

The NE corner of West 6th Street and Vista Drive.

The SW corner of West 6th Street and Vista Drive.

The SE corner of Gilbert Road and Expansion Blvd.

YIELD SIGNS:

The SW corner of the intersection of Colonial Circle and Lochedem Drive.

The SW corner of the intersection of East Second Street and Superior Street.

The NW corner of the intersection of North Emerald Drive and Emerald Drive.

The NE corner and the SW corner of Seneca Street and East Railroad Street.

The NE corner and the SW corner of Oneida Street and East Railroad Street.

The SW corner of Hudson Street and East Railroad Street.

The NW corner of Flindt Drive and East Lakeshore Drive.

(Ord. No. 069596, Amended, 12/04/95; Ord. No. 049697, Amended, 08/19/96; Ord. No. 079697, Amended, 10/21/96; Ord. No. 09-O-96-97, Amended, 11/18/96)
(Ord. 07-O-2009-2010, Amended, 11/02/2009; Ord. 06-O-2009-2010, Amended, 09/08/2009; Ord. 05-O-2009-2010, Amended, 08/17/2009; Ord. 04-O-2008-2009, Amended, 10/20/2008; Ord. 07-O-2007-2008, Amended, 12/03/2007; Ord. 04-O-2007-2008, Amended, 08/20/2007; Ord. 09-O-2004-2005, Amended, 11/01/2004; Ord. 05-O-2004-2005, Amended, 08/16/2004; Ord. 12-O-2003-2004, Amended, 05/03/2004; Ord. 10-O-2003-2004, Amended, 04/19/2004; Ord. 01-O-2003-2004, Amended, 08/18/2003; Ord. 03-O-2002-2003, Amended, 09/03/2002; Ord. 07-o-2001-2002, Amended, 11/05/2001; Ord. 03-O-2000-2001, Amended, 08/07/2000; Ord. 02-O-2000-2001, Amended, 08/07/2000; Ord. 04-O-2000-2001, Amended, 08/07/2000; Ord. 05-O-2000-2001, Amended, 08/07/2000; Ord. 07-O-97-98, Amended, 12/15/1997)

Section 9-7-4 Stop When Traffic Is Obstructed

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 he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 9-7-5 School Stops

When a driver of a vehicle approaches an authorized school stop he/she shall bring such vehicle to a full stop at a point ten feet (10') from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed slowly and in a careful and prudent manner until he/she shall have passed such school site.

Section 9-7-6 Stop Lights

No driver shall enter any intersection which is set out hereafter and which intersection shall be controlled by an operating stop light if the color regulator showing in the direction of the driver shall be red. The affected intersections shall be as follows:

The intersection of Lake Avenue and Milwaukee Avenue.

The intersections of East Milwaukee Avenue/Flindt Drive with Oneida, Seneca and Russell Streets.

The intersection of West Fifth Street and Barton Street.

The intersections of Erie Street and Fifth and Sixth Streets.

The intersection of Cayuga Street and Fifth Street.

The intersections of Lake Avenue and Railroad, Fifth, Sixth, Seventh, Tenth and Twelfth Streets.

The intersection of Northwestern Drive and Milwaukee Avenue.

The intersections of Flindt Drive and East Fifth Street, Richland Street and East Lakeshore Drive.

The pedestrian crossing one hundred feet (100') west of the west right of way line of Mae Street on East Lakeshore Drive.

The intersection of North Lake Avenue and C49 (590th Street).
(Ord. 05-O-2002-2003, Amended, 11/18/2002)

Chapter 9-8

METHOD OF PARKING

Sections:

9-8-1 Standing Or Parking Close To Curb
9-8-2 Standing Or Parking On The Left-Hand Sides Of One-Way Streets
9-8-3 Signs Or Markings Indicating Angle Parking
9-8-4 Obedience To Angle Parking Signs Or Markings

Section 9-8-1 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 (18") of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

Section 9-8-2 Standing Or Parking On The Left-Hand Sides 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 (18") of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

Section 9-8-3 Signs Or Markings Indicating Angle Parking

The City Council shall determine upon what streets, as traffic conditions require, angle parking shall be permitted and shall cause to be marked or signs erected on such streets or portions thereof indicating the method of angle parking.

Section 9-8-4 Obedience To Angle Parking Signs Or Markings

Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway.

Chapter 9-9

STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Sections:

9-9-1 **Stopping, Standing Or Parking Prohibited**
9-9-2 **Prohibited Parking During Snow Emergency**
9-9-3 **Authority To Paint Curbs And Erect Signs Prohibiting Standing Or Parking**
9-9-4 **Authority To Impound Vehicles**
9-9-5 **Penalties**

Section 9-9-1 Stopping, Standing Or Parking Prohibited

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:

In any alley located within a district zoned Commercial or Industrial within the City limits provided however that vehicles may be parked in the alley for the limited purpose of loading or unloading freight. With regard to the exception, the driver of the vehicle must be actively involved in the loading or unloading process and must not be absent from the vehicle for a period of time in excess of ten (10) minutes.

In any alley located within a Residential Zone District within the City limits in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.

In the traveled portion of any street.

Section 9-9-2 Prohibited Parking During Snow Emergency

Upon proclamation of the Mayor of a snow emergency ban, no person shall park, abandon or leave unattended any vehicle on any public street, alley or City-owned off-street parking area between the hours of twelve o'clock (12:00) midnight to six o'clock (6:00) A.M. In the C-1 Zone Commercial District, also known as the Downtown Business District, said prohibition shall be between two o'clock (2:00) A.M. to six o'clock (6:00) A.M. The C-1 District is generally between Fourth Street to Milwaukee Avenue from Cayuga Street to Geneseo Street. Said snow emergency ban to continue until terminated by proclamation of the Mayor.

Section 9-9-3 Authority To Paint Curbs And Erect Signs Prohibiting Standing Or Parking

Where, because of restrictions to visibility and where standing or parked vehicles would constitute a hazard to moving traffic, the City Administrator as traffic conditions require, may cause curbing to be painted with a yellow color and cause no parking or standing signs to be erected prohibiting parking or standing and it shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign posted.

Section 9-9-4 Authority To Impound Vehicles

Members of the Police Department are hereby authorized to remove, or have removed, a vehicle from a street, public alley or highway to the nearest garage or other place of safety, or to a garage or other area designated or maintained by the City, under the following circumstances:

(A) 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.

(B) When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(C) When any vehicle is left parked upon a street for a continuous period of twenty-four (24) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, he/she shall be given an opportunity to remove the vehicle.

(D) When the vehicle is left parked in violation of the ban on the parking during a snow emergency.

(E) When any vehicle is parked on any City street or highway in violation of the provisions of Title 9 of this Code.

As used herein, streets shall be construed to mean the paved street right of way or the traveled portion of unpaved streets.

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

Section 9-9-5 Penalties

The penalty for violation of any Section of this Chapter shall be as provided in Section 9-11-4.

Chapter 9-10

BICYCLE

Sections:

9-10-1 Parking
9-10-2 Riding On Sidewalks
9-10-3 Penalties

Section 9-10-1 Parking

No person shall park a bicycle upon a sidewalk within the Business District except in bicycle racks as provided by the City.

Section 9-10-2 Riding On Sidewalks

No person shall ride a bicycle upon the sidewalk within the Central Business District (CBD) of the City which is defined legally as:

> Beginning at the Northeast corner of Lot Six (6), Block Sixty-Eight (68) of the City of Storm Lake, Iowa; thence South to the Northeast corner of the Northwest Central Railroad Right-of-way; thence Southeasterly to the Northwest corner of Block Twenty-Eight (28) of the City of Storm Lake, Iowa; thence North to the Southeast corner of Lot Eight (8), Block Two (2) of the City of Storm Lake, Iowa; thence West to the Southwest corner of Lot Eight (8), Block Three (3) of the City of Storm Lake, Iowa, thence North to the Northwest corner of Lot One (1), Block Three (3) of the City of Storm Lake, Iowa; thence West to the Northwest corner of Lot Twenty-Four (24), Block Three (3) of the City of Storm Lake, Iowa; thence North to the Northwest corner of Lot One (1), Block Sixty-Four (64) of the City of Storm Lake, Iowa; thence West to the point of beginning.

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

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

Section 9-10-3 Penalties

Any bicycle parked in violation of Section 9-10-1 will be picked up by the police of the City and stored until the owner thereof claims said bicycle and pays the storage fee in the amount set by Council Resolution . Any person who shall violate the provisions of Section 9-10-2 shall be subject to a fee, in the amount set by Council Resolution for each violation.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Chapter 9-11

STOPPING, STANDING OR PARKING

Sections:

9-11-1 Parking Signs Required
9-11-2 Truck Parking Limited
9-11-3 Handicapped Parking
9-11-4 Penalties
9-11-5 City Hall Parking
9-11-6 Restriction On Chautauqua Park Parking
9-11-7 Restriction On Sunset Park Parking
9-11-8 Parking Time Limitations
9-11-9 School Bus Loading Zones

Section 9-11-1 Parking Signs Required

Whenever by Ordinance of this City 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 Department to cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

Parking is prohibited on the following streets. Said prohibition is for twenty-four (24) hours a day unless otherwise indicated:

South side of East Third Street from Highway Street to Mae Street.

East side of Kenzy Street between East Third Street and East First Street.

East side of Irving Street between Lakeshore Drive and Bair Street.

East side of Seneca Street between East Second Street and East Third Street.

South side of East Second Street between Cayuga Street to Seneca Street.

East side of Cayuga Street between East Second Street and Railroad Street.

Both sides of East Fourth Street between Flindt Drive and Oates Street.

East side of Oneida Street between Seventh Street and East Milwaukee Avenue.

The north side of West Fourth Street between Otsego Street and Early Street.

The south twenty-five feet (25') of the west side of College Avenue between Iowa Street and Fourth Street.

The east side of College Avenue from Third Street to Fifth Street.

The north side of Third Street from Otsego Street to College Avenue.

East side of Early Street from Third Street to Fifth Street.

The west side of Grand Avenue from Peterson Drive to Fifth Street.

The west side of College Avenue south of its intersection with Lakeshore Drive.

The south side of Lakeshore Drive from Lake Avenue to Chautauqua Park Drive.

North side of West Sixth Street between Vestal Street and Barton Street.

South side of West Sixth Street between Larchwood Drive to Barton Street.

The east side of Hyland Drive between West Sixth Street and Lochedem Drive.

West side of Barton Street between Rockwell Court and West Sixth Street.

South side of West Milwaukee Avenue from Northwestern Drive to Seneca Street.

Both sides of Peterson Drive.

The north side of East Fifth Street between Flindt Drive and Oates Street.

South side of Iowa Street from Early Street to College Avenue.

The north side of West Third Street from Terrence Street to Barton Street.

The north side of East Second Street from Seneca Street to Oneida Street.

Both sides of Richland Street from Russell Street east to City limits.

Both sides of West Fifth Street from Ontario Street to west City limits, except parking area on north side adjacent to Grace Lutheran Church, which will be parallel parking.

West side of Larchwood Drive from West Third Street to West Fifth Street.

East side of Terrence Street from West Third Street to West Fifth Street.

West side of Parkview Drive.

South side of Railroad Street from Geneseo Street to West Fifth Street.

East side of Western Avenue from West Fourth Street to West Fifth Street.

North side of West Fourth Street from Western Avenue to one hundred twenty-five feet (125′) west of Larchwood Drive.

South side of West Sixth Street from Michigan Street west to the north-south alley in Block 13.

North twenty-five feet (25') of College Avenue on both sides of street between West Sixth Street and West Seventh Street

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East twenty-five feet (25') of West Seventh Street on both sides of the street between College Avenue and Grand Avenue.

The west side of Russell Street between Fifth Street and Sixth Street.

North and South side of East Fourth Street from the east side of Cayuga Street to a point 1432.8 Feet east of the east right-of-way line of Flindt Drive.

West side of Vestal Street from the north line of West Fifth Street, thence north a distance of one hundred seven feet (107').

The south side of East Tenth Street from the east line of Lake Avenue to the west right-of-way line easterly for one hundred thirty-two (132) feet.

The west side of Northwestern Drive from West Fifth Street to West Milwaukee Avenue.

The south side of East Sixth Street between Cayuga Street and Oneida Street.

The east side of Oneida Street from East Milwaukee Avenue to East Tenth Street.

The east side of Russell Street between Flindt Drive and East Tenth Street.

Both sides of East Milwaukee Avenue for thirty feet (30') east of Russell Street.

Both sides of East Ninth for thirty feet (30') east of Russell Street.

The west side of Russell Street beginning at a point one hundred eighty-five feet (185') north of the north edge of the paved portion of Tornado Drive and then continuing north for a distance of two hundred sixty feet (260'). (From eight o'clock [8:00] A.M. to three-thirty [3:30] P.M.)

The west side of Barton Street from West Third Street to West Fifth Street.

The west side of Oneida Street from East Milwaukee Avenue to East Tenth Street.

The north side of East Eighth Street from Russell Street to Mae Street.

The south side of West Fourth Street from Barton Street to Grand Avenue (From seven o'clock [7:00] A.M. to five o'clock [5:00] P.M.).

The south one hundred feet (100') on the east side of Geneseo Street between West Seventh Street and West Milwaukee Avenue.

The east and west sides of Grand Avenue from West Fourth Street to the location of vacated West Second Street; provided, however, that the Police Chief may establish loading zones with a fifteen (15) minute maximum duration along the east side of Grand Avenue for that same distance.

Both sides of Skewis Street from East 4th Street to Richland Street.

The west side of College Avenue between West Seventh Street and Milwaukee Avenue.

The east side of College Avenue between Lakeshore Drive and West Third Street.

The west side of Michigan Avenue between West First Street and West Third Street.

North side of Lakeshore Drive between Lake Avenue and Flindt Drive.

West side of Irving Street between a point fourteen feet (14') south of the south right of way line of East Third Street and continuing for one hundred fifty-five feet (155') to a point one hundred sixty-nine feet (169') south of said right of way.

West side of Geneseo Street between Fourth Street and the railroad right of way located approximately one block north.

The south side of East Eighth Street between Russell Street and a point fifty feet (50') east of the east right of way line of Russell Street with East Eighth Street.

Both sides of the first one hundred twenty feet (120') of Sixth Street east from the east right of way line of Highview Drive.

Fifty feet (50') in front of the Vista Theater on the west side of Lake Avenue between Sixth Street and Seventh Street.

North side of East Third Street from the west right of way line of Cayuga Street, for fifty feet (50') to the west.

Both sides of Chautauqua Park Drive from the east line of Hudson Street extended right of way easterly to a point two hundred feet (200') west of the intersection of Chautauqua Park Drive and Lakeshore Drive.

East side of Michigan Street, from the north right of way line of Third Street north for six hundred ten feet (610').

East side of Highway 110 from the north end of the Inlet Bridge north to a point five hundred twenty-five feet (525') north of the Inlet Bridge.

East side of Highway 110 between the north side of the Emerald Park entrance and the point one thousand two hundred feet (1,200') north of Emerald Park entrance on Highway 110.

East side of Highway 110 between a point one thousand five hundred feet (1,500') north of the north side of the Emerald Park entrance and a point two thousand feet (2,000') north of the north side of the Emerald Park entrance.

East side of Highway 110 between a point sixty-five feet (65') southwest of Vista Drive and a point one thousand seven feet (1,007') south of Vista Drive.

The south side of Tornado Drive between Russell and Oneida Streets.

The north side of East Milwaukee Avenue between a point three hundred feet (300') east of Russell Street east to a point four hundred nineteen feet (419') east of Russell Street.

The north side of Tornado Drive between a point eight hundred forty-two feet (842') west of Russell Street west to a point nine hundred forty-two feet (942') west of Russell Street.

North side of Hyland Drive between Angier Drive and Abner Bell Road.

South side of Thirteenth Street between Lake Avenue and Erie Street.

South side of West Fourth Street from College Avenue to Grand Avenue.

South side of East Twelfth Street between Lake Avenue and Erie Street.

West side of Vilas Road between East Fourth Street and East Richland Street.

The south fifty feet (50') of the west side of Russell between Tornado Drive and East Tenth Street.

The south fifty feet (50') of the west side of Russell between the entrance to the High School parking lot and East Tenth Street.

North side of Iowa Street between Grand Avenue and Early Street (from 12:00 Midnight to six o'clock [6:00] A.M.)

West side of Early Street between West Fourth Street and West Fifth Street (from 12:00 Midnight to six o'clock [6:00] A.M.)

South side of West 4th Street between College Avenue and Grand Avenue.

The west side of College Avenue from West 4th Street south to the off-street diagonal parking except for a 10 minute parking zone beginning 344 feet south of West 4th Street and ending at a point 161 feet north of West 3rd Street

East and West sides of Vilas Road south of the intersection of Richland Street.

East and West sides of Industry Street from Richland Street south until the street dead ends

The first 30 feet on the west side of Grand south of the intersection of Peterson Drive

The East side of Geisinger Road between East 5th Street and East 7th Streets

The west side of Vista Drive south from the intersection of Abner Bell Road and West 5th Street

The entire south side of Vista Drive

The East side of Parkview Drive for the first 25 feet south of the intersection at Peterson Drive

The north side of Iowa Street twenty-five (25) feet East of Grand Avenue.

The north side of Iowa Street twenty-five (25) feet West of Grand Avenue

The north side of Iowa Street twenty-five (25) feet West of College Street

The north side of Iowa Street twenty-five (25) feet East of Early Street

The east side of Grand Avenue twenty-five (25) feet North of Iowa Street

The east side of Grand Avenue twenty-five (25) feet South of Iowa Street

The south side of E. Third Street between Seneca and Oneida Streets.

The East side of Expansion Blvd 50' south of Richland Street.

The north side of Tornado Drive for the first 110' feet east of the intersection of Tornado Drive and Oneida Street.

The north side of Lakeshore Drive for the first seventy feet (70') west of College Street.

Lighthouse Drive from Early Street east to the Buena Vista University Campus parking lot.

Both sides of West 10th Street from Lake Avenue west to Vestal Street.

South side of West Third Street from College Avenue east to the alley between Otsego Street and College Avenue.

North side of Iowa Street between College Avenue and Grand Avenue (from 12:00 Midnight to six o'clock [6:00] A.M.)

(Ord. No. 05-O-93-94, Amended, 04/18/94; Ord. No. 299495, Amended, 04/03/95; Ord. No. 049596, Amended, 10/16/95; Ord. No. 10-95-96, Amended, 04/15/96; Ord. No. 029697, Amended, 09/03/96)
(Ord. 08-O-2009-2010, Amended, 11/02/2009; Ord. 02-O-2009-2010, Amended, 07/20/2009; Ord. 08-O-2005-2006, Amended, 12/05/2005; Ord. 05-O-2005-2006 Parking Ord, Amended, 10/03/2005; Ord. 19-O-2004-2005, Amended, 02/07/2005; Ord. 06-O-2004-2005, Amended, 08/16/2004; Ord. 01-O-2004-2005, Amended, 07/19/2004; Ord. 07-O-2003-2004, Amended, 10/20/2003; Ord. 03-O-2003-2004, Amended, 09/02/2003; Ord. 04-O-2002-2003, Amended, 09/16/2002; Ord. 06-O-2000-2001, Amended, 08/07/2000; Ord. 06-O-98-99, Amended, 04/19/1999; Ord. 03-O-98-99, Amended, 12/21/1998; Ord. 01-O-98-99, Amended, 10/05/1998; Ord. 10-O-97-98, Amended, 06/01/1998; Ord. 09-O-97-98, Amended, 03/16/1998; Ord. 01-O-97-98, Amended, 08/04/1997)

Section 9-11-2 Truck Parking Limited

Trucks weighing five (5) tons or more, loaded or empty, shall not be parked on any streets in any of the "R" Residential Districts.

Section 9-11-3 Handicapped Parking

(A) The City parking spaces designated herein in subsection (C) are hereby reserved for the exclusive use of a handicapped person. The City Administrator is hereby directed to have signs posted at each such space restricting parking use accordingly.

(B) No person shall park any vehicle in a space designated in subsection (C) unless such vehicle shall have hanging from the interior rear view mirror a current Handicapped Parking Identification Permit issued by the Iowa Department of Transportation and bearing the International Symbol of Access. The penalty for violation of this subsection shall be the minimum required by the Code of Iowa.

(C) Designated Handicapped Parking spaces are as follows:

The first parking spacewest of the intersection of Lake Avenue and Fifth Street on the south side of Fifth Street.

The specially constructed space on the parking on the east side of the Courthouse (Cayuga Street) near the northeast door of that building.

The eleventh parking space south of the intersection of Cayuga Street and Sixth Street on the east side of Cayuga Street.

The first space on the south side of West Sixth Street just west of the intersection of Lake Avenue and Sixth Street.

The twelfth and thirteenth spaces on the west side of Cayuga Street south of Third Street.

The fourth and fifth spaces east of the intersection of Lake Avenue and Third Street on the north side of Third Street.

The fourth and fifth spaces west of the intersection of Cayuga Street and Sixth Street on the north side of Sixth Street.

The second, third, fourth, and fifth spaces south of the intersection of Seneca Street and Third Street on the west side of Seneca Street. The third and fifth spaces designated as van accessible.

The first space on the south side of Tornado Drive west of the intersection of Russell Street and Tornado Drive.

The first space east of the alley between Erie Street and Cayuga Street on the south side of Fifth Street.

The fifth space on the west side of Cayuga Street north of the intersection of Cayuga Street and Second Street.

The first space in the parking lot on the southeast side of City Hall designated as van accessible.

The first space off-street parking on the east side of Lake Avenue on the south side of Bair Street (north end of parking lot).

The seventh space north of East Railroad Street on the east side of Erie Street.

The first space east of the east-side entrance to the Chautauqua Park Shelter House on the south side of East Lakeshore Drive between Hudson Street extension and Chautauqua Park Drive and designated as van accessible.

The first space on the southeast side of the Storm Lake Municipal Swimming Pool.

The first two spaces west of the alley on the north side of East Second Street between Seneca and Cayuga Streets.

The twelfth space south of East Third Street on the west side of Seneca Street.

The second space north of Railroad Street on the West side of Erie Street.

The eighth and ninth spaces West of Cayuga Street on the north side of East Third Street.

The fifth and sixth spaces east of Lake Avenue on the south side of E. Third Street.

The first space east of Cayuga on the north side of East 5th Street.

The first space north of East Railroad on the east side of Lake Avenue.

The first space north of East 5th Street on the east side of Lake Avenue.

The first space south of East 6th Street on the west side of Lake Avenue.

The ninth space north of East 6th Street on the west side of Lake Avenue.

The fifth space west of Lake Avenue on the south side of West Railroad.

The fourth space east of Michigan Street on the north side of West 5th Street.

The ninth space north of West 5th Street on the west side of Michigan Street.

The first space on the east side of Erie Street south of East Fifth Street.

The fifth parking space south of the intersection of 6th Street and Cayuga Street on the west side of Cayuga Street.

The sixth parking space east of Geneseo Street on the south side of West Fifth Street.

The tenth parking space south of East Seventh Street on the east side of Lake Avenue.

The southernmost parking space on the west side of the Erie Street South Parking Lot.

The southernmost parking space on the west side of the center parking of the Erie Street South Parking Lot.

The first space south of West Sixth Street on the west side of Ontario Street.

The second and third parking spaces north of West Third Street on the west side of Lake Avenue.

(Ord. No. 069495, Amended, 09/06/94; Ord. No. 089697, Amended, 09/16/96;)
(Ord. 03-O-2006-2007, Amended, 02/05/2007; Ord. 15-O-2005-2006, Amended, 05/01/2006; Ord. 07-O-2005-2006, Amended, 11/21/2005; Ord. 18-O-2004-2005, Amended, 12/20/2004; Ord. 14-O-2003-2004, Amended, 06/21/2004; Ord. 06-O-2003-2004, Amended, 10/06/2003; Ord. 06-O-2002-2003, Amended, 02/03/2003; Ord. Ord. No. 13-O-2000-2001, Amended, 04/23/2001; Ord. 12-O-2000-2001, Amended, 04/02/2001; Ord. 09-O-2000-2001, Amended, 09/18/2000; Ord. 08-O-2000-2001, Amended, 09/14/2000; Ord. 02-O-97-98, Amended, 08/18/1997)

Section 9-11-4 Penalties

The penalty for violation of any Section of this Chapter or of Chapter 9 of this Title shall be a fine in the amount set by Council Resolution. Complaints will not be filed for at least seven (7) days after a notice of violation has been issued and during that period any owner or operator against whom a notice has been issued may pay the fine directly to the Police Department.
(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 05-O-2003-2004, Amended, 10/06/2003)

Section 9-11-5 City Hall Parking

The parking spaces immediately adjacent to the south side of the City Hall and the parking spaces on the west side of Erie Street immediately adjacent to City Hall are hereby designated as City Hall Parking. The City Administrator is authorized to reserve as many of these parking spaces as he deems necessary for use by Municipal Employees of the City, and the balance shall be designated for use by the general public. No person shall park a vehicle in any of the reserved City Hall parking spaces without authorization from the City Administrator, nor shall any person park any vehicle in any of the spaces designated for public use for a period in excess of ten minutes.

Section 9-11-6 Restriction On Chautauqua Park Parking

Parking or standing of vehicles, whether occupied or not, is hereby prohibited on the south side of East Lakeshore Drive adjacent to Chautauqua Park and on either side of the extension of Hudson Street south of East Lakeshore Drive adjacent to Chautauqua Park between the hours of ten thirty o'clock (10:30) P.M. and six o'clock (6:00) A.M. from April 1 of each year through and including October 31 of each year. The penalty for violation of this Section shall be a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00). The Police Department in conjunction with the Street Department shall cause signs to be erected advising the public of this parking restriction, but the absence of posted signs as required herein shall not relieve any person from responsibility of obeying this Section.

Section 9-11-7 Restriction On Sunset Park Parking

Parking or standing of vehicles, whether occupied or not, is hereby prohibited on the south side of West Lakeshore Drive adjacent to Sunset Park between the hours of ten thirty o'clock (10:30) P.M. and six o'clock (6:00) A.M. from April 1 of each year through and including October 31 of each year. The penalty for violation of this Section shall be a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00). The Police Department in conjunction with the Street Department shall cause signs to be erected advising the public of this parking restriction, but the absence of posted signs as required herein shall not relieve any person from responsibility of obeying this Section.

Section 9-11-8 Parking Time Limitations

No person shall park or stand his/her vehicle along any part of the west side of Ontario Street between West Fourth Street and the railroad tracks south of West Railroad Street for a period of time which exceeds three (3) hours in duration. The direct movement of a vehicle from one parking space within this time limited zone to another space within this same zone shall constitute continuous parking for purposes of this Section.

Section 9-11-9 School Bus Loading Zones

No person, other than the driver of an officially designated school bus or other school vehicle, shall park or stand his vehicle in any of the following designated school bus loading zones:

(A) East School: The loading zone for East School shall start two hundred five feet (205') west of the west right-of-way line of Flindt Drive at its intersection with East Fifth Street and shall continue in a westerly direction for ninety-eight feet (98') along the south side of East Fifth Street to a point three hundred three feet (303') west of that same intersection.

(B) South School: The loading zone for South School shall start fourteen feet (14') south of the south right-of-way line of East Third Street of its intersection with Irving Street and shall continue in a southerly direction for one hundred fifty-five feet (155') along the east side of Irving Street to a point one hundred sixty-nine feet (169') south of that same intersection.

(C) North School: The loading zone for North School shall start two hundred forty-eight feet (248') east of the north right-of-way line of East Seventh Street at its intersection with Erie Street and continue in an easterly direction for one hundred twenty-eight feet (128') along the north side of East Seventh Street to a point three hundred seventy-six feet (376') east of that same intersection.

(D) West School: The loading zone for West School shall start one hundred ten feet (110') north of the west right-of-way line of Barton Street at its intersection with West Sixth Street and continue in a northerly direction for one hundred thirty-five feet (135') along the west side of Barton Street to a point two hundred forty-five feet (245') north of that same intersection.
(Ord. 02-O-97-98, Amended, 08/18/1997)

Section 9-11-1 Parking Signs Required

Whenever by Ordinance of this City 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 Department to cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

Parking is prohibited on the following streets. Said prohibition is for twenty-four (24) hours a day unless otherwise indicated:

South side of East Third Street from Highway Street to Mae Street.

East side of Kenzy Street between East Third Street and East First Street.

East side of Irving Street between Lakeshore Drive and Bair Street.

East side of Seneca Street between East Second Street and East Third Street.

South side of East Second Street between Cayuga Street to Seneca Street.

East side of Cayuga Street between East Second Street and Railroad Street.

Both sides of East Fourth Street between Flindt Drive and Oates Street.

East side of Oneida Street between Seventh Street and East Milwaukee Avenue.

The north side of West Fourth Street between Otsego Street and Early Street.

The south twenty-five feet (25') of the west side of College Avenue between Iowa Street and Fourth Street.

The east side of College Avenue from Third Street to Fifth Street.

The north side of Third Street from Otsego Street to College Avenue.

East side of Early Street from Third Street to Fifth Street.

The west side of Grand Avenue from Peterson Drive to Fifth Street.

The west side of College Avenue south of its intersection with Lakeshore Drive.

The south side of Lakeshore Drive from Lake Avenue to Chautauqua Park Drive.

North side of West Sixth Street between Vestal Street and Barton Street.

South side of West Sixth Street between Larchwood Drive to Barton Street.

The east side of Hyland Drive between West Sixth Street and Lochedem Drive.

West side of Barton Street between Rockwell Court and West Sixth Street.

South side of West Milwaukee Avenue from Northwestern Drive to Seneca Street.

Both sides of Peterson Drive.

The north side of East Fifth Street between Flindt Drive and Oates Street.

South side of Iowa Street from Early Street to College Avenue.

The north side of West Third Street from Terrence Street to Barton Street.

The north side of East Second Street from Seneca Street to Oneida Street.

Both sides of Richland Street from Russell Street east to City limits.

Both sides of West Fifth Street from Ontario Street to west City limits, except parking area on north side adjacent to Grace Lutheran Church, which will be parallel parking.

West side of Larchwood Drive from West Third Street to West Fifth Street.

East side of Terrence Street from West Third Street to West Fifth Street.

West side of Parkview Drive.

South side of Railroad Street from Geneseo Street to West Fifth Street.

East side of Western Avenue from West Fourth Street to West Fifth Street.

North side of West Fourth Street from Western Avenue to one hundred twenty-five feet (125') west of Larchwood Drive.

South side of West Sixth Street from Michigan Street west to the north-south alley in Block 13.

North twenty-five feet (25') of College Avenue on both sides of street between West Sixth Street and West Seventh Street

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East twenty-five feet (25') of West Seventh Street on both sides of the street between College Avenue and Grand Avenue.

The west side of Russell Street between Fifth Street and Sixth Street.

North and South side of East Fourth Street from the east side of Cayuga Street to a point 1432.8 Feet east of the east right-of-way line of Flindt Drive.

West side of Vestal Street from the north line of West Fifth Street, thence north a distance of one hundred seven feet (107').

The south side of East Tenth Street from the east line of Lake Avenue to the west right-of-way line easterly for one hundred thirty-two (132) feet.

The west side of Northwestern Drive from West Fifth Street to West Milwaukee Avenue.

The south side of East Sixth Street between Cayuga Street and Oneida Street.

The east side of Oneida Street from East Milwaukee Avenue to East Tenth Street.

The east side of Russell Street between Flindt Drive and East Tenth Street.

Both sides of East Milwaukee Avenue for thirty feet (30') east of Russell Street.

Both sides of East Ninth for thirty feet (30') east of Russell Street.

The west side of Russell Street beginning at a point one hundred eighty-five feet (185') north of the north edge of the paved portion of Tornado Drive and then continuing north for a distance of two hundred sixty feet (260'). (From eight o'clock [8:00] A.M. to three-thirty [3:30] P.M.)

The west side of Barton Street from West Third Street to West Fifth Street.

The west side of Oneida Street from East Milwaukee Avenue to East Tenth Street.

The north side of East Eighth Street from Russell Street to Mae Street.

The south side of West Fourth Street from Barton Street to Grand Avenue (From seven o'clock [7:00] A.M. to five o'clock [5:00] P.M.).

The south one hundred feet (100') on the east side of Geneseo Street between West Seventh Street and West Milwaukee Avenue.

The east and west sides of Grand Avenue from West Fourth Street to the location of vacated West Second Street; provided, however, that the Police Chief may establish loading zones with a fifteen (15) minute maximum duration along the east side of Grand Avenue for that same distance.

Both sides of Skewis Street from East 4th Street to Richland Street.

The west side of College Avenue between West Seventh Street and Milwaukee Avenue.

The east side of College Avenue between Lakeshore Drive and West Third Street.

The west side of Michigan Avenue between West First Street and West Third Street.

North side of Lakeshore Drive between Lake Avenue and Flindt Drive.

West side of Irving Street between a point fourteen feet (14') south of the south right of way line of East Third Street and continuing for one hundred fifty-five feet (155') to a point one hundred sixty-nine feet (169') south of said right of way.

West side of Geneseo Street between Fourth Street and the railroad right of way located approximately one block north.

The south side of East Eighth Street between Russell Street and a point fifty feet (50') east of the east right of way line of Russell Street with East Eighth Street.

Both sides of the first one hundred twenty feet (120') of Sixth Street east from the east right of way line of Highview Drive.

Fifty feet (50') in front of the Vista Theater on the west side of Lake Avenue between Sixth Street and Seventh Street.

North side of East Third Street from the west right of way line of Cayuga Street, for fifty feet (50') to the west.

Both sides of Chautauqua Park Drive from the east line of Hudson Street extended right of way easterly to a point two hundred feet (200') west of the intersection of Chautauqua Park Drive and Lakeshore Drive.

East side of Michigan Street, from the north right of way line of Third Street north for six hundred ten feet (610').

East side of Highway 110 from the north end of the Inlet Bridge north to a point five hundred twenty-five feet (525') north of the Inlet Bridge.

East side of Highway 110 between the north side of the Emerald Park entrance and the point one thousand two hundred feet (1,200') north of Emerald Park entrance on Highway 110.

East side of Highway 110 between a point one thousand five hundred feet (1,500') north of the north side of the Emerald Park entrance and a point two thousand feet (2,000') north of the north side of the Emerald Park entrance.

East side of Highway 110 between a point sixty-five feet (65') southwest of Vista Drive and a point one thousand seven feet (1,007') south of Vista Drive.

The south side of Tornado Drive between Russell and Oneida Streets.

The north side of East Milwaukee Avenue between a point three hundred feet (300') east of Russell Street east to a point four hundred nineteen feet (419') east of Russell Street.

The north side of Tornado Drive between a point eight hundred forty-two feet (842') west of Russell Street west to a point nine hundred forty-two feet (942') west of Russell Street.

North side of Hyland Drive between Angier Drive and Abner Bell Road.

South side of Thirteenth Street between Lake Avenue and Erie Street.

South side of West Fourth Street from College Avenue to Grand Avenue.

South side of East Twelfth Street between Lake Avenue and Erie Street.

West side of Vilas Road between East Fourth Street and East Richland Street.

The south fifty feet (50') of the west side of Russell between Tornado Drive and East Tenth Street.

The south fifty feet (50') of the west side of Russell between the entrance to the High School parking lot and East Tenth Street.

North side of Iowa Street between Grand Avenue and Early Street (from 12:00 Midnight to six o'clock [6:00] A.M.)

West side of Early Street between West Fourth Street and West Fifth Street (from 12:00 Midnight to six o'clock [6:00] A.M.)

South side of West 4th Street between College Avenue and Grand Avenue.

The west side of College Avenue from West 4th Street south to the off-street diagonal parking except for a 10 minute parking zone beginning 344 feet south of West 4th Street and ending at a point 161 feet north of West 3rd Street

East and West sides of Vilas Road south of the intersection of Richland Street.

East and West sides of Industry Street from Richland Street south until the street dead ends

The first 30 feet on the west side of Grand south of the intersection of Peterson Drive

The East side of Geisinger Road between East 5th Street and East 7th Streets

The west side of Vista Drive south from the intersection of Abner Bell Road and West 5th Street

The entire south side of Vista Drive

The East side of Parkview Drive for the first 25 feet south of the intersection at Peterson Drive

The north side of Iowa Street twenty-five (25) feet East of Grand Avenue.

The north side of Iowa Street twenty-five (25) feet West of Grand Avenue

The north side of Iowa Street twenty-five (25) feet West of College Street

The north side of Iowa Street twenty-five (25) feet East of Early Street

The east side of Grand Avenue twenty-five (25) feet North of Iowa Street

The east side of Grand Avenue twenty-five (25) feet South of Iowa Street

The south side of E. Third Street between Seneca and Oneida Streets.

The East side of Expansion Blvd 50' south of Richland Street.

The north side of Tornado Drive for the first 110' feet east of the intersection of Tornado Drive and Oneida Street.

The north side of Lakeshore Drive for the first seventy feet (70') west of College Street.

Lighthouse Drive from Early Street east to the Buena Vista University Campus parking lot.

Both sides of West 10th Street from Lake Avenue west to Vestal Street.

South side of West Third Street from College Avenue east to the alley between Otsego Street and College Avenue.

North side of Iowa Street between College Avenue and Grand Avenue (from 12:00 Midnight to six o'clock [6:00] A.M.)

(Ord. No. 05-O-93-94, Amended, 04/18/94; Ord. No. 299495, Amended, 04/03/95; Ord. No. 049596, Amended, 10/16/95; Ord. No. 10-95-96, Amended, 04/15/96; Ord. No. 029697, Amended, 09/03/96)
(Ord. 08-O-2009-2010, Amended, 11/02/2009; Ord. 02-O-2009-2010, Amended, 07/20/2009; Ord. 08-O-2005-2006, Amended, 12/05/2005; Ord. 05-O-2005-2006 Parking Ord, Amended, 10/03/2005; Ord. 19-O-2004-2005, Amended, 02/07/2005; Ord. 06-O-2004-2005, Amended, 08/16/2004; Ord. 01-O-2004-2005, Amended, 07/19/2004; Ord. 07-O-2003-2004, Amended, 10/20/2003; Ord. 03-O-2003-2004, Amended, 09/02/2003; Ord. 04-O-2002-2003, Amended, 09/16/2002; Ord. 06-O-2000-2001, Amended, 08/07/2000; Ord. 06-O-98-99, Amended, 04/19/1999; Ord. 03-O-98-99, Amended, 12/21/1998; Ord. 01-O-98-99, Amended, 10/05/1998; Ord. 10-O-97-98, Amended, 06/01/1998; Ord. 09-O-97-98, Amended, 03/16/1998; Ord. 01-O-97-98, Amended, 08/04/1997)

Section 9-11-2 Truck Parking Limited

Trucks weighing five (5) tons or more, loaded or empty, shall not be parked on any streets in any of the "R" Residential Districts.

Section 9-11-3 Handicapped Parking

(A) The City parking spaces designated herein in subsection (C) are hereby reserved for the exclusive use of a handicapped person. The City Administrator is hereby directed to have signs posted at each such space restricting parking use accordingly.

(B) No person shall park any vehicle in a space designated in subsection (C) unless such vehicle shall have hanging from the interior rear view mirror a current Handicapped Parking Identification Permit issued by the Iowa Department of Transportation and bearing the International Symbol of Access. The penalty for violation of this subsection shall be the minimum required by the Code of Iowa.

(C) Designated Handicapped Parking spaces are as follows:

The first parking spacewest of the intersection of Lake Avenue and Fifth Street on the south side of Fifth Street.

The specially constructed space on the parking on the east side of the Courthouse (Cayuga Street) near the northeast door of that building.

The eleventh parking space south of the intersection of Cayuga Street and Sixth Street on the east side of Cayuga Street.

The first space on the south side of West Sixth Street just west of the intersection of Lake Avenue and Sixth Street.

The twelfth and thirteenth spaces on the west side of Cayuga Street south of Third Street.

The fourth and fifth spaces east of the intersection of Lake Avenue and Third Street on the north side of Third Street.

The fourth and fifth spaces west of the intersection of Cayuga Street and Sixth Street on the north side of Sixth Street.

The second, third, fourth, and fifth spaces south of the intersection of Seneca Street and Third Street on the west side of Seneca Street. The third and fifth spaces designated as van accessible.

The first space on the south side of Tornado Drive west of the intersection of Russell Street and Tornado Drive.

The first space east of the alley between Erie Street and Cayuga Street on the south side of Fifth Street.

The fifth space on the west side of Cayuga Street north of the intersection of Cayuga Street and Second Street.

The first space in the parking lot on the southeast side of City Hall designated as van accessible.

The first space off-street parking on the east side of Lake Avenue on the south side of Bair Street (north end of parking lot).

The seventh space north of East Railroad Street on the east side of Erie Street.

The first space east of the east-side entrance to the Chautauqua Park Shelter House on the south side of East Lakeshore Drive between Hudson Street extension and Chautauqua Park Drive and designated as van accessible.

The first space on the southeast side of the Storm Lake Municipal Swimming Pool.

The first two spaces west of the alley on the north side of East Second Street between Seneca and Cayuga Streets.

The twelfth space south of East Third Street on the west side of Seneca Street.

The second space north of Railroad Street on the West side of Erie Street.

The eighth and ninth spaces West of Cayuga Street on the north side of East Third Street.

The fifth and sixth spaces east of Lake Avenue on the south side of E. Third Street.

The first space east of Cayuga on the north side of East 5th Street.

The first space north of East Railroad on the east side of Lake Avenue.

The first space north of East 5th Street on the east side of Lake Avenue.

The first space south of East 6th Street on the west side of Lake Avenue.

The ninth space north of East 6th Street on the west side of Lake Avenue.

The fifth space west of Lake Avenue on the south side of West Railroad.

The fourth space east of Michigan Street on the north side of West 5th Street.

The ninth space north of West 5th Street on the west side of Michigan Street.

The first space on the east side of Erie Street south of East Fifth Street.

The fifth parking space south of the intersection of 6th Street and Cayuga Street on the west side of Cayuga Street.

The sixth parking space east of Geneseo Street on the south side of West Fifth Street.

The tenth parking space south of East Seventh Street on the east side of Lake Avenue.

The southernmost parking space on the west side of the Erie Street South Parking Lot.

The southernmost parking space on the west side of the center parking of the Erie Street South Parking Lot.

The first space south of West Sixth Street on the west side of Ontario Street.

The second and third parking spaces north of West Third Street on the west side of Lake Avenue.

(Ord. No. 069495, Amended, 09/06/94; Ord. No. 089697, Amended, 09/16/96;)
(Ord. 03-O-2006-2007, Amended, 02/05/2007; Ord. 15-O-2005-2006, Amended, 05/01/2006; Ord. 07-O-2005-2006, Amended, 11/21/2005; Ord. 18-O-2004-2005, Amended, 12/20/2004; Ord. 14-O-2003-2004, Amended, 06/21/2004; Ord. 06-O-2003-2004, Amended, 10/06/2003; Ord. 06-O-2002-2003, Amended, 02/03/2003; Ord. Ord. No. 13-O-2000-2001, Amended, 04/23/2001; Ord. 12-O-2000-2001, Amended, 04/02/2001; Ord. 09-O-2000-2001, Amended, 09/18/2000; Ord. 08-O-2000-2001, Amended, 09/14/2000; Ord. 02-O-97-98, Amended, 08/18/1997)

Section 9-11-4 Penalties

The penalty for violation of any Section of this Chapter or of Chapter 9 of this Title shall be a fine in the amount set by Council Resolution. Complaints will not be filed for at least seven (7) days after a notice of violation has been issued and during that period any owner or operator against whom a notice has been issued may pay the fine directly to the Police Department.
(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 05-O-2003-2004, Amended, 10/06/2003)

Section 9-11-5 City Hall Parking

The parking spaces immediately adjacent to the south side of the City Hall and the parking spaces on the west side of Erie Street immediately adjacent to City Hall are hereby designated as City Hall Parking. The City Administrator is authorized to reserve as many of these parking spaces as he deems necessary for use by Municipal Employees of the City, and the balance shall be designated for use by the general public. No person shall park a vehicle in any of the reserved City Hall parking spaces without authorization from the City Administrator, nor shall any person park any vehicle in any of the spaces designated for public use for a period in excess of ten minutes.

Section 9-11-6 Restriction On Chautauqua Park Parking

Parking or standing of vehicles, whether occupied or not, is hereby prohibited on the south side of East Lakeshore Drive adjacent to Chautauqua Park and on either side of the extension of Hudson Street south of East Lakeshore Drive adjacent to Chautauqua Park between the hours of ten thirty o'clock (10:30) P.M. and six o'clock (6:00) A.M. from April 1 of each year through and including October 31 of each year. The penalty for violation of this Section shall be a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00). The Police Department in conjunction with the Street Department shall cause signs to be erected advising the public of this parking restriction, but the absence of posted signs as required herein shall not relieve any person from responsibility of obeying this Section.

Section 9-11-7 Restriction On Sunset Park Parking

Parking or standing of vehicles, whether occupied or not, is hereby prohibited on the south side of West Lakeshore Drive adjacent to Sunset Park between the hours of ten thirty o'clock (10:30) P.M. and six o'clock (6:00) A.M. from April 1 of each year through and including October 31 of each year. The penalty for violation of this Section shall be a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00). The Police Department in conjunction with the Street Department shall cause signs to be erected advising the public of this parking restriction, but the absence of posted

signs as required herein shall not relieve any person from responsibility of obeying this Section.

Section 9-11-8 Parking Time Limitations

No person shall park or stand his/her vehicle along any part of the west side of Ontario Street between West Fourth Street and the railroad tracks south of West Railroad Street for a period of time which exceeds three (3) hours in duration. The direct movement of a vehicle from one parking space within this time limited zone to another space within this same zone shall constitute continuous parking for purposes of this Section.

Section 9-11-9 School Bus Loading Zones

No person, other than the driver of an officially designated school bus or other school vehicle, shall park or stand his vehicle in any of the following designated school bus loading zones:

(A) East School: The loading zone for East School shall start two hundred five feet (205') west of the west right-of-way line of Flindt Drive at its intersection with East Fifth Street and shall continue in a westerly direction for ninety-eight feet (98') along the south side of East Fifth Street to a point three hundred three feet (303') west of that same intersection.

(B) South School: The loading zone for South School shall start fourteen feet (14') south of the south right-of-way line of East Third Street of its intersection with Irving Street and shall continue in a southerly direction for one hundred fifty-five feet (155') along the east side of Irving Street to a point one hundred sixty-nine feet (169') south of that same intersection.

(C) North School: The loading zone for North School shall start two hundred forty-eight feet (248') east of the north right-of-way line of East Seventh Street at its intersection with Erie Street and continue in an easterly direction for one hundred twenty-eight feet (128') along the north side of East Seventh Street to a point three hundred seventy-six feet (376') east of that same intersection.

(D) West School: The loading zone for West School shall start one hundred ten feet (110') north of the west right-of-way line of Barton Street at its intersection with West Sixth Street and continue in a northerly direction for one hundred thirty-five feet (135') along the west side of Barton Street to a point two hundred forty-five feet (245') north of that same intersection.
(Ord. 02-O-97-98, Amended, 08/18/1997)

Chapter 9-12

MISCELLANEOUS DRIVING RULES

Sections:

9-12-1 Vehicles Not To Be Driven On Sidewalks
9-12-2 Clinging To Vehicles
9-12-3 Parking For Certain Purposes Prohibited
9-12-4 Permits For Parades And Processions
9-12-5 Driving Through Funeral Or Other Procession
9-12-6 Drivers In A Procession
9-12-7 Funeral Processions To Be Identified
9-12-8 Load Restrictions Upon Vehicles Using Certain Streets
9-12-9 Truck Routes

Section 9-12-1 Vehicles Not To Be Driven On Sidewalks

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

Section 9-12-2 Clinging To Vehicles

No person shall drive a motor vehicle on the streets of this City unless all passengers of said vehicle are inside said 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 him/herself to any vehicle upon a roadway.

Section 9-12-3 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) washing, greasing, or repairing such vehicle except such repairs as are necessitated by an emergency, (3) displaying advertising, (4) selling merchandise from such vehicle except in a duly established market place or when so authorized and licensed under the ordinances of this City, (5) storage, or as junkage or dead storage for more than forty-eight (48) hours.

Section 9-12-4 Permits For Parades And Processions

No parade or procession will be allowed upon the City streets without a permit issued by the Chief of Police.

Section 9-12-5 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 such vehicles are conspicuously designated as required in

this Title. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Section 9-12-6 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 close as is practical and safe.

Section 9-12-7 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.

Section 9-12-8 Load Restrictions Upon Vehicles Using Certain Streets

The City Council may by resolution duly adopted place an embargo on City streets for trucks of a particular weight under such conditions as are deemed appropriate by the Council.

Section 9-12-9 Truck Routes

(A) Every motor vehicle weighing five (5) tons or more, when loaded or empty, 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: State Highways 71, 7 and 110.

B) Any motor vehicle weighing five (5) tons or more, when loaded or empty, 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 said designated route.

(C) 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.

Chapter 9-13

PENALTIES AND PROCEDURE ON ARREST

Sections:

9-13-1 Penalty
9-13-2 Arrest And Notice To Appear
9-13-3 Summons Placed On Illegally Parked Vehicle
9-13-4 Presumption In Reference To Illegal Parking

Section 9-13-1 Penalty

Unless a specific lesser penalty is provided for specific violations elsewhere in this Title, anyone violating any of the provisions of this Title shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding five hundred dollars ($500.00).
(Ord. 04-O-2003-2004, Amended, 10/06/2003)

Section 9-13-2 Arrest And Notice To Appear

Whenever a peace officer has reasonable cause to believe that a person has violated any provision of this Title such officer may:

(A) Immediately arrest such person and take him/her before a magistrate of the County, or
(B) Without arresting the person, prepare in quintuplet written summons to appear in court containing the name and address of such person, the operator or chauffeur license number, if any, the registration number of his/her vehicle, the offense charged, the time when and place where such person shall appear, and if the offense charged be speeding, such summons shall also specify the speed at which such person is alleged to have driven and the speed limit applicable within the district or location.

The original copy and a duplicate will be delivered to the court, two copies will be delivered to the violator, and one copy will be retained by the arresting officer.

Section 9-13-3 Summons Placed On Illegally Parked Vehicle

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by any ordinance of this City the officer or other authorized person finding such vehicle shall attach a written summons as hereinabove provided to such vehicle in a conspicuous place and the driver of such vehicle shall be held to appear at the time and place designated in the summons.

Section 9-13-4 Presumption In Reference To Illegal Parking

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

(A) The particular vehicle described in the information was parked in violation of this Title.

(B) The defendant named in the information was the registered owner at the time in question.

Chapter 9-14

SNOWMOBILE

Sections:

9-14-1 Definitions
9-14-2 Operation Upon Public Streets And Highways
9-14-3 Restricted Streets And Highways
9-14-4 Parking And Sidewalks
9-14-5 City Parks And Golf Course
9-14-6 Penalty

Section 9-14-1 Definitions

For purposes of this Ordinance the following terms shall have the following meanings:

(A) "SNOWMOBILE": Means any self-propelled vehicle weighing less than one thousand (1,000) pounds which utilizes wheels with pneumatic tires and is designed to operate on land or water or is equipped with sled type runners or skis, a muffler sufficient to prohibit excessive noise, an endless belt-type tread or any combination thereof and is designed for travel on only land or ice.

(B) "REGISTERED SNOWMOBILE": Means any snowmobile as defined above which has been registered as provided in Chapter 321G, 1993 Code of Iowa.

Section 9-14-2 Operation Upon Public Streets And Highways

Snowmobiles may be operated upon those public streets and highways not herein specified as restricted within the Municipal limits of the City, as follows:

(A) Between the hours of six o'clock (6:00) A.M. and twelve o'clock (12:00) midnight.

(B) By any person born before July 1, 1977 holding a valid Iowa driver's license or by any person holding a valid safety certificate as provided by Section 321G.24 of the 1993 Code of Iowa.

(C) For purposes of point-to-point transportation within the City or for purposes of transportation from a point within the City to the City limits thereof.

(D) In a single file manner in the proper lane of traffic, but as close to the curb as possible under existing circumstances.

(E) While operating said snowmobile within permitted areas the speed of the snowmobile shall not exceed twenty (20) m.p.h.

(F) Across restricted public streets or highways as hereinafter specified but only by crossing such streets or highways at an angle of approximately ninety degrees (90o) thereto and at a place where no obstruction prevents a quick and safe crossing, and only after said snowmobile has been brought to a complete stop before said crossing.

(G) In such a manner as to yield the right of way to all other traffic which constitutes an immediate hazard.

(H) All snowmobiles operated in permitted areas or streets shall be equipped with a muffler in good working order to prevent excessive and unusual noises.

Section 9-14-3 Restricted Streets And Highways

Snowmobiles may not be operated upon the following public streets and highways within the Municipal limits of the City:

Lake Avenue.

Fifth Street, east and west.

Flindt Drive.

Lakeshore Drive, east and west.

Milwaukee Avenue, east and west.

Park Grounds; may be operated only from one thousand feet (1,000') southeast of intersection of Memorial Road and Lakeshore Drive.

West Fourth Street between Barton Street and Larchwood.

Section 9-14-4 Parking And Sidewalks

Snowmobiles shall not be operated upon the public sidewalks within the Municipal limits of the City, nor shall they be operated upon that portion of the public streets and highways located between the curb line and the sidewalk and commonly referred to as "parking" or "terrace", except for purposes of crossing the same to a public street or highway upon which operation is authorized by this Ordinance.

Section 9-14-5 City Parks And Golf Course

Snowmobiles shall not be operated upon any part of the City park system nor the City golf course except that snowmobiles may be operated on the public streets within the park system and may use the boat ramps.

Section 9-14-6 Penalty

Anyone violating any of the provisions of this Ordinance upon investigation thereof shall be subject to imprisonment not exceeding thirty (30) days or to a fine not exceeding five hundred dollars ($500.00).
(Ord. 04-O-2003-2004, Amended, 10/06/2003)

Chapter 5-1

MOVING BUILDINGS

Sections:

5-1-1 Permit Required
5-1-2 Form Of Permit
5-1-3 Route
5-1-4 Notice To Utilities
5-1-5 Duties Of Public Utilities
5-1-6 Regulations
5-1-7 Bond Required
5-1-8 Municipal Infraction

Section 5-1-1 Permit Required

No person shall move or cause to be moved along or across any street, avenue, alley or public ground, any building of any description without first obtaining a written permit signed by the City Administrator or his/her designee which permit shall specify the place from which the said building or structure is to be moved, the time within which the same shall be moved and the streets and alleys along which the said building may be moved. A permit fee, in the amount set by Council Resolution, shall be paid to the City at the time the application is filed.

(Ord. No. 279495, Amended, 04/03/95)
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-1-2 Form Of Permit

Said permit shall be substantially in the following form:

"Permit To Move Buildings"

Permission is hereby given to _____, to move a certain building described as follows: _____ from Lot ___, Block ___, in the City of Storm Lake, Iowa, upon condition that the said building shall be moved upon the route herein specified as follows: _____ and said moving shall be completed in ___ days. This permit is given upon the further condition that the person holding the same shall give notice to all public service corporations and other persons as by ordinance provided, and shall take all proper precautions to avoid damage to any such corporation or to the City of Storm Lake, Iowa, and shall plank or bridge all crossings and protect the same from any damage and shall repair all crossings and any damage caused to the City, or any of its sidewalks, or other property, by reason of moving of said building. And upon the failure of the holder of this permit to comply with provisions of the ordinances of Storm Lake, the same shall be immediately revoked without notice.

Dated this ____ day of _____, 19____.

Approved: _____ CITY OF STORM LAKE, IOWA
Building Official By:_____

Section 5-1-3 Route

The route for moving buildings shall be within the full discretion of the City, and the permit granted, as provided herein, shall require the building or structure to be moved along such streets and alleys as shall cause the least damage to electric light wires and telephone wires and other property of public service corporations or private individuals and such permit shall not authorize the moving of such building or structure on any street where such damage may be incurred if the same may be moved upon another route so that they may avoid such damage, if such other route is reasonably practicable and convenient. If the Chief of Police deems it necessary, a police officer operating a City police vehicle shall travel along with the building or structure while it is being moved over such route. A fee, in the amount set by Council Resolution, shall be collected from the permit holder for the services rendered by any such police officer under this Section.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-1-4 Notice To Utilities

The person moving any such building, shall also give written notice at least seventy-two (72) hours before the time of moving the same, to the electric light company, telephone company, cable television company, and any other public service corporation whose property upon the streets and alleys of said City may be endangered or interfered with by the moving of such building, which notice shall specify the time and place of moving the same and the streets and alleys over which the said building is to be moved.

Section 5-1-5 Duties Of Public Utilities

After the service of the notice provided for in Section 5-1-4 of this Chapter, it shall be the duty of any public service corporation whose property is located upon or over the streets and alleys of said City and whose property is an obstruction to the movement of said building over said streets and alleys, upon the payment by the owner of said building, or the party moving the same, of the reasonable expense of removing said obstructions and replacing the same after said building has been moved, to temporarily move the said obstructions so as to enable said building to pass said obstructions.

Section 5-1-6 Regulations

The owner or persons moving the said building shall not leave the same upon the streets, alleys or public grounds for a longer time than is reasonably necessary, under the circumstances, and the owner or persons moving the same shall at all times when such building is on the streets or alleys, between one-half (1/2) hour prior to sunset and one-half (1/2) hour after sunrise cause red signal lights to be displayed from said building, in such positions that the same can be seen from all directions from said building.

No person shall move any building along any street or alley except as provided by this Chapter and in accordance with the permit granted; nor permit the same to remain on any street for a longer time than specified in said permit.

Section 5-1-7 Bond Required

Any person, engaged in the business of moving houses, or other structures, shall, before a permit is granted by the City, as herein provided, file with the Clerk a bond in the penal sum of five hundred thousand dollars ($500,000.00) with sureties to be approved by the Council, and said bond shall be for the purpose of protecting the City, against all damage that it might sustain by the reason of the moving of said house or other structure.

Section 5-1-8 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 5-2

BUILDING CODE

Sections:

5-2-1 Short Title
5-2-2 Adoption Of Building Code
5-2-3 Conflict With State Laws
5-2-4 Municipal Infraction

Section 5-2-1 Short Title

This Ordinance shall be known as the City of Storm Lake, Iowa, Building Ordinance and may be cited as such and will be referred to herein as "this Ordinance".

Section 5-2-2 Adoption Of Building Code

Pursuant to published notice and public hearing as required by law, the International Building Code, 2003 Edition, and all provisions of the International Building Code Referenced Standards, 2003 Edition, referred to therein, published by the International Code Council, and commonly known as the International Building Code, are hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Building Code, 2003 Edition, and Uniform Building Code Standards, 1997 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Code Enforcement Officer.

(A) In accordance with the provisions of said International Building Code, 2003 Edition, Section 108, Building Permit fees shall be based on the total estimated cost of construction, reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Building Code, 2003 edition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.

2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:

   a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided

by the International Building Code.

(C) The provisions of Section 112.3 of the International Building Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) Section 101.4, of the International Building Code shall be amended to State: "The Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, and National Electrical Code shall be the referenced Codes used in conjuction with this code to the prescribed extent of each such reference."

(E) Delete Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 101.4.6, and 101.4.7, of the International Building Code.

(Ord. No. 10-O-94-95, Amended, 01/03/95)
(Ord. 15-O-2004-2005, Amended, 01/03/2005; Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-2-3 Conflict With State Laws

Nothing in this Ordinance or in the International Building Code as adopted, shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.
(Ord. 15-O-2004-2005, Amended, 01/03/2005)

Section 5-2-4 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 5-3

PLUMBING CODE AND REGULATION OF PLUMBERS

Sections:

5-3-1 Purpose
5-3-2 Application
5-3-3 Plumbing Code Adopted
5-3-4 Plumbing Inspector
5-3-5 Authority
5-3-6 Permits
5-3-7 Permit Not Required For Maintenance Work
5-3-8 Applications For Permits
5-3-9 Applicant Required To Be Licensed
5-3-10 Fees And Permits For Inspection
5-3-11 Permits/Restrictions
5-3-12 Excavation Permit
5-3-13 Inspection Revocation Of Permit
5-3-14 Prefabricated Assemblies Inspections, Licenses
5-3-15 Classes Of Licenses
5-3-16 License Required
5-3-17 License Definitions, Limitations
5-3-18 Licensing Procedures
5-3-19 Temporary Licensing
5-3-20 Fees For Licenses
5-3-21 Bond For Contractors
5-3-22 Display Of Licenses
5-3-23 Licenses Not Transferable
5-3-24 Appeals
5-3-25 Liability Of City
5-3-26 Municipal Infraction

Section 5-3-1 Purpose

The purpose of this Chapter shall be to establish the authority of the City with regard to the supervision of all plumbing installations within the City and the supervision of the plumbers making those installations; to make provision for a Plumbing Code to be applicable within the City; and to designate the responsibilities of the Plumbing Inspector in connection with the Administration of this Chapter.

Section 5-3-2 Application

The provisions of this Chapter shall apply to and govern all plumbing, as defined in the Uniform Plumbing Code occurring within the City. Plumbing shall include the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting systems and the public or private water systems, within or adjacent to any building or other structure or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of the storm water, liquid wastes or sewerage systems, and water supply systems of any

premises to their connection with any point of public disposal or other acceptable terminal.

Section 5-3-3 Plumbing Code Adopted

Pursuant to published notice and public hearing as required by law, the Uniform Plumbing Code, 2003 Edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted in its entirety as the Plumbing Code for the City and it is hereby incorporated by reference. All installations, repair and alterations of plumbing within the City shall be made in conformance with the Code as the same may be modified, however, by regulations issued by the State of Iowa Plumbing Code Committee and no permit shall be issued by the Plumbing Inspector for such a project if the plans and specifications are not in conformance with that Code.

A copy of the Uniform Plumbing Code, 2003 Edition, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

Notwithstanding the provisions of said Uniform Plumbing Code, 2003 Edition, the provisions of Section 103.4 relating to fees shall not apply including any schedules referred to by said paragraphs. In lieu thereof, the applicant shall pay a fee as provided in Title 5, Chapter 3, Section 10.
(Ord. No. 11-O-94-95, Amended, 01/03/95)
(Ord. 15-O-2004-2005, Amended, 01/03/2005; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-3-4 Plumbing Inspector

The Building Official is hereby designated as the Plumbing Inspector and charged with the responsibility for performing all of the administrative and inspection functions required by the City by this Chapter and not otherwise delegated. In addition to enforcing the provisions of this Chapter, a Plumbing Inspector should also enforce all rules and regulations of the Buena Vista County and Iowa State Boards of Health which govern plumbing.
(Ord. 15-O-2004-2005, Amended, 01/03/2005)

Section 5-3-5 Authority

The Plumbing Inspector shall have the right, during reasonable hours, to enter any building or premisses in the discharge of any of his/her duties, for the purpose of making any inspection, reinspection or other testings of any of the plumbing contained therein. If any plumbing is found by the Plumbing Inspector to be not in conformance with the provisions with this Code or the rules and regulations of the Buena Vista County or Iowa State Boards of Health, and providing such nonconforming plumbing was either nonconforming at the time of its installation or now constitutes a hazard of safety, he shall forthwith notify in writing, the person owning, maintaining or responsible for such plumbing; such notice shall specify the particulars wherein said plumbing is defectively maintained or installed, and require that changes be made therein at the earliest possible time deemed reasonable by the Inspector and which will, in the judgment of the Inspector render such plumbing safe and no longer a hazard to health, under penalty of having such plumbing disconnected. In cases of emergency, or if necessary to prevent a serious health or safety hazard, the Plumbing Inspector shall immediately disconnect or order the disconnection of such plumbing.

Section 5-3-6 Permits

No plumbing, including the construction, reconstruction, alteration of any plumbing or building drainage system, shall be done within or on any building, structure, or premises, publicly or privately owned within the City without first securing a permit therefor from the Plumbing Inspector except as provided in Section 5-3-7.

Section 5-3-7 Permit Not Required For Maintenance Work

Permits will not be required for work generally known as maintenance work, such as the repairing of leaks, the removal of stoppage in sewer or waste pipes or the repairing of faucets and closet tanks. Nothing in this Section shall, however, become construed to permit the excavation of any part of the street, parking or sidewalks, without first obtaining a permit and notifying those persons who are responsible to the City for such activity.

Section 5-3-8 Applications For Permits

Applications for such permits, describing the work to be done, shall be made in writing to the Plumbing Inspector by the person installing the work. The Plumbing Inspector may, in his/her discretion, waive the necessity of a written application and accept an oral application. The Plumbing Inspector shall determine the type of information required to determine compliance with this Chapter as well as with the rules and regulations of the Buena Vista County and State of Iowa Board of Health and he/she may require that the written applications be in a particular format and he/she may also require that all plans and specifications be filed if necessary to determine compliance. In addition to such other information as may be required by the Plumbing Inspector, the permit application shall state the streets and building number where the work is to be performed together with the owner's name and the name of the Plumbing Contractor. When the Plumbing Inspector determines that the plumbing proposed complies with the Chapter and the rules and regulations of the Buena Vista County and Iowa State Boards of Health, and upon payment of the required fee, he/she shall then issue a permit required by Section 5-3-6.

Section 5-3-9 Applicant Required To Be Licensed

No permits for the construction, reconstruction, or alteration of any plumbing shall be issued to any person, unless the applicant therefor is the owner of a license entitling such applicant to secure permits for and to execute the work described in the application for the permit.

Section 5-3-10 Fees And Permits For Inspection

Before any permit is granted for the installation, repair, or alteration of plumbing equipment, the person making application therefor shall pay to the City Clerk, in advance, the fees set by Council Resolution. ,
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-3-11 Permits/Restrictions

(A) No permits shall be issued for additional plumbing work in any building where plumbing work is found defective, or has been installed or being maintained contrary to the provisions of the Uniform Plumbing Code, other Chapters of the City or the rules and regulations of the Buena Vista County or Iowa State Boards of Health, unless this plumbing is to be corrected and the permit is taken out to cover the correction of such work.
(B) When a permit has been issued to do plumbing work, such work shall be started within sixty (60) days from the day of the permit or such permit will become void and a new permit must be obtained.

(C) When a permit has been issued for plumbing work, in no case shall additional work be put in or additional fixtures set without the approval of the Plumbing Inspector and a new permit shall be obtained for all such additional work or fixtures.

Section 5-3-12 Excavation Permit

Excavation Permits issued by the City to open streets, parking or other public property, should be issued only after permits have been issued by the Plumbing Inspector to construct such work. Each such street or parking permit shall have upon its face the number of the Plumbing Permit issued.

Section 5-3-13 Inspection Revocation Of Permit

In the completion of any construction, reconstruction or alteration requiring a Plumbing Permit, it shall be the duty of the person making the construction, reconstruction or alteration of the plumbing to notify the Plumbing Inspector who shall inspect the construction, reconstruction or alteration of plumbing within twenty-four (24) hours from the time such notice is given, exclusive of Saturdays, Sundays or holidays or as soon thereafter as practical. It shall be the duty of the plumber installing the work to see that no plumbing is covered or used, except as hereinafter provided, until such work has been inspected and approved by the Plumbing Inspector. If while making the inspection, the Plumbing Inspector shall find such construction, reconstruction or alteration of plumbing in conformity with the provisions of this Chapter and with the rules and regulations of the Buena Vista County and Iowa State Boards of Health, he/she shall inform the person performing such work verbally of his/her approval. If, upon inspection, the Plumbing Inspector finds the work not in accordance with the provisions of the Plumbing Code or the rules and regulations of the Buena Vista County or Iowa State Boards of Health, he/she shall notify the plumber doing the work and the owner of the premises, by written letter or by posting written notice upon the premises, of the defects of the work found upon inspection and he/she shall further require that such defects be corrected within three (3) days following receipt or posting of the notice. The Plumbing Inspector shall also have the right to make preliminary inspections at any time while the construction, reconstruction or altering of the plumbing is being completed, and he/she shall, in addition to the power to require the corrections in plumbing be made, have the authority to revoke the permit whenever the work is not being done in accordance with the Plumbing Code or the rules and regulations of the Buena Vista County or Iowa State Boards of Health. If a permit is revoked, it shall be unlawful for any person to proceed further with said work without the written consent of the Plumbing Inspector.

Section 5-3-14 Prefabricated Assemblies Inspections, Licenses

(A) Where the work requiring a plumbing permit will be wholly or partially enclosed within one of more prefabricated assemblies, the requirements of this Chapter and the Uniform Plumbing Code with regard to inspections by the Plumbing Inspector or request therefor, shall not be applicable to such work if the use

of prefabricated assemblies renders compliance with the requirements impracticable. In lieu of compliance with the requirements of said Section, the fabricator shall provide the Plumbing Inspector with a certification from the International Conference of Building Officials, Underwriters Laboratories, Inc. or any other approved independent inspection agency qualified to make such certification, stating that the plumbing wholly or partially enclosed within the prefabricated assembly has been inspected by the certifying agency and complies with the requirements of this Chapter, and containing such other information as may be required by the Plumbing Inspector. The Plumbing Inspector may, for due cause shown, require that any plumbing work wholly or partially enclosed within a prefabricated assembly be nevertheless exposed to permit inspection.

(B) Where the fabrication of the prefabricated assembly is performed outside the corporate limits, the provisions of this Chapter with regard to licensing of plumbers shall not be applicable.

Section 5-3-15 Classes Of Licenses

There shall be three (3) classes of licenses issued in the City in order to perform any type of plumbing work and they shall be designated as follows: Master Plumber, Journeyman Plumber and Helper Plumber.

Section 5-3-16 License Required

Except as otherwise provided by law, no person shall plan, layout, or supervise the construction, reconstruction, alteration or repair of any plumbing or building drainage system, nor shall they apply for permit under the provisions of 5-3-6 and 5-3-8, unless that person: is licensed by the Plumbing Examining Board of the City as a Master Plumber or is a bonded Plumbing Contractor with at least one Master Plumber in his/her employ. Additionally, no person shall install, alter or repair any plumbing or building drainage system in or for any building in the City unless that person is licensed by the Plumbing Inspector of the City as a Journeyman Plumber. Finally, no person not otherwise required to be licensed shall work as an assistant to a Master Plumber or a Journeyman Plumber unless that person is licensed as a Helper Plumber.

Section 5-3-17 License Definitions, Limitations

(A) "MASTER PLUMBER": A person having the necessary qualifications i.e., training, experience and technical knowledge to properly plan, layout and supervise the construction, reconstruction, alteration or repair of any plumbing or building drainage system as well as those qualifications required by a Journeyman Plumber and who is licensed as a Master Plumber by the City.

(B) "JOURNEYMAN PLUMBER": A person having the necessary qualifications i.e., training, experience and technical knowledge to install, alter or repair any plumbing or building drainage system, and who is licensed as such by the City. For training purposes, a Journeyman Plumber may work on projects involving the proper planning, layout and supervision of the construction, reconstruction, alteration or repair of any plumbing or building drainage system, but such work may only be performed under the direct supervision of a Master Plumber.

(C) "HELPER PLUMBER": Anyone professing the desire to enter into and receive the necessary training in the plumbing trade and who, after having presented him/herself to the Plumbing Inspector, is found to

be acceptable by the Inspector. In this regard, no person eighteen (18) years of age or older shall be denied any license under this Chapter based solely upon race, color, religion, sex, age or national origin. A Helper Plumber shall do no plumbing except under the direct supervision of the Master Plumber or Journeyman Plumber, and no Master or Journeyman Plumber shall have more than one Helper Plumber under his/her supervision at any one time.

Section 5-3-18 Licensing Procedures

Applicants for Plumber's Licenses shall have the following specific qualifications before being allowed to take the respective written examinations for:

(A) A Master Plumber shall have had at least four (4) years, representative experience performing the types of plumbing work for which a Journeyman Plumber is licensed under this Chapter and which four (4) years may include time spent as a Helper Plumber or the equivalent thereof. In addition, in this same minimum period of time, the applicant shall have had at least two (2) years of representative experience in planning, laying out and supervising the construction, reconstruction, alteration or installation of plumbing and building drainage systems and under the direct supervision of a Master Plumber or the equivalent thereof.

(B) A Journeyman Plumber shall have had at least two (2) years representative experience in installing, altering or repairing plumbing and building drainage systems under the direct supervision of Master of Journeyman Plumber or the equivalent thereof.

(C) A Helper Plumber shall profess the desire to enter into and receive necessary training in the plumbing trade.

An applicant for a particular license shall present his/her qualifications in writing upon the written application or by separate affidavit to the Plumbing Inspector. The Inspector may thereafter make additional oral examination of the applicant with regard to his/her qualifications and the Inspector shall thereafter decide whether the representative experience requirements of this subsection have been adequately met with regard to the license for which application is made. In this connection, if the applicant is a graduate of an accredited training course, or school in the plumbing field and demonstrates acquired knowledge and skill, the Inspector can waive up to one year of the practical experience requirement for which the educational experience is the essential equivalent.

Upon determination that the applicant meets the practical experience requirement of the license for which he/she is applying, the Inspector shall then administer a written and/or oral examination designed to test the technical knowledge of the applicant. The Inspector shall determine the exact areas of technical knowledge to be tested, but in any case, applicants for Master's Licenses shall demonstrate the ability to read and understand mechanical drawings, and applicants for Journeyman's Licenses shall demonstrate the ability to read blueprints, do simple mathematical problems, and to know the provisions of the Plumbing Code and the rules and regulations of the Buena Vista County and Iowa State Boards of Health which govern plumbing. For the purpose of determining whether an applicant passes or fails the examinations required, the Inspector shall apply standards which are uniform as to all applicants.

Applicants whose practical experience makes them eligible for and who thereafter pass the written and/or oral examination with regard to the license for which they have applied shall thereafter be issued that license.

An examination fee must accompany each application and that exam fee shall be the same as the first year licensing fee set out in Section 5-3-19 with regard to the particular category of license applied for. If the applicant meets all requirements and passes the written and/or oral examination, the examination fee shall also constitute the first year licensing fee. If an applicant does not qualify for any reason for the license applied for and thereafter reapplies, a new exam fee must accompany each application.

Section 5-3-19 Temporary Licensing

In the event a Bonded Plumbing Contractor has in his/her employ plumbers who do not reside within the City and said contractor desires to utilize said employees on a single project within the City, an application may be made by or on behalf of the nonresident plumbers for a temporary license for the purpose of the single project. Temporary licenses shall be available for each of the three (3) plumber classifications described in Section 5-3-17. Granting of the temporary license shall be at the discretion of the Plumbing Inspector, but no temporary license shall be granted without proof that the applicant is licensed by another recognized jurisdiction and which jurisdiction requires qualifications reasonably similar to that classification of Storm Lake license for which application is made. Temporary licenses shall be limited to the period of the project and no temporary license may be granted to an individual who has received another temporary license within the preceding twelve (12) months. There shall be no charge for a temporary license.

Section 5-3-20 Fees For Licenses

Fees in the amount set by Council Resolution shall apply for the three (3) plumber license classifications:

Each license shall expire on the thirty-first (31st) day of December following the year of issue, and may be renewed upon application of the holder of the license and payment of the required fees at any time within the thirty (30) day period before the date of expiration. Any license not renewed within thirty (30) days after expiration shall be considered canceled and shall not be renewed until the applicant pays a renewal fee equal to twice the initial fee.

(Ord. No. 229495, Amended, 04/03/95)
(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

Section 5-3-21 Bond For Contractors

Any person, engaged as a contractor for doing plumbing work including the construction, reconstruction, alteration or repair of any plumbing or building drainage system, must, before commencing the project, file with the City Clerk to be approved by the Council, a bond in the sum of ten thousand dollars ($10,000.00) conditioned on: the faithful performance of all duties and regulations required by this Chapter; the prompt payment to the City of any sums that may become due or owing to the City by reason of this Chapter; payment of all fines imposed upon him/her for violations of this Chapter during the life of said bond; and contractor pledging to indemnify and hold harmless the City from liabilities for damages arising from his/her negligence or lack of skill in doing, protecting or completing his/her work. The contractor shall be or have at least one Master Plumber in his/her employment in order to be duly bonded in the City to perform any kind of plumbing work as herein described.

Section 5-3-22 Display Of Licenses

Every holder of a license shall keep his/her license displayed in a conspicuous place in his/her place of business at all times.

Section 5-3-23 Licenses Not Transferable

Licenses issued under the provisions of this Chapter are not transferable nor assignable, nor will a holder of a license be allowed to take out a permit for work done other than by him/herself, or with which he/she is involved.

Section 5-3-24 Appeals

Any person may register an appeal in writing with the Board of Appeals for a review of any decision or order of the Plumbing Inspector acting in that capacity, provided that such appeal be made within five (5) days after such person shall have been notified of such decision by the Plumbing Inspector. Upon receipt of such appeal, the Board of Appeals shall proceed to examine whether the action of the Plumbing Inspector was in accordance with the provisions of the Code and after such investigation and hearing, the Board of Appeals shall within five (5) days issue its final determination in writing.
(Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001)

Section 5-3-25 Liability Of City

This Chapter shall not be construed to relieve any person owning, operating or completing plumbing work including construction, reconstruction, alteration or repair of any plumbing or building drainage system for damage to anyone injured by any defect therein, nor shall the City, or any agent thereof be held to assume any such liability by reason of the inspection authorized herein or the certificate of inspection issued by the Plumbing Inspector.

Section 5-3-26 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 5-4

ELECTRICAL CODE AND REGULATION OF ELECTRICIANS

Sections:

5-4-1 Purpose
5-4-2 Application
5-4-3 Electrical Code Adopted
5-4-4 Electrical Inspector
5-4-5 Authority
5-4-6 Permits
5-4-7 Application For Permits
5-4-8 Applicant Required To Be Licensed, Exception
5-4-9 Fees And Permits For Inspection
5-4-10 Inspection
5-4-11 Reinspection
5-4-12 Connections To Installations
5-4-13 Repealed by 08-O-2008-2009
5-4-14 License Required
5-4-15 Repealed by 08-O-2008-2009
5-4-16 Repealed by 08-O-2008-2009
5-4-17 Repealed by 08-O-2008-2009
5-4-18 Repealed by 08-O-2008-2009
5-4-19 Bond For Contractors
5-4-20 Display Of Licenses
5-4-21 Repealed by 08-O-2008-2009
5-4-22 Appeals
5-4-23 Liability Of City
5-4-24 Municipal Infraction

Section 5-4-1 Purpose

The purpose of this Chapter shall be to establish the authority of the City with regard to the supervision of all electrical installations within the City and the supervision of the electricians making those installations; to make provision for an Electrical Code to be applicable within the City; and to designate the responsibilities of the Electrical Inspector in connection with the administration of this Chapter.

Section 5-4-2 Application

The provisions of this Chapter shall apply to all installations of electrical conductors, fittings, devices, appliances and fixtures hereinafter referred to as electrical equipment, when located, maintained or installed within or on all public or private buildings and premises within the City except that the provisions of this Chapter shall not apply to installations in water craft, railway cars or automotive equipment, or communication agencies in the generation, transmission or distribution of electricity, or for the operation of signals, or the transmission of intelligence, while located in or on buildings or premises used exclusively by such agencies or on public thoroughfares.

Section 5-4-3 Electrical Code Adopted

Pursuant to published notice and public hearing as required by law, the National Electric Code, 2008 Edition, as published and approved by the National Fire Protection Association is hereby adopted as approved by the State of Iowa, as the Electrical Code for the City and it is hereby incorporated by reference. All installations, repair or replacement of electrical equipment within the City shall be made in conformance with that Code and no permit shall be issued by the Electrical Inspector for such a project if the plans and specifications are not in conformance with that Code.

A copy of the National Electrical Code, 2008 Edition, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

Notwithstanding the provisions of the National Electrical Code, 2008 Edition, as adopted by the State of Iowa, the following provisions shall apply:

(A) All business buildings (either erected, altered or converted for such purpose), public buildings, schools, churches, oil stations, warehouses, bulk oil plants, institutional buildings, apartment houses and all buildings except dwelling houses of not more than two (2) families, shall be wired throughout with rigid conduit, armored cable, flexible steel conduit, metal raceway, electrical metallic tubing, or electrical non-metallic tubing in accordance with NEW requirements, provided, however, that armored cable or flexible steel conduit may be used only where it is impractical to use rigid conduit or electrical metallic tubing, and further provided that in remodeling work in the buildings above mentioned, metal surface raceway may be used in remodeling, where, in the opinion of the Electrical Inspector, it is impractical to install rigid conduit or electrical metallic tubing. However, in all structures having four (4) or more dwelling units, a feeder must be installed to each dwelling unit branch circuit panel and run in conduit or electric metallic tubing. Each individual dwelling unit may be wired in metallic armored cable (BX) or non-metallic sheath cable (Romex).

(B) Basements of all dwelling houses shall be wired in rigid conduit or electric metallic tubing with the same provision for the use of armored cable or flexible steel conduit as provided in the preceding paragraph, provided that where the entrance switch or panel is on a floor other than the basement, the conduit must be continuous from such switch or panel and connect to the basement conduit. The balance of buildings used as dwelling houses for not more than two (2) families and private garages may be wired with non-metallic sheathed cable.

(C) All sign boards or poster boards shall be wired in rigid conduit or electric metallic tubing.

(Ord. No. 019697, Amended, 08/19/96)
(Ord. 08-O-2008-2009, Amended, 01/05/2009; Ord. 10-O-2000-2001, Amended, 12/04/2000)

Section 5-4-4 Electrical Inspector

The Building Official is hereby designated as the Electrical Inspector and charged with the responsibility for performing all of the administrative and inspection functions required by the City by this Chapter and not otherwise delegated.
(Ord. 08-O-2008-2009, Amended, 01/05/2009)

Section 5-4-5 Authority

The Electrical Inspector shall have the right, during reasonable hours, to enter any building or premises in the discharge of any of his/her duties, for the purpose of making any inspection, reinspection or the testing of any electrical equipment contained therein. When any electrical equipment is found by the Electrical Inspector to be dangerous to persons or property because of defective installation, he/she shall forthwith notify, in writing, the person owning, maintaining or responsible for such equipment; such notice shall specify the particulars wherein said equipment is defectively maintained or installed, and require that changes be made therein at the earliest possible time deemed reasonable by the Inspector and which will, in the judgment of the Inspector, render such equipment or installation safe, under penalty of having such equipment or installation removed or disconnected. In cases of emergency, or if necessary, for the safety of persons or property, or when such equipment of installation might interfere with any signal system maintained by the Fire or Police departments of the City, the Electrical Inspector shall immediately disconnect or order the disconnection of such electrical equipment.

Section 5-4-6 Permits

No electrical equipment shall be installed within or on any building, structure or premises, publicly or privately owned, nor any alterations or additions made in existing equipment, without first securing a permit therefore from the Electrical Inspector except that a permit shall not be required to construct, maintain or install any of the following classes of electrical work:

(A) Minor work and repairs where cost of material shall not exceed one hundred dollars ($100.00).

(B) The installation, alteration or repair of electrical equipment installed by or for any electrical supply agency, for the use of such agency, in the generation, transmission, distribution or metering of electricity.

(C) Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

Section 5-4-7 Application For Permits

Applications for permits describing the work to be done, shall be made in writing to the Electrical Inspector by the person installing the work. The Electrical Inspector may, in his/her discretion, waive the necessity of a written application and accept an oral application. The Electrical Inspector shall determine the type of information required to determine compliance with this Chapter and may require that written applications be in a particular format and he/she may also require that formal plans and specifications be filed if necessary to determine compliance. When the Electrical Inspector determines that the electrical installation proposed complies with this Chapter, and upon payment of the required fee, he/she shall then issue a permit required by 5-4-6.

Section 5-4-8 Applicant Required To Be Licensed, Exception

No permits for the installation or alteration of any electrical equipment shall be issued to any person, unless the applicant therefor is the owner of a license entitling such applicant to secure permits for and to

execute the work described in the application for the permit, except that a homeowner shall be entitled to a permit for an existing residence in which he/she resides, but not including a new electrical service, in accordance with State licensing requirements. New homes must be wired by a Master Electrician, licensed by the State of Iowa.
(Ord. 08-O-2008-2009, Amended, 01/05/2009)

Section 5-4-9 Fees And Permits For Inspection

Before any permit is granted for the installation, repair or alteration of electrical equipment, the person making application therefor shall pay to the City Clerk, in advance, the fees in the amount set by Council Resolution.

(
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-4-10 Inspection

Upon the completion of any installation or alteration requiring an electrical permit it shall be the duty of the person making the installation or alteration to notify the Electrical Inspector who shall inspect the installation or alteration within twenty-four (24) hours of the time such notice is given, exclusive of Saturdays, Sundays, and holidays, or as soon thereafter as practical. If the Electrical Inspector shall find such installation or alteration in conformity with the provisions of this Chapter, he/she shall inform the person making such installation or alteration verbally of his/her approval. He/she shall also inform the agency supplying the electricity of his/her approval of the installation or alteration of electrical equipment by a written certificate, the duplicate going to the Electrical Supply Agency and the original to be retained by the Electrical Inspector. When any electrical equipment is to be hidden or concealed from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Inspector and such equipment shall not be concealed until it has been inspected and approved by him/her, or until twenty-four (24) hours following notification, exclusive of Saturdays, Sundays and holidays provided that on any large installation, where the concealment of equipment proceeds continuously, the person installing such equipment shall give the Electrical Inspector due notice, and inspection shall be made periodically during the progress of the work period.

Section 5-4-11 Reinspection

The Electrical Inspector may make any reinspections that he/she feels are necessary and he/she is hereby authorized to make inspections of any electrical installations or devices which are reported to him/her as dangerous or which he/she believes to be dangerous.

Section 5-4-12 Connections To Installations

It shall be unlawful for any person to make any connection from a supply of electricity, or to supply electricity to any electrical equipment for the installation of which a permit is required, or which has been disconnected or ordered to be disconnected by the Electrical Inspector, until a certificate of approval has been issued and authorized in connection with the use of such equipment.

Section 5-4-14 License Required

Except as otherwise provided by law, no person shall plan, layout and supervise the installation of wiring, apparatus and equipment for electrical light, heat, power or other related purposes, nor shall they apply for a permit under the provisions of 5-4-7 and 5-4-8, unless that person: is licensed by the State of Iowa as a Master Electrician or is a Bonded Electrical Contractor with at least one Master Electrician in his/her employ.
(Ord. 08-O-2008-2009, Amended, 01/05/2009)

Section 5-4-19 Bond For Contractors

Any person, engaged as a contractor doing electrical wiring or installing any electrical wiring apparatus or equipment for electrical light, heat or power, must, before commencing the project, file with the City Clerk to be approved by the Council, a bond in the sum of ten thousand dollars ($10,000.00) conditioned on the faithful performance of all duties and regulations required by this Chapter; the prompt payment to the City of any sums that may become due or owing to the City by reasons of this Chapter, payment of all fines imposed upon him/her for violations of this Chapter during the life of said bond; and contractor pledging to indemnify and hold harmless the City from liabilities for damages arising from his/her negligence or lack of skill in doing, protecting or completing his/her work. The contractor shall be or have at least one Master Electrician in his/her employment in order to be duly bonded in the City to perform any kind of electrical installation of equipment or materials.

Section 5-4-20 Display Of Licenses

Every holder of a license shall keep his/her license displayed in a conspicuous place in his/her place of business at all times.

Section 5-4-22 Appeals

Any person may register an appeal in writing with the Board of Appeals for a review of any decision or order of the Electrical Inspector acting in that capacity, provided that such appeal be made within five (5) days after such person shall have been notified of such decision by the Electrical Inspector. Notice of such appeal shall be completed by filing a written notice with the Electrical Inspector. Upon receipt of such appeal, the Board of Appeals shall proceed to examine whether the action of the Electrical Inspector was in accordance with the provisions of the Code and after such investigation and hearing, the Board of Appeals shall within five (5) days issue its final determination in writing.
(Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001)

Section 5-4-23 Liability Of City

This Chapter shall not be construed to relieve any person owning, operating, or installing any electrical wires, appliances, apparatus construction or equipment for damage to anyone injured by any defect therein, nor shall the City, or any agent thereof, be held to assume any such liability by reason of the inspection authorized herein or the certificate of inspection issued by the Electrical Inspector.

Section 5-4-24 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 5-6

MECHANICAL CODE

Sections:

5-6-1 Short Title
5-6-2 Adoption Of Mechanical Code
5-6-3 Conflict With State Laws
5-6-4 Municipal Infraction

Section 5-6-1 Short Title

This Ordinance shall be known as the City of Storm Lake, Iowa, Mechanical Code and may be cited as such and will be referred to herein as "this Ordinance".

Section 5-6-2 Adoption Of Mechanical Code

Pursuant to published notice and public hearing as required by law, the Uniform Mechanical Code, 2003 Edition, published by the International Association of Plumbing and Mechanical Officials and commonly known as the Uniform Mechanical Code is hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the Uniform Mechanical Code, 2003 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Building Official.

Notwithstanding the provisions of said Uniform Mechanical Code, 2003 Edition, the provisions of Section 115 relating to fees shall not apply including any schedules referred to by said paragraphs. In lieu thereof, the cost of the mechanical improvements shall be included with the other costs of building improvements subject to the Building Permit Fee Schedule required by Title 5, Chapter 2, Section 2 and therefore collected as a part of the building permit fee.

The provisions of Section 110.1 of the Uniform Mechanical Code are hereby amended by providing that elected officials of the City who are not full time employees may serve on the Board of Appeals.

(Ord. No. 12-O-94-95, Amended, 01/03/95)
(Ord. 15-O-2004-2005, Amended, 01/03/2005; Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-6-3 Conflict With State Laws

Nothing in this Ordinance or in the Uniform Building Code as adopted shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.

Section 5-6-4 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 5-7

ABATEMENT OF DANGEROUS BUILDINGS

Sections:

5-7-1 Short Title
5-7-2 Adoption Of Uniform Code For The Abatement Of Dangerous Buildings
5-7-3 Conflict With State Laws
5-7-4 Demolition Of Existing Building
5-7-5 Stored Dirt On Vacant Lots
5-7-6 Municipal Infraction

Section 5-7-1 Short Title

This Chapter shall be known as the "City of Storm Lake, Iowa, Code for the Abatement Of Dangerous Buildings", and may be cited as such and will be referred to herein as "this Chapter".

Section 5-7-2 Adoption Of Uniform Code For The Abatement Of Dangerous Buildings

Pursuant to published notice and public hearing as required by law, the Uniform Code for the Abatement Of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials and commonly known as the Uniform Code for the Abatement of Dangerous Buildings, is hereby adopted in full, except for such portions as may hereinafter be deleted, modified or amended.

An official copy of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Code Enforcement Officer.

The provisions of Section 502 of the Uniform Code for the Abatement of Dangerous Buildings are hereby amended by providing that elected officials of the City who are not full time employees may serve on the Board of Appeals.

(Ord. No. 14-O-94-95, Amended, 01/03/95)
(Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-7-3 Conflict With State Laws

Nothing in this Chapter or in the Uniform Building Code, as adopted, shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.

Section 5-7-4 Demolition Of Existing Building

If any existing building is demolished and there results therefrom a hole or other excavation, or a mound of dirt, the owner of said lot shall, within four (4) months of the creation of the hole, excavation, or mound, cause the hole or excavation to be filled or the mound leveled so as to return the lot to a uniform grade consistent with the surrounding lots. The provisions of this section shall not apply if, within the four (4) month period set forth above, the owner obtains a building permit to construct a new structure on

the site and thereafter proceeds in a timely manner to commence construction. During the period of existence of any such hole or excavation, the owner shall provide barricades with appropriate lighting and signage to protect the site.

Section 5-7-5 Stored Dirt On Vacant Lots

No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a vacant lot unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant lot in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose. Any dirt or other materials stored temporarily in mounds as permitted herein shall either be removed or leveled and the lot brought to grade at the conclusion of the temporary period of storage.

Section 5-7-6 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 5-9

RESIDENTIAL BUILDING CODE

Sections:

5-9-1 Short Title
5-9-2 Adoption of Residential Building Code
5-9-3 Conflict With State Laws
5-9-4 Municipal Infraction

Section 5-9-1 Short Title

This Ordinance shall be known as the City of Storm Lake, Iowa, Residential Building Ordinance and may be cited as such and will be referred to herein as "this Ordinance".
(Ord. 15-O-2004-2005, Add, 01/03/2005)

Section 5-9-2 Adoption of Residential Building Code

Pursuant to published notice and public hearing as required by law, the International Residential Code, 2003 Edition, published by the International Code Council and commonly known as the International Code Council, are hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Residential Code, 2003 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Building Official.

(A) In accordance with the provisions of said International Residential Code, 2003 Edition, Section R108.2, building permit fees shall be based on the total estimated cost of construction reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Residential Code, 2003 edition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.

2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:

a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided by the International Residential Code, 2003 Edition.

b. Buildings intended for residential use, as defined in the Storm Lake Zoning Ordinance, may

provide for wooden foundations otherwise meeting the strength and support requirements established by the International Residential Code, 2003 Edition.

(C) The provisions of Section R112.3 of the International Residential Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) The following Chapters of the 2003 International Residential Code are hereby deleted: Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32.

(E) Section R504, of the 2003 International Residential Code is hereby deleted.

(F) Amend Table R402.2: Insert 3,000, in place of 2,500, in the severe weathering potential column.

(G) Amend R102.4 to State: "The Codes and Standards referenced in this Code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Any reference made in regard to Plumbing, Mechanical, Electrical, or Fire Codes shall be in fact construed to mean the Uniform Plumbing, Mechanical, and Fire Codes, as well as the National Electrical Code. When differences occur between provisions of this Code, as adopted, and referenced codes and standards, the provisions of this Code shall apply.
(Ord. 15-O-2004-2005, Add, 01/03/2005)

Section 5-9-3 Conflict With State Laws

Nothing in this Ordinance or in the International Residential Code as adopted, shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.
(Ord. 15-O-2004-2005, Add, 01/03/2005)

Section 5-9-4 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.
(Ord. 15-O-2004-2005, Add, 01/03/2005)

Chapter 5-10

PROPERTY MAINTENANCE CODE

Sections:

5-10-1 Title
5-10-2 Purpose
5-10-3 Interpretation
5-10-4 Abrogation and Greater Restrictions
5-10-5 Severability
5-10-6 Definitions
5-10-7 Maintenance Standards
5-10-8 Violations

Section 5-10-1 Title

This ordinance may be referred to as the "Property Maintenance Code", and is herein referred to as "this Code".
(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-2 Purpose

The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.
(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-3 Interpretation

The provision of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal for any other power granted by the Code of Iowa.

Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to the City that are otherwise reserved by and for Federal and State government.
(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-4 Abrogation and Greater Restrictions

It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.
(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-5 Severability

If a section, provision, or part of this Code is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Code as a whole or any section, provision, or part hereof not adjudged invalid or unconstitutional.
(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-6 Definitions

Words used in this Code shall have the same meaning as that defined by the Zoning Ordinance, unless otherwise defined by this Code.

(A) Abandoned Building. Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has Housing Code or Building Code violations.

(B) Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.

(C) Enforcement Officer. The Police, City Administration or Code Enforcement Officer, or other staff as may be assigned.

(D) Eviseration/Slaughtering B Slaughter is the killing of live animals for the purpose of converting them into meat or for having the animal mounted by a taxidermist and does not include the killing of a live animal by police or other persons for public safety purposes. Eviseration is the bleeding out and/or disembowelment of a dead animal.
(E) Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.

(F) Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.

(G) Extermination. The control and elimination of insects, rodents and vermin.

(H) Farm. Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

1. Horticulture
   The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

2. Crop Production
   The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

3. Animal Production
   The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

4. Commercial Feedlots
   The exclusive use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarter, which are not used, for crop production or where grazing of natural vegetation is not the major feed source.

5. Livestock Sales
   Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

(I) Infestation. The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.

(J) Junk. Any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.

(K) Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

(L) Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

(M) Premises. A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

(N) Public Authority. Any officer or any department or branch of the City, County, or State charged with regulating health, fire, zoning, building regulations, public safety or other activities concerning property in the City.

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

(P) Responsible party. Any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without

limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

(Q) Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.
(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-7 Maintenance Standards

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

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

1. Weeds or grasses allowed to grow to a height greater than eight (8) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property. This provision shall not apply to prairies, wetlands, or similar area of naturalized perennial vegetation which are certified by an Enforcement Officer to not constitute a nuisance.

2. No person shall permit garbage or recyclable materials to accumulate longer than a garbage collection cycle upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.

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

4. Any inoperable vehicle which is exposed to public view for more than ten (10) days, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.

5. The presence of mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon and adjacent to or on public property in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal

regulations, or illicit discharge regulations contained in Chapter 3-11, of the Storm Lake City Code. This subsection is subject to the possible exception set forth in 5-10-7(B)(5a).

5(a). No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a vacant lot unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, the following uses are permitted:

1. Materials stored in bulk which are to be used as a part of the normal operations of a legally permitted landscaping business for use on other lots or to be sold on premises.

2. Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant lot in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose.

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

Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the right of way, due to road salt, sand and other winter maintenance procedures, then ornamental rock cover may be established, subject to the approval of the City Administrator and/or designee.

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

8. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

9. Conditions which are conducive to the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials and similar materials or conditions on a premise which constitutes a fire, health or safety hazard.

10. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Buena Vista County Department of Health regulations, as applicable. Septic tanks, cisterns, and cesspools which are no longer in use shall be removed, or emptied and filled with clean dirt or sand.

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

12. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety of buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety of persons or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 8 feet above the traveled portion of any sidewalk or not less than 14 feet above the traveled portion of any street.

13. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the thereof. ((Dangerous Building Code 302-5, 6)

14. The slaughtering of live domestic animals or evisceration of dead domestic animals in any residential zoned district other than the Sunrise Campgrounds until such time as the campgrounds are renovated. Deer shall be included in the category of domestic animal. Any further processing of a dead animal shall be out of public view.

(C) BUILDING MAINTENANCE. All buildings shall be maintained to be weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area.

(D) The purpose of this Section is to establish minimum standards relating to the parking of vehicles on private property and adjacent right-of-way in all zoned districts.

1. Definitions

Hard-Surfaced driveway shall mean any driveway, adjacent wing, or approach area that is paved with a hard surface including concrete, asphalt, or paving stones installed and maintained according to city specifications.

Non Hard-Surfaced driveway shall be defined as a driveway constructed of gravel, millings, dirt, grass, and/or any other non-smooth/hard surface.

Approach shall be defined as that area of the driveway which begins at the street and extends through the public right-of-way.

Wing Area is defined as a permitted increase in the width of the driveway, all of which

must be located on private property and no part of which may be on the Approach.

Auxiliary Parking Area shall mean a parking lot and shall only be allowable when required for multi-family residential complexes.

Multi-family Unit shall be defined as a residential structure containing two(2) or more separate residential units.

Curb Cut shall mean an opening formed in the standard profile of curb and gutter either by sawing and breaking or grinding and done to maintain drainage.

2. Parking within the City of Storm Lake shall be limited in residentially zoned districts (R-1, R-2, R-3, and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts) of the City to hard-surfaced driveways. In R-3 and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts, any auxiliary parking areas must be hard surfaced as well. Each lot will be limited to one hard-surfaced driveway with a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In addition, each lot will be allowed one hard-surfaced wing area directly adjacent to the hard-surfaced driveway with a maximum width of twelve feet (12') to be used for parking. A hard-surfaced winged parking area is allowed on only one side of the hard-surfaced driveway and not both sides. Hard-surfaced wing parking areas shall not encroach upon the public right-of-way area. No person shall park a vehicle in the front or side yards of a residence except upon permitted driveways, wing areas and approach, and for multi-family uses, upon a permitted auxiliary parking area.

3. For all residential lots the maximum allowable width of the approach per lot shall be limited to a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In the case of a lot having two approaches to accommodate a circular drive, the combined width of the approaches shall not exceed the maximum allowable width based on the number of garage spaces.

3(A). For Commercial and Industrial uses outside the Central Business District (CBD), the maximum allowable width of the approach shall not exceed thirty four (34') feet. As an exception, when unusual conditions exist at a location which would create a hardship or significant traffic conditions are present which would adversely affect traffic safety, approaches may be allowed to exceed the above stated width, subject to review by the City Administrator or other staff as may be assigned.

4. Parking areas and driveways accessed from an alley must be, at a minimum, surfaced with gravel in accordance with City specifications. The allowable width for alley approaches and parking areas shall be in accordance with an in addition to the allowable limits set forth earlier in this ordinance for street accessed parking.

5. All existing hard surfaced driveways, approaches, wing areas and/or hard-surfaced auxiliary parking areas on private property shall be permitted to continue as a non-conforming use if they exceed the maximum width permitted herein provided, however,

that if the City must cut an approach in connection with a street or utility improvement project, the City will only replace the approach to the maximum width permitted by this Ordinance. Existing non hard-surfaced driveways on private property and within the allowable maximum driveway width may continue but, at a minimum, be surfaced and/or maintained with gravel in accordance with City specifications. All of that portion of existing non hard-surfaced driveways in excess of the allowable maximum width may not continue and must be removed and returned to grass not later than September 1, 2008.

6. If an approach area is not hard surfaced, any gravel on any portion of the approach area which is in excess of the permitted width shall be removed not later than September 1, 2008 and the excess width returned to grass. The approach area, up to the maximum permitted width, must be hard surfaced not later than December 31, 2012. As an exception to the above subsection, existing approaches accessed from gravel streets would not have to be paved until such time as the City paves the street.

7. Any existing lots where surfaced approaches are in excess of the allowable width, as set forth in this Ordinance at the date of passage, shall be permitted to continue so long as they meet the definition of a surfaced driveway as set forth in this Ordinance and as long as the property owner agrees to accept responsibility to replace the surfaced area over the maximum allowed by this Ordinance at their expense if the approach should need to be replaced for any reason including utility work done in the public right-of-way by the City of Storm Lake or by public utilities.

8. All vehicle parking constructed after the adoption of this Ordinance shall be hard surfaced as defined herein.

9. Existing parking areas for multi-family units located in the City right-of-way accessed by curb cuts in existence prior to November 1, 2007 shall be allowed to remain as long as the area is hard surfaced by December 31, 2012 and may exceed the allowable driveway width as defined by this ordinance.

(E) REFUSE. The purpose of this Subsection is to eliminate unhealthy, unsanitary and unsightly conditions in the City caused by deposits and accumulation of garbage and to regulate the collection of same.

1. DEFINITIONS. For use within this Subsection the following terms are hereby defined:

   (a) "CAN": A container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover; is watertight; is substantially made of galvanized iron, plastic or rubber or other non-rusting material; and of a size that may be conveniently handled by the collector.

   (b) "COLLECTOR": Any person, business, private contractor, specifically including the City of Storm Lake, which picks up and removes garbage, recyclable materials, or yard waste for a fee and is licensed, in accordance with Storm Lake City Code.

(c) "GARBAGE": All animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.

(d) "RECYCLABLE MATERIAL": Materials which may be designated as recyclable by the Buena Vista County Recycling center such as cardboard, clean newspapers, magazines, number one and two plastic, tin cans, clear and amber glass; subject to such additional items or deletions of items that the Recycling Center may make from time to time.

(e) "YARD WASTE": Yard waste shall have such definition as is given to it by the Iowa Department of Natural Resources, but in any case shall include glass clippings, leaves, garden waste and branches from trees and shrubs.

2. DUTY TO PROVIDE CANS. Each person who shall store garbage or recyclable materials out of doors on premises owned or occupied by that person shall provide and use cans suitable in capacity for the storage of garbage and recyclable materials accumulating in a normal collection period. The foregoing shall not be construed as requiring a can of sufficient capacity for the occasional discarded item which is too large for a can if discards of this type are not regularly reoccurring.

All cans provided shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of buildings but not in alleys or streets; provided, however, that persons storing garbage in commercially zoned districts or residential complexes of 4 or more units may store garbage and recyclable materials discretely on their own property or in the alley in cans or other commercial containers if such cans or containers are stored immediately adjacent to the adjoining building.

3. ACCUMULATION AND DEPOSIT OF GARBAGE OR RECYCLABLE MATERIALS PROHIBITED. No person shall permit garbage or recyclable materials to accumulate upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.
(Ord. 11-O-2007-2008, Amended, 02/18/2008; Ord. 10-O-2007-2008, Amended, 12/17/2007; Ord. 09-O-2007-2008, Amended, 12/17/2007; Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-8 Violations

(A) ENFORCEMENT. The creation or maintenance of a violation of this ordinance is prohibited and shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa. Each day that a violation is permitted to continue beyond any period of time granted by the enforcement officer to correct the violation constitutes a separate offense.

(B) INSPECTIONS. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The

Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premise upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation.

(C) VOLUNTARY ABATEMENT. The objective of this Code being the abatement of violations, persons violating this Code shall, except in emergency situations, be given notice of the violation and allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for committing a municipal infraction are undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.

(D) EMERGENCY CONDITION. If the Enforcement Officer judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.

(E) REPEAT OFFENSE. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a municipal infraction citation for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

(F) NOTICE. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

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

2. If, after reasonable effort, personal service cannot be made, service shall be made by sending the notice by certified mail, return receipt requested to the last known address of the responsible party or owner as appropriate.

(G) ABATEMENT REMEDIES AND PENALTIES. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by undertaking such abatement and assessing the costs thereof against the property.

1. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle removed from private premises is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

2. Before the assessment of any charges for work done or caused to be done by the City the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the Property Maintenance Appeal Board. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.

(H) EMERGENCY ABATEMENT PROCEDURE. If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give a property owner notice and the opportunity for a hearing before the Property Maintenance Appeal Board.

(I) APPEAL. There is hereby created a Property Maintenance Appeal Board. It shall have five members and those five members shall be the same as the five persons currently serving on the Storm Lake Board of Adjustment. When sitting as the Property Management Appeal Board, the powers of the Board of Adjustment shall not apply and the Property Maintenance Appeal Board shall have the following powers:

1. To determine whether the finding of a violation by the enforcement officer is correct.

2. To grant, upon a showing of extreme financial hardship, a reasonable extension of time to correct a violation.

3. To authorize, upon a showing of unique circumstances not attributable to the owner or responsible party, vehicle parking arrangements not otherwise permitted by this Code but which may not include any new gravel parking.

4. The cost of an appeal to the Property Maintenance Appeal Board shall be the same as the cost of an appeal to the Board of Adjustment, and shall be set by Resolution duly adopted by the City Council.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Chapter 6-1

ZONING REGULATIONS

Sections:

6-1-1 Zoning Regulations
Section 6-1-1 Zoning Regulations

The zoning regulations for the City of Storm Lake, Iowa together with the subdivision regulations, the provisions for the Zoning Commission, and the provisions for the Board of Adjustment, shall be as have been adopted by ordinance and contained in the Storm Lake Zoning Ordinance and Subdivision Regulations, which are published separately, and as the same Ordinance may be hereafter amended.

Chapter 7-1

FIRE REGULATIONS

Sections:

7-1-1	**Adoption Of Uniform Fire Code**
7-1-2	**Establishment And Duties Of Bureau Of Fire Prevention**
7-1-3	**Definitions**
7-1-4	**Establishments Of Limits Of Districts In Which Storage Of Flammable Or Combustible Liquids Or Anhydrous Ammonia In Outside Aboveground Tanks Is Prohibited**
7-1-5	**Establishments Of Limits In Which Storage Of Liquified Petroleum Gases Is To Be Restricted**
7-1-6	**Establishments Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is To Be Prohibited**
7-1-7	**Amendments Made In The Uniform Fire Code**
7-1-8	**Appeals**
7-1-9	**New Materials, Processes Or Occupancies Which May Require Permits**
7-1-10	**Municipal Infraction**

Section 7-1-1 Adoption Of Uniform Fire Code

There is hereby adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the NFPA1, Uniform Fire Code and other NFPA Standards as may be referenced therein, published by the Western Fire Chief's Association and the National Fire Protection Association, being particularly the 2003 Editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 7-1-7 hereof of which Code and Standards have been and are now filed in the office of the Building Official and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter shall take effect, the provision thereof shall be controlling within the limits of the City.

(Ord. No. 13-O-94-95, Amended, 01/03/95)

(Ord. 16-O-2004-2005, Amended, 01/03/2005; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 7-1-2 Establishment And Duties Of Bureau Of Fire Prevention

(A) The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(B) The Chief in charge of the Bureau of Fire Prevention shall be appointed by the City Administrator on the basis of examination to determine his qualifications.

(C) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Administrator the employment of technical inspectors, who, when such authorization is made, shall be selected through and determined by their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term.

Section 7-1-3 Definitions

(A) "JURISDICTION": The City of Storm Lake, Iowa.

(B) "CORPORATION COUNSEL": The attorney for the City of Storm Lake, Iowa.

Section 7-1-4 Establishments Of Limits Of Districts In Which Storage Of Flammable Or Combustible Liquids Or Anhydrous Ammonia In Outside Aboveground Tanks Is Prohibited

The storage of flammable or combustible liquids or anhydrous ammonia in outside aboveground tanks is prohibited within the following limits:

Within the City limits of Storm Lake, Iowa with the exception of the Heavy Industrial (M-2) Zoning District lying east of Geisinger Road and Flindt Drive and south of the abandoned railroad right-of-way, provided, however, that as a special exception to the foregoing, the storage of new or used oil shall be permitted in all zoning districts other than residential in outside above ground storage tanks, provided, that the total outside above ground storage of oil on such property does not exceed one thousand (1,000) gallons; provided, further, that the location of such storage tank or tanks shall be not less than five feet (5') in distance from any building located on the property and not less than ten feet (10') in distance from any lot line of the property; and provided, further, that in all other respects the installation of such tanks shall comply with the standards of the Uniform Fire Code adopted by this Chapter.

Section 7-1-5 Establishments Of Limits In Which Storage Of Liquified Petroleum Gases Is To Be Restricted

Section 69.1.1.1 of the Uniform Fire Code shall be amended as follows: Storage of liquified petroleum gas is restricted, are hereby established as follows:

Within the City limits of Storm Lake, Iowa with the exception of the Heavy Industrial (M-2) Zoning District lying east of Geisinger Road and Flindt Drive and south of the abandoned railroad right-of-way.

(Ord. No. 13-O-94-95, Amended, 01/03/95)
(Ord. 16-O-2004-2005, Amended, 01/03/2005)

Section 7-1-6 Establishments Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is To Be Prohibited

Section 65.9.1, of the Uniform Fire Code is amended to read as follows: Storage of explosives and blasting agents is prohibited within the City Limits of Storm Lake, Iowa.
(Ord. No. 13-O-94-95, Amended, 01/03/95)
(Ord. 16-O-2004-2005, Amended, 01/03/2005)

Section 7-1-7 Amendments Made In The Uniform Fire Code

NFPA30, Flammable and Combustible Liquids Code is amended and changed in the following respects:

Section 4.3.3.1 is amended to add the following sentence after the first sentence thereof to read as follows:

Location: A flammable or combustible liquid storage tank may be located underground, either away from or under a building, if such installation meets the requirements of this Section, except that no such installation can be made in any Residential District within the City.

Section 6.2.1, of NFPA 30A, as referenced by the Uniform Fire Code shall have the following added before the first sentence:
Class I or Class II liquids shall not be dispensed into the fuel tank of a motor vehicle from above ground tanks with the exception that this subsection shall prohibit the dispensing of Class I or Class II liquids in the open from a fuel dispensing system supplied by an above ground tank or tanks, not to exceed a total of 6,000 gallons in capacity at any one location, which are located in areas of the City zoned light industrial (M-1) or heavy industrial (M-2) and intended for fueling vehicles used in connection with a business operated by the owner or lessee of the premises providing:

a. An inspection of the premises and operations has been made and approval granted by the Storm Lake Fire Chief.

b. The dispensing is done on premises which are not open to the public.

c. The tank is safeguarded against collision, spillage and overfill, to the satisfaction of the Storm Lake Fire Chief.

d. The tank system is listed or approved for such above ground use, and the longest dimension of each tank shall be the horizontal dimension.

e. The tank complies with the requirements for emergency relief venting, and the tank and dispensing system the electrical classification requirements of the Code.

f. The tank or tanks are not located within forty feet (40') from any building or any property line of a parcel of land not under the ownership or lease of the operator.

g. The tank or tanks are not located within twenty feet (20') from any tanks used to store LP gas.

h. The tank storage shall be located completely within a concrete bunker which shall surround the tank or tanks and appurtenances and have the capacity to hold 120% of the capacity of the tank or tanks. The said bunker must be at least 3,000 psi concrete, be watertight with drain plug installed, and shall otherwise comply with the provisions of NFPA 30, Flammable and Combustible Liquids Code, Chapter 2 or the comparable provisions of NFPA 30A, as appropriate.

(Ord. No. 13-O-94-95, Amended, 01/03/95)
(Ord. 16-O-2004-2005, Amended, 01/03/2005)

Section 7-1-8 Appeals

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is

claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Appeals within thirty (30) days from the date of the decision appealed.
(Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001)

Section 7-1-9 New Materials, Processes Or Occupancies Which May Require Permits

The City Administrator, the Chief and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected person an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his/her office, and distribute copies thereof to interested persons.

Section 7-1-10 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 7-2

BAN ON OPEN BURNING

Sections:

7-2-1 Ban On Open Burning
7-2-2 Permitted Open Burning
7-2-3 Municipal Infraction

Section 7-2-1 Ban On Open Burning

No person shall burn trash, garbage, refuse or other materials within the City of Storm Lake unless burned within a closed incinerator capable of trapping burned particles and equipped with a chimney or similar device, subject, however, to the special exception contained in 7-2-2.

Section 7-2-2 Permitted Open Burning

A. Following A Disaster:

The Fire Chief may authorize limited periods of open burning to assist in the clean up of debris in the aftermath of manmade or natural disasters such as tornadoes and ice storms.

B. Training Fires:

The scheduled burning of a structure or a field of prairie grass for the purpose of training member of the Fire Department which has been requested by the Fire Chief and approved by the Director of Public Safety and the City Administrator.

C. Recreational Fires:

A recreational fire is a fire for religious, ceremonial, cooking, camping or social purposes. Permitted recreational fires include fires in an outdoor fireplace or a barbecue pit.

Fires on the open ground, or in a fire ring, are permitted recreational fires if 1) they are authorized by the owner of the property on which they are located; 2) the fire has a total fuel area three feet (3') or less in diameter and two feet (2') or less in height; and 3) the fire is not located within twenty-five feet (25') of any structure.

In addition, to qualify as a recreational fire, all of the following requirements must be met:

1. The fuel used must be clean, dry firewood or charcoal only. No yard waste (other than clean dry tree limbs cut to be the equivalent of firewood), house waste, rubbish, paneling, treated lumber or construction debris may be burned nor may any materials containing glass, paint, solvents or which contain high moisture or sap content which may produce noxious fumes or dense smoke.

2. Recreational fires are not permitted when the wind speed exceeds 20 mph or under drought conditions when the Fire Chief has proclaimed a ban on such fires.

3. Recreational fires in approved burning appliances equipped with a spark arrester and/or a lid must be at least fifteen feet (15') from any structure and they may not be placed on a combustible surface if the burning chamber of that appliance will come in contact with that surface.

4. An adult must be in attendance at the recreational fire until it is out.

5. Recreational fires shall not be conducted before 7:00 A.M. and shall be completely extinguished when the activity ceases, or by 12:00 midnight, whichever comes first.

6. The person responsible for the fire shall have a fire extinguisher or other means of extinguishing the fire available.
(Ord. 02-O-2003-2004, Amended, 09/02/2003; Ord. 06-O-2001-2002, Amended, 11/19/2001)

Section 7-2-3 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.

Chapter 8-1

NUISANCES

Sections:

8-1-1	**Definitions**
8-1-2	**Nuisances Prohibited**
8-1-3	**Other Conditions Prohibited**
8-1-4	**Notice To Abate Nuisance Or Condition**
8-1-5	**Contents Of Notice To Abate**
8-1-6	**Method Of Service**
8-1-7	**Request For Hearing And Appeal**
8-1-8	**Abatement In Emergency**
8-1-9	**Abatement By Municipality**
8-1-10	**Collection Of Cost Of Abatement**
8-1-11	**Installment Payment Of Cost Of Abatement**
8-1-12	**Severability Clause**
8-1-13	**Municipal Infraction**

Section 8-1-1 Definitions

For use in this Ordinance, the following terms are defined:

(A) The term "nuisance" shall mean whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

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

2. The causing or suffering any offal, filth or noisome substance, trash, junk, used tires, rock piles, broken concrete or asphalt, or hazards waste, to be collected or to remain in any place which shall be unsightly, or create an odor, or constitute a health hazard, or create a hazard to children who might pass upon the property.
3. The obstructing or impeding without legal authority the passage of any stream, lake or collection of water.

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

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

6. Houses of prostitution or other establishments where sex acts (as defined in the Code of Iowa) are performed for compensation, gambling houses, houses resorted to for the use of controlled substances (as defined in the Code of Iowa), houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

7. 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.

8. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

9. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of any city, unless it be in a building of fireproof construction.

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

11. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

12. Trees infected with Dutch elm disease.
13. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

14. All limbs of trees which are less than eight feet (8') above the surface of any public sidewalk, or street.

15. All wires which are strung less than fifteen feet (15') above the surface of the ground.

16. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) their original value, and which are situated as to endanger the safety of the public.

17. All explosives, flammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law.

(B) The term "property owner" shall mean the contract purchaser if there is one of record, otherwise the record holder of legal title.

Section 8-1-2 Nuisances Prohibited

The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this Ordinance.

Section 8-1-3 Other Conditions Prohibited

The following actions are required and may also be abated in the manner provided in this Ordinance:

(A) 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.

(B) The removal, repair or dismantling of a dangerous building or structure.

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

(D) 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.

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

Section 8-1-4 Notice To Abate Nuisance Or Condition

Whenever the Mayor, City Administrator, Code Enforcement Officer or other authorized municipal officer finds that a nuisance or other condition listed in 8-1-3 exists, he/she shall cause to be served upon the property owner as shown by the records of the county auditor, a written notice to abate the nuisance within a reasonable time after notice.

Section 8-1-5 Contents Of Notice To Abate

The notice to abate shall contain:
(A) A description of what constitutes the nuisance or other condition;

(B) The location of the nuisance or condition;

(C) A statement of the act or acts necessary to abate the nuisance or condition;

(D) A reasonable time within which to complete the abatement;

(E) 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.

Section 8-1-6 Method Of Service

The notice may be in the form of an ordinance or sent by certified mail to the property owner as shown by the records of the county auditor.

Section 8-1-7 Request For Hearing And Appeal

Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If he/she finds that a nuisance or prohibited condition exists,

he/she must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by filing a written notice with the hearing officer within twenty-four (24) hours. This appeal will 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.

Section 8-1-8 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 which may be required under this Ordinance without prior notice. The City shall assess the costs as provided in 8-1-10 of this Ordinance, after notice to the property owner under the applicable provision of Section 8-1-4 and 8-1-5 and hearing as provided in Section 8-1-7.

Section 8-1-9 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.

Section 8-1-10 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, he/she shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

Section 8-1-11 Installment Payment Of Cost Of Abatement

If the amount expended to abate the nuisance or condition exceeds $500, the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest as benefitted property.

Section 8-1-12 Severability Clause

If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 8-1-13 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 8-2

PUBLIC ORDER

Sections:

8-2-1 Misdemeanors
Section 8-2-1 Misdemeanors

It shall be unlawful to commit any of the following acts:

(A) General:

1. Indecent Exposure: No person shall expose that person's genitals or pubes to another not the person's spouse nor shall a person commit a sex act (as defined in the Iowa Code) in the presence of 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.

2. Intoxication: It is hereby made unlawful for any person to use or consume any alcoholic liquors or alcoholic beverages upon the public street or highways and no person shall be intoxicated or simulate intoxication in a public place.

3. Parking Of Semi-Truck Trailer: No person shall park a semi-truck trailer on any street located within a residential district, excepting when said trailer is being used on a service or other business call.

4. Eliminating of Bodily Waste: No person shall urinate or defecate in a public place other than in a public restroom.

(B) Peace:

1. Firearms: Discharge any gun, rifle, shotgun, pistol, revolver or other firearm of any description within the City limits except law enforcement officers or members of the National Guard while officially engaged in the performance of their duty and with the further exception that such discharge of weapons shall not be prohibited at indoor shooting ranges properly designed to protect the public and other persons outside the shooting range.

2. Concealed Weapons: Carry any concealed weapon including razors, dirk, brass or other metal knuckles, black jack, throwing stars, switch blades or other spring-backed knives, revolvers or pistols, unless authorized by special permit.

3. Prohibited Weapons: No person shall possess or sell stun guns, ballistic knives, or teflon coated bullets.

4. Disturbing Peace Or Quiet: It shall be unlawful for any person to disturb or aid in disturbing the peace, quiet or good order of, or to disrupt, or to aid in disrupting, any person, or assembly, place or meeting, public or private, by an act of violence or by any act likely to produce violence or by engaging in fighting, threatening or tumultuous behavior, or by making any unreasonably loud noise including the creation of any unreasonably loud noise by the driver of a motor vehicle, or by addressing abusive language or threats to any person present which creates a clear and present danger of violence. Nothing herein contained shall be held to prohibit peaceful picketing, public speaking,

the ordinary conduct of a legitimate business, or other lawful expressions of opinion not in contravention of other laws.

5. Peeping: No person shall trespass upon private property to look into private dwellings, other accommodations or other places of business where privacy would reasonably be expected.

(C) Health:

1. Filth In Public Places: Throw, place or deposit or cause or permit to be thrown, placed or deposited on any street, alley, sidewalk, stream, ditch, ravine, drain or other public place, or upon the premises of any other person, any filth, carrion, offal, trash, waste, manure, ashes, cinders, bottles, broken glass, cans, rubbish, hazardous waste, or petroleum based products of any kind.

2. Filth In Private Places: Pile, accumulate or collect upon any private property any filth, carrion, offal, trash, waste, manure, ashes, cinders, bottles, broken glass, cans or rubbish or hazardous waste of any kind which are offensive to the senses of those living in close proximity.

(D) Public Property:

1. Fire On Pavement: Start, maintain or allow a fire of any kind on any public property except in designated barbecue pits or bon fire areas within the park system.

2. Obstructing Public Work: Hinder or obstruct the making or repairing of any public improvements or work.

3. Removing Public Property: Remove or cause to be removed any dirt, sand, stone, rock, tree, shrub, plant, sidewalk, fence, or sign from any street, alley, highway, lot of ground, belonging to the City without permission from the Council.

4. Damaging Streets Or Walks: Dig into or in any manner break any sidewalk, curb, pavement, street, alley, or public ground without replacing the same in as good condition as found.

5. Destruction Or Possession Of Signs: Tear down, deface or destroy any house number, street sign, or other sign which is not the property of the person committing the act, or have in one's possession any such street sign or other sign which is not the property of the possessor.

6. Fire Prevention System: Deface, mark or in any way injure or meddle with any fire hydrant, valve or other appurtenance of the waterworks system or attempt to work or operate them without authority.

7. Use Of Water And Sewer System: Make any connection with the waterworks system or sewer system, unless the person making the connection is a licensed plumber or an employee of the street or water department and acting with proper authority.

8. Use Of Water And Sewer System: Make, or cause to be made, any excavation in any street, alley or highway for the purpose of laying any drain, sewer or water connection, without first obtaining a permit for the same.

9. Use Of Water And Sewer System: Make or attempt to make any connection with the sewer or waterworks systems without first obtaining a permit for the same.

10. Use Of Water And Sewer System: Open or enter any manhole of the sewer system, except by

authority of the City Administrator, Code Enforcement Officer, or Street or Wastewater Superintendent.

11. Damage To Public Utilities: Destroy, injure, damage or remove any street lamp, light or lighting apparatus, any electrical light or telephone pole, any fixtures or apparatus thereto belonging.

12. Use Of Parks: Drive any vehicle in any portion of the parks except upon established drives or upon the grounds for special activities with special authorization from the Council.

13. Damage In Parks: Cut, mark, break, mar, injure or disfigure in any way any building, monument, foundation, bandstand, table, seat, step, fire apparatus, equipment or any tree, shrubbery, plant or flower within said parks.

14. Refuse In Parks: Leave any papers, refuse, debris or garbage within the City parks except in such receptacles as may be provided and designated for the deposit of the same and provided further that no person shall deposit papers, refuse, debris or garbage within the receptacles which has been generated elsewhere than in the park system.

15. Fire Hose: Drive or cause to be driven any automobile or vehicle of any kind over or across fire hose while the same is in use.

16. Signs On Private Property: Paste, write, print, stamp, nail or affix to any building, erection, fence, tree, lamp-post, sidewalk, telephone or other utility pole, or to any other improvement, any poster, show bill, hand bill or other printed or written notice or sign which would be in violation of the Sign Ordinance or which would be done without the permission of the owner of the pole, tree or structure involved.

17. Throwing Stones Or Missiles: Throw any stone, stick, or other thing whereby any person may be, or shall be hit or hurt, or any window broken, or other property injured or destroyed, or throw any projectile from any sling, catapult, sling shot or air gun, or shoot an arrow with any bow or cross-bow upon any street, alley or other public place.

(E) Streets Safe:

1. Obstructing Streets: The streets, sidewalks and alleys of the City shall be kept free and clear of all obstructions, encumbrances and encroachments for the use of the public, and shall not be used and occupied in any other way than as provided in this Code.

2. Obstructing Vision: No person shall place rocks, boulders or other decorative objects including ornamental shrubs on any portion of the street right of way including the area commonly referred to as the parking nor shall any such decorative object having a height greater than two feet (2') or a width greater than three feet (3') be placed on a property owner's property within three feet (3') of the street right of way line. Any rock, boulder or decorative object or ornament shrub situated on any portion of the parking or the property owner's property in violation of this section shall be relocated or removed within thirty (30) days after written notice from a Code Enforcement Officer.

3. Coasting On Streets: Coast or slide on any sidewalk or upon any street in the business section by means of any sled, coaster, wagon or other contrivance.

4. Skateboards: No person shall ride or use skateboards on the sidewalks, streets or parking lots within the Central Business District of the City as that term is defined in Section 9-10-2.

5. Games On Streets: Play ball or any other game or sport of any kind upon the streets, avenues, public grounds or sidewalks except at such times as permission or consent has been granted by the Council.

6. Moving Buildings: Move, aid or assist in moving any building, in, along or over any of the streets or alleys without having obtained a written permit therefor from the Code Enforcement Officer.

7. Weeds In Streets: Permit any weeds, thistles, brush or plants to overhang or encroach on any sidewalk adjoining the owner's property.

8. Use Of Streets: Place upon or suffer to be placed upon any sidewalk without Council permission any goods, wares, merchandise, for sale or for show, or to suspend the same in any manner over the sidewalk so as to interfere in any manner with the free and uninterrupted passage on the sidewalk by pedestrians.

9. Basement Entrances: Keep open any cellar door, grating or cover to any vault, or fail to properly protect, or guard all openings on or within six feet (6') of any street, alley, sidewalk or highway.

10. Building Stairways. Erect any stairs or steps to the first or second floor of any building upon or over any part of any sidewalk, street or alley without having first obtained permission, by resolution of the Council.

11. Building Stairways: Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, street or alley or enclose any portion of the same with a railing, without having first obtained permission, by resolution of the Council.

12. Building Materials In Streets: Place or deposit any building material in any street, without the approval of the Council and which approval may be revoked, and provided further that all material shall be placed in such a manner as to not obstruct the gutters of the street. Any person placing building material in the street with the authority of the Council shall at all times enclose or guard the same in such a manner as to protect persons and animals from injury thereby, and which obstruction shall be marked with flashing safety lights in place and operational throughout the entire night.

13. Barbed Wire Fences: Place or maintain any barb wire to enclose in whole or in part any park, terrace, lot or parcel of ground fronting on or adjacent to any sidewalk, street or alley in any residential or commercially zoned area.

14. Water Spouts: Cause or permit any water spout, trough, gutter or balcony extending from any building owned or leased to discharge or conduct water upon the surface of any sidewalk, but all such water shall be conducted under the sidewalk in accordance with plans and specifications of the City and under the direction of the Code Enforcement Officer.

15. Motorcycles: Ride any motorcycle or moped on any of the sidewalks.

16. Parades: Throw or permit to be thrown any candy, balloons, promotional items, or other products from a moving vehicle proceeding along a parade route as a part of a parade, whether or not the parade is authorized by permit, or when proceeding to or from such parade route. As used herein, "moving vehicles" shall mean any vehicle, wagon or equipment that is moving at the time the candy, balloon, promotional material or other product is thrown. Nothing contained herein shall be construed to make illegal the dispensing of such items by persons walking next to the curb along the parade route.

(F) Streets Clean:

1. Deposit Of Waste On Walks: Scatter or place any waste or litter on any sidewalk.

2. Throwing Rubbish In Public Places: Throw, place or deposit or cause or permit to be thrown, placed or deposited, any glass, nails or other sharp substances, ashes, straw, paper, sweeping, brush, weeds, grass, leaves, shavings or rubbish of any kind upon any sidewalk, street, alley, highway, gutter, drain or public ground.

3. Throwing Rubbish In Public Places: Place deposit, distribute, circulate, or scatter any paper, advertisement, handbill, card, circular, or wastepaper, in or upon any public street, alley, public place, automobile or other vehicle parked upon any street or alley, private parking lot (except with the permission of the lot owner), yard or porch of any dwelling, or vestibule or hallway of any building opening on any public street or alley, provided, however, that newspapers and advertising circulars folded therein may be distributed to the dwellings and/or buildings if they are either placed inside the building and/or dwelling, or if they are placed under some object of such weight that they will not be blown by the wind into any public street or alley.

(G) Animals:

1. Cruelty: Inhumanly or cruelly abuse or beat any animal.

2. Keep In City: Keep or maintain any swine, goats or other offensive animals within two hundred feet (200') of any public building or private dwelling unless the premises where the same are kept are thoroughly cleaned and sanitary in accordance with the rules of the County Board of Health.

3. Keep In City: Stake out or allow to run at large upon any street or alley, any cattle, horse, mule, sheep, goat, swine, chicken, duck, goose or other domestic animal or poultry of any kind excluding dogs or cats.

4. Dogs: Keep or harbor any dog or other animal which is vicious and dangerous without keeping such animal securely chained at all times or confined, or any dog that habitually runs out at passing pedestrians on sidewalks or streets and barks at and threatens such pedestrians.

5. Burial Of Dead Animals: The owner of any dead animal to fail, neglect or refuse to properly bury, burn or dispose of the same within twenty-four (24) hours thereof.

6. Poisoning Animals: Place or throw any poison, poison food or substances within the City in such a way that it may endanger the life any person or pet animal.

7. Dangerous or Vicious Animals: No person who owns or is in control of premises shall keep or permit to be kept dangerous or vicious animals as defined in Title 8, Chapter 9 of this Code.

(H) Disorderly Houses:

1. Disorderly House - Definition: The term "disorderly house" means any structure or any room therein, or any part of the premises adjacent thereto, in or upon which occurs any disorderly conduct as defined in Section 723.4 of the Code of Iowa as it now reads or may hereafter be amended or any violation of the provisions of subsections 8-2-1(A)1, 8-2-1(A)4, or 8-2-1(B) of this Code or any of the other following prohibited activities;

a. The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Code of Iowa, under which possession of such substance would be an offense;

b. Gambling in violation of Chapter 99B of the Code of Iowa;

c. Dispensing, selling or consumption of an alcoholic beverage in violation of Chapter 123 of the Code of Iowa;

d. Acts of prostitution, pimping or pandering as defined in Chapter 725 of the Code of Iowa.

2. Keeping A Disorderly House: It is unlawful for any person to knowingly keep a disorderly house as defined in subsection 8-2-1(H)1 of this Code. For purposes of this Section, "keep" means ownership or having control of a structure or room therein or any part of the adjacent premises. A person shall not be guilty of this offense if that person had taken steps reasonably calculated to abate, eliminate or prevent further acts of disorderly conduct at that time and place including, but not limited to, calling the police or other law enforcement agency and reporting the disorderly conduct which was occurring.

3. Frequenting Or Being Found In A Disorderly House: It is unlawful for any person to frequent or be found in a disorderly house as defined in subsection 8-2-1H1 of this Code. As used herein, a structure, room or the adjacent premises may only be defined as a disorderly house at such time as disorderly conduct and other acts which are included in the definition of disorderly house may be occurring upon the premises.

(I) Possession of Fireworks:

1. It shall be unlawful for any person to possess or have control of fireworks, as defined in Section 727.2 of the Code of Iowa, in or upon any public park, public or private school yard or school facility, other public facility, sidewalk, street, or in any private yard outside of an enclosed structure unless the person fits within one of the exceptions set forth in Subsection (2) hereof.

2. As an exception to the prohibition contained in Subsection 1, the following persons are authorized to possess fireworks:

a. A licensed pyrotechnic operator, his agents or employees at any location who are in possession of fireworks during or in anticipation of a fireworks display which has been authorized by the fire chief pursuant to the Uniform Fire Code or by other similar authority authorized to grant permission for a fireworks display in that authority's jurisdiction.

b. A person or persons transporting fireworks in a motor vehicle where the fireworks are not within the passenger compartment of the motor vehicle nor subject to access by any person in the passenger compartment while the vehicle is in operation.

c. Possession by a person in a private yard of a premises owned or leased by that person when such person is in the process of transferring the fireworks from an enclosed structure to another enclosed structure.

d. Possession by any person as a dealer, manufacturer or jobber of fireworks as defined herein in Section 727.2 of the Code of Iowa if the fireworks are to be shipped out of the State of Iowa.

e. Possession by a person of blank cartridges intended for use in a show or a theater, or for signal purposes in athletic sports, or by railroad or trucks for signal purposes, or by a recognized military organization."

(J) Drug Paraphernalia

1. Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this subchapter, have the meanings in this section.

(A) ACONTROLLED SUBSTANCE@ has the same meaning as contained in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

(B) ADRUG PARAPHERNALIA@ means all equipment, products and materials of any kind which were used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling or otherwise introducing into human body a controlled substance in violation of Chapter 124 of the Code of Iowa, commonly known as the Uniform Controlled Substances Act. It includes, but is not limited to:

(1) Kits used, intended for use or designed for us in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

(3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for such equipment of a peace officer or any person acting as an agent of or under the direction of any Police agency.

(5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substance.

(6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use or designed for use in cutting controlled substances.

(7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining marijuana.

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.

(9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

(10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substance.

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in primarily injecting controlled substances into the human body.

(12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing heroin, marijuana, cocaine, methamphetamine, hashish or hashish oil into the human body, such as:

(a) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish beads or punctured metal bowls;
(b) water pipes, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, bongs, ice pipes or chillers;
(c) carburetor tubes and devices;
(d) smoking and carburetion masks;
(e) roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
(f) miniature cocaine spoons and cocaine vials.

In determining whether an object is drug paraphernalia for the purpose of enforcing this ordinance, the following factors should be considered in addition to all other logically relevant factors:

(1) Statements by an owner or by anyone in control of the object concerning its use
.

(2) Prior convictions, if any, of an owner or anyone in control of the object under any state or federal law relating to any controlled substances.

(3) The proximity of the objects in time and space to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

(4) The proximity of the object to controlled substances.

(5) The existence of any residue of a controlled substance on the object.

(6) Direct or circumstantial evidence of the intent of any owner or of anyone in control of the object, to deliver it to persons whom he or she knows or should reasonably know intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

(7) Instruction, oral or written, provided with the object concerning its use.

(8) Descriptive materials accompanying the object which explains or depicts its use.

(9) The manner in which the object is displayed for sale.

(10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products. Direct or circumstantial evidence of the ratio of sales of the objects(s) in the total sales of the business

enterprise.

(12) The existence and scope of legitimate uses for the objects in the community.

(13) Expert testimony concerning its use.

(C) "PERSON" shall mean any individual, cooperation, limited liability company, business trust, estate, trust, partnership or association, or any other legal entity.

(2) Drug Paraphernalia Prohibited

No person shall use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

(3) Manufacture or Delivery of Drug Paraphernalia Prohibited

No person shall deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, intending that the drug paraphernalia will be used or knowing or under circumstances where one should reasonably know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pacing, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

(Ord. No. 319495, Amended, 08/10/95)
(Ord. 03-O-97-98, Amended, 09/15/1997)

Chapter 8-3

DOGS

Sections:

8-3-1 Definitions
8-3-2 License
8-3-3 Immunization
8-3-4 Kennel Dogs
8-3-5 Dogs Disturbing The Peace
8-3-6 Impounding
8-3-7 Municipal Infraction

Section 8-3-1 Definitions

For use within this Chapter the following are defined:

(A) "DOGS" includes both male and female dogs whether altered or not;

(B) "AT LARGE" refers to any dog running otherwise than upon the premises of its owner when the dog is not attached to a leash held by a competent person, restrained within a motor vehicle, or in an animal hospital or kennel;

(C) "OWNER" includes any person, firm or corporation owning, harboring, sheltering or keeping a dog.

Section 8-3-2 License

Every owner of a dog which is unlicensed or whose license has expired shall procure a dog license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the dog. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

(Ord. No. 269495, Amended, 04/03/95)
(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-3-3 Immunization

The Mayor may order the immunization of all dogs against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Ordinance for any dog to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of dogs, to evidence such immunization and this tag shall be worn by such dogs.

Section 8-3-4 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 Chapter.

Section 8-3-5 Dogs Disturbing The Peace

(A) It shall be unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another.

(B) It shall be unlawful for an owner of a dog to allow or permit such dog to run at large.

(C) It shall be unlawful for an owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

(D) The provisions of Subsections (A) and (B) shall not apply to dogs being run by an employee of the City or by a person, including the person's employee, under contract with the City of Storm Lake for the purpose of controlling and minimizing the presence of geese in the City parks or other property owned by the City.
(Ord. 08-O-2006-2007, Amended, 05/07/2007)

Section 8-3-6 Impounding

(A) Any unlicensed dog found at large, or any licensed dog found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed dogs shall be notified that upon payment of impounding costs such dogs will be returned. If the impounded licensed dogs are not recovered by their owners within five (5) days after notice, the dogs shall be disposed of by the Chief of Police.

(C) Impounded unlicensed dogs may be recovered by the owner, upon proper identification by payment of license fee and impounding costs. If such dogs are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-3-7 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 8-4

CATS

Sections:

8-4-1 Definitions
8-4-2 License
8-4-3 Immunization
8-4-4 Kennel Cats
8-4-5 Cats Disturbing The Peace
8-4-6 Impounding
8-4-7 Municipal Infraction

Section 8-4-1 Definitions

For use within this Chapter the following are defined:

(A) "AT LARGE": Refers to any cat running otherwise than upon the premises of its owner when the cat is not attached to a leash held by a competent person, restrained within a motor vehicle, or in any animal hospital or kennel.

(B) "CATS": Includes both male and female cats whether altered or not.

(C) "OWNER": Any person, firm or corporation owning, harboring, sheltering or keeping a cat.

Section 8-4-2 License

Every owner of a cat which is unlicensed or whose license has expired shall procure a cat license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the cat. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar which shall be worn by the cat for which the license is issued. Any cat found running at large without the license tag attached to its collar shall be deemed unlicensed.

(Ord. No. 259495, Amended, 04/03/95)
(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-4-3 Immunization

The Mayor may order the immunization of all cats against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Chapter for any cat to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of cats, to evidence such immunization and this tag shall be worn by such cats.

Section 8-4-4 Kennel Cats

Kennel cats 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 Chapter.

Section 8-4-5 Cats Disturbing The Peace

(A) It shall be unlawful for an owner of a cat to allow or permit such cat to pass upon the premises of another.

(B) It shall be unlawful for an owner of a cat to allow or permit such cat to run at large.

(C) It shall be unlawful for an owner of a cat to allow or permit such cat to cause serious annoyance or disturbance to any person by frequent and habitual howling, whining, meowing or otherwise.

Section 8-4-6 Impounding

(A) Any unlicensed cat found at large, or any licensed cat found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed cats shall be notified that upon payment of impounding costs such cats will be returned. If the impounded licensed cats are not recovered by their owners within five (5) days after notice, the cats shall be disposed of by the Chief of Police.

(C) Impounded unlicensed cats may be recovered by the owner, upon proper identification by payment of the license fee and impounding costs. If such cats are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-4-7 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 8-5

WEEDS

Sections:

8-5-1 Declaration Of Hazard
8-5-2 Duty Of The Owner Or Occupant
8-5-3 Notice
8-5-4 Removal By Commissioner
8-5-5 Certifying Assessments
8-5-6 Definitions
8-5-7 Municipal Infraction

Section 8-5-1 Declaration Of Hazard

It is hereby declared that all noxious weeds, as defined in Section 317.1 of the Code of Iowa, growing upon all lands and lots within the City, constitute a health, safety or fire hazard.

Section 8-5-2 Duty Of The Owner Or Occupant

It shall be the duty of the owner or occupant of all lots and lands to keep said lots and lands and a space to the curb line on all streets, and in all alleys ten feet (10') outside of the lot line and abutting thereon, free from all weeds.

Section 8-5-3 Notice

Should any owner or occupant fail or neglect to keep his/her lots and lands and the streets and alleys abutting thereon, free from the above described weeds at all times, the Weed Commissioner shall cause notice to be given to such owner or occupant directing that all such weeds be removed from said premises within five (5) days from the time of service of said notice; said notice shall further provide if the owner or occupant fails to do so that said Weed Commissioner shall enter upon said premises and cause the same to be removed and the costs of the same and expenses hereof shall be assessed against the property.

Section 8-5-4 Removal By Commissioner

If the owner or occupant of any such lots or land fail to comply with said notice, the Weed Commissioner shall cause the same to be sprayed, removed or cut and report to the Clerk the name of the owner, the description of the lots or lands and the amount of charges and expenses of cutting and removing such weeds.

Section 8-5-5 Certifying Assessments

The Clerk is hereby directed, upon receipt from the Weed commissioner of the costs and expenses and other information provided for in Section 8-5-4 above, to certify the said costs and expenses to the County

Auditor, which costs and expenses shall be assessed against the land and the owner thereof and shall be collected with, and in the same manner as general property taxes.

Section 8-5-6 Definitions

(A) The term "WEEDS" as used in this Chapter shall refer to all weeds, vines, brush or other growth, except shrubs, trees, vegetables, fruits, flowers and grasses other than noxious.

(B) The term "WEED COMMISSIONER" herein refers to an individual duly appointed by motion of the Council to carry out the terms and provisions of this Chapter if such a person has been separately appointed and shall also include the City Administrator and the Code Enforcement Officer or other designated official.

Section 8-5-7 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 8-6

ABANDONED AND JUNKED MOTOR VEHICLES

Sections:

8-6-1 Purpose
8-6-2 Definitions
8-6-3 Removal Of Abandoned Motor Vehicles
8-6-4 Notice To Owner And Lienholders
8-6-5 Impoundment Fee
8-6-6 Auction Of Operable Vehicle
8-6-7 Inoperable Abandoned Vehicles
8-6-8 Duties Of Demolisher
8-6-9 Junk Vehicles And Machinery A Nuisance
8-6-10 Notice To Abate
8-6-11 Duty Of Owner To Remove Or Repair
8-6-12 Abatement
8-6-13 Exceptions
8-6-14 Municipal Infraction

Section 8-6-1 Purpose

The purpose of this Ordinance is to protect the health, welfare and safety 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 junked motor vehicles and machinery except in places authorized.

Section 8-6-2 Definitions

For use in this Ordinance, the following terms are defined:

(A) The term "ABANDONED VEHICLE" shall mean any of the following:

1. A motor vehicle that has been left unattended on public property (streets and public grounds) for more than forty-eight (48) hours and lacks current registration plates or two (2) or more wheels or other structural parts which renders the vehicle totally inoperable, or

2. A motor vehicle that has remained illegally on public property for more than seventy-two (72) hours, or

3. A motor 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 (24) hours, or

4. A motor vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of thirty (30) days.

(B) The term "JUNKED MOTOR VEHICLE OR JUNKED MACHINERY" shall mean any motor vehicle stored within the corporate limits of Storm Lake, Iowa, not licensed for the current year as

required by law, and which, meets any one of the following characteristics, which are hereby declared a threat to the public health and safety.

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

2. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.

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

4. Any vehicle which contains gasoline or any other flammable fuel.

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

(C) The term "JUNKED MOTOR VEHICLE OR JUNKED MACHINERY" shall also mean any vehicle stored within the corporate limits of Storm Lake, Iowa which is licensed for the current year as required by law, and which, because it meets all of the following characteristics, constitutes a threat to the public health or safety.

1. The vehicle is not stored in an enclosed structure.

2. The vehicle is not safely operable as a result of 1) collision, casualty, or gradual deterioration or 2) the vehicle has been stripped of essential parts and equipment.

3. The vehicle has been stored at its present location, or a similar location controlled by the owner, for a period of at least ninety (90) days.

Section 8-6-3 Removal Of Abandoned Motor Vehicles

The City Police may remove and impound any motor vehicle whether inoperable or totally inoperable condition as defined in 8-6-2(A)1. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area as designated by the City Administrator.

Section 8-6-4 Notice To Owner And Lienholders

The City Police shall notify by certified mail within three (3) days of having taken possession of the abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lienholders of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle within fourteen (14) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or

disposal of the motor vehicle to a demolisher. If the owner and lienholders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

1. If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in this City shall be made by the City Police and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.

2. The owner or any lienholder may, by written request delivered to the Police Chief prior to the expiration of the fourteen (14) days reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

Section 8-6-5 Impoundment Fee

The owner or lienholder shall pay a fee, in the amount set by Council Resolution, for each day the vehicle is impounded plus towing charges if stored by the City, or upon payment of the towing and storage fees, if stored in privately owned facilities, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established, by resolution of Council, before the provisions of this Ordinance are carried by the police.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-6-6 Auction Of Operable Vehicle

If an abandoned motor vehicle which is operable has not been reclaimed as provided by Section 8-6-4, the Police Chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in the State law. The purchasers shall take title as provided for by law, or if sold to a demolisher no further titling of the motor vehicle shall be permitted. Proceeds from any sales shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law, and any balance shall be disposed of as required by law. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the Police Chief shall apply for reimbursement from the State as provided by law.

Section 8-6-7 Inoperable Abandoned Vehicles

Any totally inoperable abandoned vehicle as defined in 8-6-2 of this Chapter, or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property, shall be disposed of, after compliance with the notification procedures of Section 8-6-4, by the City Police to a demolisher unless the demolisher deems it practicable to sell it as provided in Section 8-6-6 of this Chapter.

The sale to a demolisher need not be done at public auction, but the Police Chief shall endeavor to obtain as much compensation as possible to defray any costs to the City. A person, firm, corporation, or this City or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle, whose title certificate is faulty, lost or

destroyed, may, without notification procedure, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable to a demolisher for junk without the title.

Section 8-6-8 Duties Of Demolisher

Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under 8-6-6 or 8-6-7 of this ordinance, the demolisher shall apply to the City Police for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle at the state department of public safety for cancellation.

Section 8-6-9 Junk Vehicles And Machinery A Nuisance

It is hereby declared that storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, or any other private individual, unless excepted by Section 8-6- 13 of this Chapter, 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 motor vehicle or machinery is stored upon private property in violation thereof, the owner of said motor vehicle who is the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

Section 8-6-10 Notice To Abate

Upon discovery of any junk motor vehicle or junk machinery stored upon private property within the corporate limits of this City in violation of 8-6-9, the Police Chief shall within ten (10) days notify by certified mail the owner of said motor vehicle or other property owner that:

1. The motor vehicle constitutes a nuisance under the provisions of this Ordinance;

2. That the owner must remove or repair the motor vehicle or machinery in accordance with the terms of 8-6-11 of this Ordinance; and

3. That failure to remove or repair the motor vehicle or machinery will be sufficient cause for its removal by the City at the owner's cost.

Section 8-6-11 Duty Of Owner To Remove Or Repair

The owner of a junk motor vehicle or junk machinery (who is the owner or person in control of the property upon which it is stored) which violates the provisions of 8-6-9 must within ten (10) days after receipt of written notice from the Police Chief remove the motor vehicle or machinery to an auto salvage yard or junk yard duly licensed by this City, or to a lawful place of storage outside the City limits, or

repair the defects which cause such motor vehicle or machinery to violate the provisions of this Ordinance, including licensing if a motor vehicle is not currently licensed.

Section 8-6-12 Abatement

If such owner of a junk motor vehicle or machinery shall fail to remove or repair the motor vehicle in accordance with the terms of 8-6-10, the City Police shall abate such nuisance by causing the motor vehicle to be removed and impounded and sold or disposed of as specified in 8-6-5, 8-6-6 or 8-6-7 and the cost of abatement shall be charged to the owner of the motor vehicle or other property owner.

Section 8-6-13 Exceptions

The provisions of this Ordinance shall not apply to a junk motor vehicle or junk machinery stored within:

(1) A garage or other enclosed structure; or

(2) An auto salvage yard or junk yard duly licensed by this City.

Section 8-6-14 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 8-7

EXCESSIVE NOISE

Sections:

8-7-1 Definitions
8-7-2 Noises Prohibited
8-7-3 Miscellaneous Operations
8-7-4 Variance Permit May Be Granted
8-7-5 Enforcement
8-7-6 Municipal Infraction

Section 8-7-1 Definitions

The following definitions shall apply in the interpretation and enforcement of this Chapter:

(A) "DAY": The hours between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M.

(B) "NIGHT": The hours between eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.

(C) "NOISE": Unwanted or annoying sound.

(D) "PERSON": Any individual, firm or corporation.

(E) "VEHICLE": Any passenger vehicle, motorcycle, truck, truck trailer, trailer, semi-trailer or similar device intended to convey people and/or commodities which is propelled or drawn by mechanical power, but shall not include airplanes and toys.

Section 8-7-2 Noises Prohibited

Each of the following acts, among others, is hereby declared to be in violation of this Chapter, and is prohibited. The following enumerated acts shall not be construed as limited or precluding enforcement of any other provisions of this Chapter:

(A) Horns, Signaling Devices, Etc.: The sounding of any horn or signaling device of any automobile, motorcycle, bus or other vehicle on any street or public place of the City, except as a danger warning, for an unnecessary and unreasonable period of time. During nighttime hours, any sounding of horns except as a danger warning shall be considered unnecessary and for an unreasonable period of time.

(B) Hawkers And Peddlers: The sale by outcry within any area of the City zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events, nor to prohibit the selling of newspaper by outcry.

(C) Animals and Fowl: The keeping of, upon any premises, owned, occupied or controlled by any person, any animal or fowl otherwise permitted to be kept which, by any sound, barking or cry, shall cause annoyance or discomfort to a reasonable person of normal sensibilities.

(D) Radios, Televisions, Etc.: The use of radios, televisions, cassette and other tape recorders, public address systems, and other sound amplification devices, including any such devices incorporated into motor vehicles, in or within five hundred feet (500') of any residentially zoned district of the City when the level is maintained at a level such that it can be heard at or within premises adjacent to the premises, park or other locale where the device is being used, and:

1. During night hours which volume level a reasonable person would conclude could be expected to interfere with sleep or other quiet time activities at such adjacent premises; or

2. During day hours which volume level a reasonable person would conclude could be expected to interfere with normal daytime activities carried on at residential premises, or if the noise level is intentionally maintained at a particular level for the specific purposes of annoying a particular person; provided that nothing contained in this paragraph 2 shall be held to prohibit public speaking, the ordinary conduct of legitimate business, or other lawful expressions of opinion not in contravention of other laws.

(E) Schools, Courts, Churches, Hospitals: The creation of a loud and excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital.

(F) Construction or Repair of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. of any day.

(G) Pile Drivers, Hammers, Etc.: The operation between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, power hoist or other construction equipment.

(H) Garbage Collection: The collection of garbage, waste or refuse by any person in any area zoned residential, except between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. of any day and then only in a manner so as not to create a loud or excessive noise.

(I) Vehicle Repairs: The repair or rebuilding of any motor vehicle within any residential area of the City between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. in such a manner that a reasonable person of normal sensitivities residing in the area is caused discomfort or annoyance.

(J) Exhausts: The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle or discharge of air or other gases except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(K) Unlawful Use Of Buildings: No person owning, or in possession of or in control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by the noise generated therefrom, disturb or interfere with the peace of the neighborhood in which such building or premises is situated.

(L) Lawn mowers, Garden Tools, Etc.: The use of lawn mowers, small lawn and garden tools, riding tractors and other powered equipment necessary for the maintenance of property during the hours of nine o'clock (9:00) P.M. through seven o'clock (7:00) A.M., inclusive. Snow blowers and other powered snow removal equipment are specifically excepted from this prohibition.

(M) Loud, Unnecessary Or Unusual Noise: Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.

Section 8-7-3 Miscellaneous Operations

(A) Emergency Operation: Emergency short-term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from the provisions of this Chapter, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.

(B) Noise Required By Law: The provisions of this Chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.

(C) Airplanes: Aircraft operations which are controlled specifically by Federal law and enforcement shall be exempted from the provisions of this Chapter.

(D) Disorderly Conduct: Noise created by human behavior and generally considered to be disorderly conduct, shall, unless specifically described in Section 8-7-2, be exempted from the provisions of this Chapter and is instead regulated under Section 8-2-1(B) of this Code.

(E) Municipal Street Responsibilities: The provisions of this Chapter shall not apply to any noise produced by the operation of the City's street sweeper, by operation of the air compressor in connection with street painting operations, and by the operation of snow removal equipment during or following a snowfall event.

Section 8-7-4 Variance Permit May Be Granted

(A) Variance permits may be issued by the Police Department to exceed the noise standards set forth in this Chapter, as follows:

1. General: A temporary variance permit may be issued upon request to perform certain work activities outside the normal hours provided in Section 8-7-2 for such activity provided it is necessary to conduct the work activity at such times so as to promote public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.

2. Special Community Events: A temporary variance permit may be issued for special events, such as circuses, Fourth of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.

3. Procedure To Obtain A Variance Permit: Applications for temporary variance permits must be made in writing to the Police Department and shall contain all of the following pertinent information:

   Dates requested;

Time and place of operation;
Equipment and operation involved;
Necessity for such permit;
Steps to be taken to minimize noise; and
Name of responsible person(s) who will be present at the site while the noise is produced.

4. Limitations and Revocation: The Police Chief may place such limitations upon the granting of a variance as the Chief and/or the Council may request; and, the Chief of Police is specifically authorized to revoke the granted variance if the applicant shall fail to meet the limitations placed upon the granting of the variance and/or other circumstances occurring subsequent to the granting of the variance requiring such revocation.

(B) Spontaneous Celebrations: Unusual noises associated with specific events, such as victory celebrations during or following athletic events and motor vehicle processions following weddings shall be considered as having occurred pursuant to permit provided in subsection (A) of this Section provided that such demonstration or celebration is of reasonably short duration, does not occur after ten o'clock (10:00) P.M., and is otherwise ceased if requested by police or other appropriate public officials.

Section 8-7-5 Enforcement

It shall be the duty of the Police Department to enforce the provisions of Sections 8-7- 1 through 8-7-6, inclusive.

Section 8-7-6 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 8-8

SWIMMING POOLS

Sections:

8-8-1	**Permit, Fee, Issuance, Definition Of "Swimming Pool"**
8-8-2	**Uniform Code**
8-8-3	**Design Requirements, Plumbing**
8-8-4	**Design Requirements, Electrical**
8-8-5	**Enclosure Of Swimming Pool**
8-8-6	**Exception To Requirement Of Enclosure**
8-8-7	**Gates**
8-8-8	**Applicability**
8-8-9	**Swimming Pool Certificate Of Occupancy**
8-8-10	**Annual Inspections**
8-8-11	**Annual Inspection Fees**
8-8-12	**Municipal Infraction**

Section 8-8-1 Permit, Fee, Issuance, Definition Of "Swimming Pool"

No person shall construct a swimming pool, or any alteration, addition, remodeling or other improvement to such pool, without a permit herefor, nor maintain such pool contrary to the provisions of this Ordinance. Such person shall make application to the Code Enforcement Officer for a permit to construct, alter, add to, remodel or otherwise improve such pool. Plans and specifications, including the plot plan, as well as other pertinent explanatory data, shall be submitted with each application. Upon approval by the Code Enforcement Officer of such plans as meet the requirements of this Ordinance, and the payment of a permit fee computed in accordance with the table of building permit fees set forth in this Code, the Code Enforcement Officer shall issue a building permit.

A "swimming pool" as used in this Ordinance shall mean any body of water which has a minimum depth of eighteen (18) inches or more in an artificial or semi-artificial receptacle of permanent or temporary construction, movable or immovable.

Section 8-8-2 Uniform Code

Pursuant to published notice and public hearing as required by law, the Uniform Swimming Pool, Spa and Hot Tub Code and Swimming Pool Standards, 1993 Edition are hereby adopted in full with the exception that Section 1.11 of said Code, relating to Schedule of Fees, shall not be applicable.

Section 8-8-3 Design Requirements, Plumbing

All cross connections between the City water supply or the sewer system and the plumbing of a swimming pool shall be constructed in accordance with the City Plumbing Code.

No swimming pool drain shall be connected to or drained into any part of the private or public storm sewer system; nor shall same be drained onto the public streets or sidewalks so as to create a nuisance, hazard, or dangerous condition, such as freezing on streets or sidewalks; nor shall the same be drained

onto the property of others.

Section 8-8-4 Design Requirements, Electrical

Any electrical equipment used in any way in connection with a swimming pool, shall be installed by a licensed electrician. An electric permit must be applied for and obtained before construction begins.

All electrical work shall meet the National Electrical Code. All wiring must be conduit.

In addition to the above paragraph, all electrical installation shall include the proper "Ground Fault Interrupter."
No additional wiring of any type shall be installed on existing pools without installing the proper "Ground Fault Interrupter."

Section 8-8-5 Enclosure Of Swimming Pool

Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than five (5) feet in height and at least four (4) feet from each side of the pool. Such fence or wall shall be non-climbable, and shall be constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children, such as chain link fence with posts and rails on the inside or vertical board or stockade fence with posts and rails on the inside. There shall not be a distance greater than ten (10) feet between fence posts.

Section 8-8-6 Exception To Requirement Of Enclosure

In lieu of maintaining a fence as provided for in Section 8-8-5, the owner or operator of a swimming pool may provide a competent person who shall keep the pool under observation at all times while water is kept in the pool. In the event the pool is not under the observation of such competent person, a pool cover or other protective device approved by the Building Official may be used.

Section 8-8-7 Gates

All gates or doors opening to the swimming pool shall be equipped with a self-closing or self-latching device with locking provisions for keeping the gate or door securely closed at all times when not in actual use.

Section 8-8-8 Applicability

The requirements for enclosures and for a gate or door shall also be applicable to swimming pools heretofore constructed.

Section 8-8-9 Swimming Pool Certificate Of Occupancy

No person shall maintain or use a swimming pool unless a certificate of occupancy has been issued as provided for in Section 308 of the Uniform Building Code.

Section 8-8-10 Annual Inspections

All swimming pools, private and public, located in the City of Storm Lake shall be inspected annually by the Code Enforcement Officer. All electric, plumbing, gates and enclosures shall be checked for proper upkeep, maintenance and compliance with Codes and regulations.

Section 8-8-11 Annual Inspection Fees

The annual inspection fees for pools shall be set by Council Resolution . Said fee shall be paid at the time the inspection is made.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-8-12 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 8-9

DANGEROUS AND VICIOUS ANIMALS

Sections:

8-9-1	**Definitions**
8-9-2	**Keeping Of Dangerous Animals Prohibited**
8-9-3	**Dangerous Animal Exceptions**
8-9-4	**Seizure, Impoundment And Disposition Of Dangerous Animals**
8-9-5	**Keeping Of Vicious Animals Prohibited**
8-9-6	**Vicious Animal Exception**
8-9-7	**Seizure, Impoundment And Disposition Of Vicious Animals**
8-9-8	**Restrictions Of Keeping Of Potentially Vicious Animals**
8-9-9	**Complaint, Procedures And Restrictions Of Potentially Vicious Animals**

Section 8-9-1 Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings in this Section:

(A) "DANGEROUS ANIMAL":

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

2. Any animals declared to be dangerous by the Board of Health of the County or the City Administrator or his/her designee;

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

   Lions,tigers, jaguars, leopards, cougars, lynx and bobcats;
   Wolves, coyotes and foxes;
   Badgers, wolverines, weasels, skunks and mink;
   Raccoons;
   Bears;
   Monkeys and chimpanzees;
   Bats;
   Alligators and crocodiles;
   Scorpions;
   Snakes that are venomous or constrictors;
   Gila monsters;

(B) "POTENTIALLY VICIOUS ANIMAL": Any animal, except for a dangerous animal per se, as listed above, which:

1. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack, or

2. With a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to

otherwise threaten the safety of human beings or domestic animals.

(C) "VICIOUS ANIMAL": Any animal, except for a dangerous animal per se as listed above which:

1. Has inflicted serious injury on a human being unless the animal was on its owner's premises and either

   a. The animal was being provoked, teased or tormented; or

   b. The victim was trespassing and was more than seven (7) years of age; or

2. Has attacked, and killed or caused disabling injury to other domestic animal without provocation while off the owner's premises; or

3. Is owned or harbored primarily or in part for the purpose of fighting in contests or any animal trained for such fighting.

As used herein, serious injury includes any one bite which breaks the skin of the victim.

Section 8-9-2 Keeping Of Dangerous Animals Prohibited

No person shall keep, shelter, or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City of Storm Lake, except as provided in Section 8-9-3 of this Code.

Section 8-9-3 Dangerous Animal Exceptions

The prohibition contained in Section 8-9-2 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

(A) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

(B) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

(C) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

(D) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.

(E) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 481A or 481B of the Iowa Code.

Section 8-9-4 Seizure, Impoundment And Disposition Of Dangerous Animals

(A) In the event that a dangerous 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 person or property, such animal, may, in the discretion of the City Administrator or his/her designee, or the Chief of Police, be destroyed if it cannot be confined or captured. The City of Storm Lake shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(B) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City of Storm Lake, the City Administrator shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the City Administrator shall order the person named in the complaint to safely remove such animal from the City of Storm Lake, permanently place the animal with an organization or group allowed under Section 8-9- 3 of this Code to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the City Administrator shall cause the animal to be immediately seized and impounded or killed if seizure or impoundment are not possible without risk of serious physical harm or death to any person.

(C) The order to remove a dangerous animal issued by the City Administrator may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator.

(D) 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 notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator. 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.

(E) If the City Council affirms the action of the City Administrator, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the City, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the City Administrator is not appealed and is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the City Administrator issued pursuant thereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

Section 8-9-5 Keeping Of Vicious Animals Prohibited

No person shall keep, shelter or harbor for any reason within the City a vicious animal so defined herein, except as provided in Section 8-9-6 of this Code.

Section 8-9-6 Vicious Animal Exception

The prohibition contained in Section 8-9-5 of this Code shall not apply to the keeping of vicious animals in the following circumstances:

(A) Animals under the control of a law enforcement or military agency.

(B) The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 8-9-5 and 8-9-7 of this Code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", or words of similar importance, and the owner of such premises shall inform the Chief of Police that a guard dog is on duty at such premises.

Section 8-9-7 Seizure, Impoundment And Disposition Of Vicious Animals

(A) The City Administrator or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the City Administrator or his/her designee. The person, firm or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is vicious, the City Administrator or his/her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Administrator or his/her designee was issued has not appealed such order to the City Council, the City Administrator or his/her designee shall cause the animal to be destroyed.

(C) The order to remove or destroy vicious animal issued by the City Administrator or his/her designee shall be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator or his/her designee.

(D) 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 notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator or his/her designee. 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.

(E) If the City Council affirms the action of the City Administrator or his/her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the City Administrator or his/her designee is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or his/her designee and/or the City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator or his designee shall cause the animal to be destroyed in a humane manner.

(F) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.
(G) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the City Administrator or his/her designee may immediately destroy it.

(H) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter 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 or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

Section 8-9-8 Restrictions Of Keeping Of Potentially Vicious Animals

No person shall keep, shelter or harbor for any reason within the City a potentially vicious animal as defined herein after such animal has been determined to be potentially vicious as provided in Section 8-9-9, unless the terms and conditions imposed by the hearing officer, or the City Council, as appropriate, for keeping such animal within the City have been strictly complied with.

Section 8-9-9 Complaint, Procedures And Restrictions Of Potentially Vicious Animals

(A) The City Administrator, or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a potentially vicious animal as defined herein, may initiate proceedings to declare such animal a potential vicious animal. A hearing on the matter shall be conducted by the Administrator or his/her designee. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing.

Said notice shall set forth the description of the animal in question and the basis for the allegation that the animal is potentially vicious. The notice shall also set forth that if the animal is determined to be potentially vicious, the owner will be required to comply with certain restrictions with regard to the animal and if such restrictions are not followed, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon an adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is potentially vicious, the City Administrator or his/her designee may order that the owner comply with some or all of the following restrictions with regard to the animal, as appropriate, as a condition of the animal owner's continued right to maintain the animal within the City limits.

1. The animal may be required to be muzzled at all times when upon public property.

2. The animal may be required to be restrained by a chain leash at all times when the animal is outside the owner's home, and which chain leash should be not more than six feet (6') in length if the animal is on public property.

3. The owner may be required to fence the owner's premises or a portion thereof with chain link or other type fence reasonably calculated to restrain the animal and keep it in good state of repair whenever the animal is outside on the owner's premises.

(C) An order determining an animal to be potentially vicious and imposing restrictions upon the continued existence of that animal within the City limits may be appealed to the same extent and subject to the same procedural requirements and safeguards as are contained in Section 8-9-7 relating to vicious animals.

(D) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or the City Council after appeal, shall constitute a Municipal infraction. Further, failure to comply with regard to a particular animal shall qualify that animal as a vicious animal, notwithstanding the basic definition of vicious animal as contained in Section 8-9-1, and subject the owner and the animal involved to all of the provisions of this Chapter relating to vicious animals.

Chapter 8-10

JUVENILE CURFEW

Sections:

8-10-1 Purpose
8-10-2 Definitions
8-10-3 Curfew Established
8-10-4 Exceptions
8-10-5 Responsibility of Adults
8-10-6 Enforcement Procedures
8-10-7 Penalties
8-10-8 Notice

Section 8-10-1 Purpose

The City Council of the City of Storm Lake, Iowa hereby determines that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of this City, and specifically to achieve the following purposes:

(A) Reinforce the primary authority and responsibility of adults responsible for minors.

(B) Recognize the peculiar vulnerability of minors.

(C) Recognize the inability of minors to make critical decisions in an informed, mature manner.

(D) Protect minors from improper influences and criminal activity by individuals and by gangs that prevail in public places after the curfew hour.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-2 Definitions

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

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

(C) "MINOR" means any unemancipated person under the age of sixteen (16) years.

(D) "NON-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 peace 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 non-secure 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 hours without the oral or written order of a judge or magistrate
authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

(E) "PUBLIC PLACE" shall include shopping centers, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use; and shall also include 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 chapter, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

(F) "RESPONSIBLE ADULT" means a parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody or control of a minor.

(G) "UNEMANCIPATED" means unmarried and still under custody or control of a responsible adult.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-3 Curfew Established

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

(A) Sunday nights through Thursday nights: From 12:00 Midnight until 6:00 a.m. the following day.

(B) Friday nights and Saturday nights: From 1:00 a.m. until 6:00 a.m., to the early morning hours on Saturday and Sunday, respectively.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-4 Exceptions

The following are exceptions to the curfew:

(A) The minor is accompanied by a responsible adult.

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

(C) The minor is present at or is travelling between home and one of the following:

1. Minor's place of employment in a business, trade or occupation, in which the minor is permitted by law to be engaged, or, if travelling, within one hour after the end of work.

2. Minor's place of religious activity, or, if travelling, within one hour after the end of the religious activity.

3. Governmental or political activity, or, if travelling, within one hour after the end of the activity.

4. School endorsed activities, including parent-sponsored activities and Community Education sponsored activities organized in cooperation with the school, or, if travelling, within one hour after the end of the activity.

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

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

(E) The minor is engaged in interstate travel through the city beginning, ending or passing through Storm Lake, Iowa, when such travel is by direct route.
(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-5 Responsibility of Adults

It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the city within the time periods prohibited by this Section, unless the minor's presence falls within one of the above exceptions.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-6 Enforcement Procedures

(A) Determination of age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall, in the first instance, use his or her best judgment in determining age.

(B) Grounds for arrest. Conditions of custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the Chapter; refuses to provide proper identification or identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

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

(D) Minor without adult supervision. If a peace officer determines that a minor does not have adult

supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child, or another adult person who is known to the child.

(Ord. No. 089495, Enacted, 12/05/94)

Section 8-10-7 Penalties

(A) Responsible adult's violation - Simple misdemeanor. Any responsible adult as defined in this Chapter who knowingly allows a minor to violate any of the provisions of this Section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days.

(B) Minor's violation - Simple misdemeanor. For a minor's violation of any of the provisions of this Chapter, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed five hundred dollars ($500.00). As an alternative, the Court may order the minor to perform community service if the minor presents an acceptable plan of community service prearranged with a willing public or non-profit private agency, or if the Court can otherwise arrange such a plan.

(Ord. No. 089495, Enacted, 12/05/94)
(Ord. 04-O-2003-2004, Amended, 10/06/2003)

Section 8-10-8 Notice

Notice of this Chapter and its contents may be posted in, on or about such public or quasi-public places as may be designated by the City Administrator or the police department in order that the public may be constantly informed of the existence of the Chapter and its regulations.

(Ord. No. 089495, Enacted, 12/05/94)

Chapter 8-11

TRUANCY

Sections:

8-11-1 Purpose
8-11-2 Definitions
8-11-3 Truancy prohibited
8-11-3(a) False Excuse Prohibited
8-11-4 Exceptions
8-11-5 Responsibility of Parents and Guardians
8-11-6 Enforcement Procedures
8-11-7 Penalties

Section 8-11-1 Purpose

The purpose of the City of Storm Lake Truancy ordinance is to promote the public health, safety, morals and general welfare of this City, and specifically to achieve the following purpose:

(A) Reinforce the primary authority and responsibility of parents and or guardians for their children.

(B) Recognize the peculiar vulnerability of minors.

(C) Recognize the inability of minors to make critical decisions in an informed, mature manner.

(D) Protect minors from improper influences and criminal activity by individuals and by gangs that prevail in public places during school hours.

(E) Assure that minors in Storm Lake achieve and maintain a high level of education.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-2 Definitions

(A) "MINOR" means any person under the age of 18 enrolled in a public, private or parochial school within the corporate limits of the City of Storm Lake Iowa.

(B) "TRUANT" means to be absent from school.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-3 Truancy prohibited

It shall be unlawful for any person under the age of 18 enrolled in a public, private or parochial school within the corporate limits of the City of Storm Lake to absent himself or herself from attendance at school unless he/she has parental permission based upon one of the exceptions listed in section 8-11-4. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission from the parent or guardian is submitted in writing to the proper school authorities within 24 hours after such absence.

(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-3(a) False Excuse Prohibited

It shall be an offense under this ordinance for a parent or guardian to knowingly submit to the proper school authorities a written excuse under section 8-11-3 that contains false information.
(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-4 Exceptions

Section 8-11-3 shall not apply in the following circumstances: The person has parental permission which shall include permission from a guardian, and shall be given for reasons only of personal illness, serious family illness, death in the family, necessary and lawful family support employment, religious convocation classes, Principal's permission and compelling family reasons. Section 8-11-3 shall not apply to persons age sixteen or older who are not enrolled in school or those sixteen or older who have chosen to lawfully withdraw from school.
(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-5 Responsibility of Parents and Guardians

It is unlawful for a parent or guardian to knowingly permit or to allow a minor to be absent from school, unless the minor's absence falls within one of the above exceptions.
(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-6 Enforcement Procedures

The Officer may take into custody without warrant any apparently truant minor and place the minor in the charge of the school principal, or principal's designee, of the Storm Lake School District, or alternatively the principal or principals designee of any non public or parochial school in which the minor has been enrolled by his/her parent or guardian. If a minor is taken into custody under section 8-11-3, the officer shall make every reasonable attempt to immediately notify the parent, guardian, or legal custodian of the child's location.

The officer shall have discretion as to whether to issue a citation to the minor and or parent, guardian or legal custodian.
(Ord. 04-O-98-99, Add, 02/15/1999)

Section 8-11-7 Penalties

(A) Parent, Guardian violation - Simple misdemeanor. Any parent or guardian who knowingly allows a minor to violate any of the provisions of this Section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days.

(B) Minor's violation - Simple misdemeanor. Upon conviction a minor shall be punished of a fine not to exceed five hundred dollars ($500.00) or imprisoned not to exceed thirty (30) days.
(Ord. 13-O-2003-2004, Amended, 05/17/2004; Ord. 04-O-2003-2004, Amended, 10/06/2003; Ord. 04-O-98-99, Add, 02/15/1999)

Chapter 10-1

SIDEWALK REGULATIONS

Sections:

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

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 10-1-10Repairing 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 10-1-11Appeal 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 10-1-12Cleaning

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 10-1-13Grades

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 10-1-14Liability

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 (21/2") 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 (21/2') 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.