

CAMANCHE, IOWA CODE OF ORDINANCES

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**CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION
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DUBUQUE, IOWA 52002**

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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1-1-2	Grammatical Interpretation	1-1-5	Amendment
1-1-3	Prohibited Acts Include Causing, Permitting	1-1-6	Severability

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

1. "City" means the City of Camanche, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;

2. "Clerk" means Clerk-Treasurer.

3. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;

4. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;

5. "County" means the County of Clinton, Iowa;

6. "Fiscal Year" means July 1 to June 30.

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

8. "May" confers a power;

9. "Month" means a calendar month;

10. "Must" states a requirement;

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

12. "Or" may be read "and" and "and" may be read "or" if the sense requires it;

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

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

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

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

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

18. "Property" includes real and personal property;

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

20. "Shall" imposes a duty;

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

22. "State" means the State of Iowa;

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

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

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

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

27. "Year" means a calendar year;

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

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

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

1. Gender. Any gender includes the other gender;
2. Singular and Plural. The singular number includes the plural and the plural includes the singular;
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;
4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

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

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

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Camanche Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

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

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

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

1-3-1 GENERAL PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Ordinances of Camanche is guilty of a misdemeanor. Any person convicted of a misdemeanor under the Ordinances of Camanche shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment not to exceed thirty days.

(Code of Iowa, Sec. 364.3(2))

1-3-2 CIVIL PENALTY--MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)

1. Definitions.

a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Camanche, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Camanche, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.

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

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

2. Violations, Penalties, and Alternative Relief.

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

Schedule of Civil Penalties

First offense--Not more than five hundred dollars (\$500.00).

Second Offense--Not more than seven hundred fifty dollars (\$750.00).

All other repeat offenses--Not more than one thousand dollars (\$1,000.00).

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

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

3. Civil Citations

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

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

c. The original of the citation shall be sent to the Clerk of the district court.

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

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

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

TITLE I GENERAL PROVISIONS
CHAPTER 4 ELECTION PRECINCTS

1-4-1 Established and Designated

1-4-1 ESTABLISHED AND DESIGNATED.

1. Precinct 1: All parts of the City lying south and east of the following described line:

Beginning at the northwest corner of census block 190450008004079;

Thence northeasterly along the northerly line of census block 190450008004079 to the northeasterly corner of census block 190450008004079;

Thence easterly along the north line of census block 190450008004078 to northeast corner of census block 190450008004078 and the centerline of Washington boulevard;

Thence easterly and northeasterly along the centerline of Washington Boulevard to the centerline of 7th Avenue/Central Steel Road;

Thence northerly along the centerline of 7th Avenue/Central Steel Road to the northwest corner of census block 190450004003082.

2. Precinct: 2: All parts of the City lying north and west of the following described line:

Beginning at the northwest corner of census block 190450008004079;

Thence northeasterly along the northerly line of census block 190450008004079 to the northeasterly corner of census block 190450008004079;

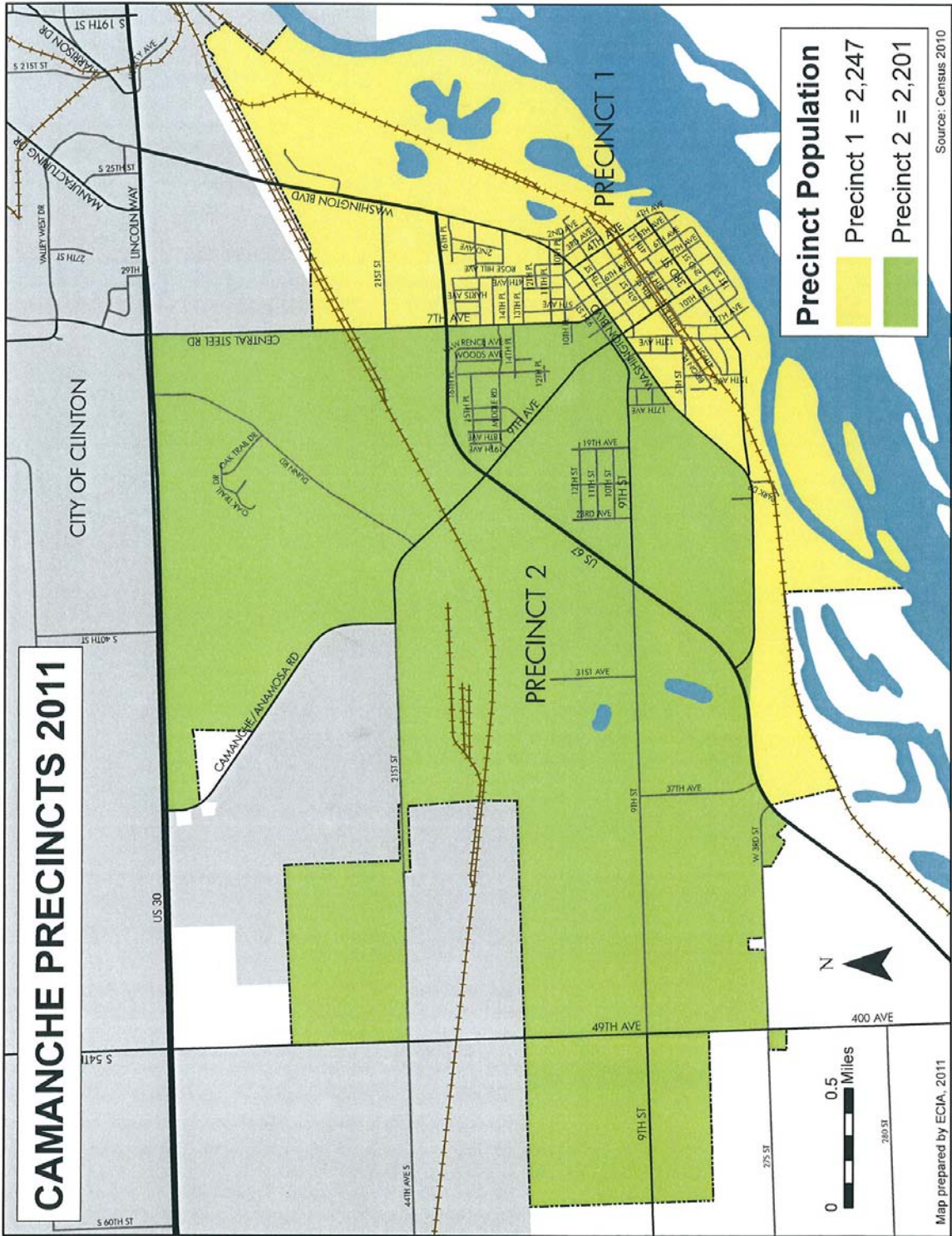
Thence easterly along the north line of census block 190450008004078 to northeast corner of census block 190450008004078 and the centerline of Washington Boulevard;

Thence easterly and northeasterly along the centerline of Washington Boulevard to the centerline of 7th Avenue/Central Steel Road;

Thence northerly along the centerline of 7th Avenue/Central Steel Road to the northwest corner of census block 190450004003082"

(Ord. 646, Passed 2001)

(Ord. 717, Passed 2011)



TITLE I GENERAL PROVISIONS

CHAPTER 5 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-5-1 PURPOSE AND INTENT.

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

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

1-5-2 GENERAL.

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

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

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

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

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

1-5-3 FORM OF NOTICE OF HEARING.

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

"You are hereby notified that an evidentiary hearing will be held before the _____ City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the

hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

1-5-4 SUBPOENAS. Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness's possession or under the witness's control. A subpoena need not be issued when the affidavit is defective in any particular.

1-5-5 CONDUCT OF HEARING.

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

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

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

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

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

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

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

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

7. Official notice.

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

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

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

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

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

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

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

1-5-6 METHOD AND FORM OF DECISION.

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

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 FORM OF GOVERNMENT

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

2-1-1 CHARTER. The purpose of this chapter is to provide for a Charter embodying the form of government existing on June 30, 1975.

(Ord. 340, Passed 1975)

2-1-2 FORM OF GOVERNMENT. The form of government of the City is the special charter form utilizing elements of the Mayor-Council form in conjunction with the provisions of its special charter.

(Ord. 394, Passed 1980)

(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by state law and by the Ordinances, resolutions, rules and regulations of the City.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The Council consists of five Council members elected at large and the terms shall be staggered pursuant to Section 376.2 of the 1989 Code of Iowa. Pursuant to such code section, the staggering of Council members' terms commences January 1, 1990, and shall follow the procedure set forth in Section 376.2 of the 1989 Code. The number of Council members elected at large are five, and the majority of the elected Council members who receive the highest number of votes are elected for four-year terms. The remaining Council members are elected for two-year terms. For all elections held after November 1989, the term of all Council members is thereafter a four-year term, staggered pursuant to the terms set forth above.

(Ord. 340, Passed 1975)

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of two years.

(Ord. 340, Passed 1975)

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE. The City Clerk shall keep an official copy of the City's charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Ord. 394, Passed 1980)

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-2-1 **PURPOSE.** The purpose of this chapter is to provide for the appointment and qualification, including posting a proper bond, the filing of vacancies and the determination of salaries of appointed and elected municipal officers of the City
(Ord. 400, Passed 1980)

2-2-2 **CREATION OF APPOINTIVE OFFICERS.** There are created the following appointive officers: City Administrator, City Clerk-Treasurer, Deputy City Clerk, Police Chief, Attorney, Public Works Director, Fire Chief, Building Inspector, and City Engineer.
(Ord. 400, Passed 1980)
(Ord. 719, Passed 2012)

2-2-3 **APPOINTMENT OF OFFICERS.** The Mayor shall appoint the Police Chief and the Fire Chief for the City from the Chief's eligible list compiled by the City's Civil Service Commission as provided by Chapter 400.13 of the Code of Iowa, or as thereafter amended. The Mayor shall nominate candidates for the offices of Director of Public Works and City Clerk, and said offices shall be filled by a majority vote of the elected members of the City Council. The Mayor shall also appoint the building inspector. All other officers and employees shall be appointed or selected by the City Council unless otherwise provided by law or ordinances.
(Ord 400, Passed 1980)
(Ord. 592, Passed 1991)

2-2-4 **TERMS OF APPOINTIVE OFFICERS.** The terms of the Police Chief, the Fire Chief, the City Clerk and the Director of Public Works shall be indefinite. The terms of all other appointive offices not otherwise fixed by law or Ordinance shall be two (2) years.
(Ord. 400, Passed 1980)
(Ord. 592, Passed 1991)

2-2-5 **VACANCIES IN APPOINTED OFFICES.** A vacancy in an appointed office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council.
(Ord. 400, Passed 1980)

2-2-6 **BONDS REQUIRED.** Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of that officer's office, execute to the City a good and sufficient bond to be approved by the Mayor, conditioned upon the faithful performance of said municipal officer's duties and the proper handling and accounting for the money and property of the City in said officer's charge unless the City Council shall have provided for a blanket position surety bond.

(Ord. 400, Passed 1980)

(Ord. 719, Passed 2012)

(Code of Iowa, Sec. 64.13)

2-2-7 **SURETY.** Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-2-8 **BLANKET POSITION BOND.** The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Ord. 400, Passed 1980)

(Ord. 573, Passed 1989)

(Ord. 719, Passed 2012)

(Code of Iowa, Sec. 64.13)

2-2-9 **BONDS FILED.** All bonds, when duly executed, shall be filed with the City Clerk.

(Ord. 400, Passed 1980)

(Code of Iowa, Sec. 64.23)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

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

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be the sum of fifty dollars per month. Commencing January 1, 1996, the City Clerk-Treasurer shall pay said salary in quarterly payments.

(Ord. 400, Passed 1980)
(Ord. 610, Passed 1995)
(Code of Iowa, Sec. 372.13(8))

2-4-2 MAYOR. The Mayor shall receive an annual salary of three thousand dollars to be paid in equal quarterly installments, plus an annual expense allowance in an amount of three hundred dollars to be paid quarterly. Any additional expenses shall be subject to Council approval.

(Ord. 400, Passed 1980)
(Ord. 572, Passed 1989)
(Ord. 639, Passed 2000)
(Code of Iowa, Sec. 372.13(8))

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

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

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-6	Budget Officer
2-5-2	Budget Amendment	2-5-7	Expenditures
2-5-3	Budget Protest	2-5-8	Authorizations to Expend
2-5-4	Accounts and Programs	2-5-9	Accounting
2-5-5	Annual Report	2-5-10	Budget Accounts

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

(Code of Iowa, Sec. 384.16)

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

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

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

2. Not less than ten nor more than twenty days before the date that the budget must be certified to the County Auditor, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

2-5-3 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons, and the number need not be more than one hundred persons.

(Code of Iowa, Sec. 384.19)

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

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

(Code of Iowa, Sec. 384.20)

2-5-5 ANNUAL REPORT. Not later than December first of each year the City shall publish an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-5-6 BUDGET OFFICER. The City Administrator shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Administrator shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-5-7 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding ten dollars (\$10.00) may be made by those officials authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends, and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

2-5-8 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-9 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written,

which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording inappropriate surpluses. Warrants/checks shall be signed by the Mayor and City Clerk.

(Code of Iowa, Sec. 384.20)

2-5-10 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

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

2-6-1 PURPOSE. The City of Camanche, Iowa has no newspaper published within the corporate limits of the City, and publications of notice of elections, Ordinances and amendments may be made by posting in three public places which have been permanently designated by Ordinance.

(Ord 341, Passed 1975)

(Ord. 719, Passed 2012)

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

2-6-2 LISTING; LENGTH OF NOTICE. The three public places where public notice of Ordinances and other matters permitted to be posted are to be displayed are:

Camanche City Hall

Clinton National Bank

Camanche Public Library

(Ord. 719, Passed 2012)

The City Clerk is hereby directed to promptly post notices of elections, Ordinances, and amendments, and to leave them so posted for not less than ten days after the first date of posting, and the City Clerk shall note the first date of such posting on the official copy of the Ordinance and in the official Ordinance book immediately following the Ordinance.

(Ord. 341, Passed 1975)

(Ord. 393, Passed 1980)

(Ord. 719, Passed 2012)

(Code of Iowa, Sec. 380.7)

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

(Ord. 341, Passed 1975)

(Ord. 719, Passed 2012)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

- 2-7-1 Purpose
2-7-2 State Statute Adopted
- 2-7-3 Conduct of Municipal Election

2-7-1 PURPOSE. The purpose of this chapter is to adopt the alternative of Chapter 45, Code of Iowa, in lieu of a primary election or a runoff election for the choosing of persons for elective municipal offices and prescribing the procedures to be followed therein.
(Ord. 503, Passed 1982)

2-7-2 STATE STATUTE ADOPTED. The provisions of Chapter 45, Code of Iowa, providing for nomination by petition are adopted in lieu of the requirements for a primary election or a runoff election in Chapter 376, Code of Iowa
(Ord. 503, Passed 1982)

2-7-3 CONDUCT OF MUNICIPAL ELECTION. The City Clerk shall deliver all nomination petitions properly filed to the County Commissioner of Elections not later than five p.m. on the day following the last day on which nomination petitions can be filed. The County Commissioner of Elections shall then do all things necessary for conducting the municipal election.
(Ord. 503, Passed 1982)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 DECLARATION OF VACANCY

2-8-1 Declaring Vacancy

2-8-1 **DECLARING VACANCY.** The purpose of this chapter is to authorize the Mayor to declare a vacancy on any board or commission to which the City of Camanche, Iowa, has the power of appointment. The chairperson of each board or commission shall report any commissioner or member who misses three consecutive meetings, or five meetings within one calendar year, to the Mayor. The Mayor shall, unless good cause is shown due to ill health, emergency, or necessity, declare the seat vacant of any board or commission member reported by the chairperson, to have missed three consecutive meetings, or five meetings within one calendar year. The Mayor shall, unless good cause is shown and approved by the Council, move the Council to declare such member's seat vacant for good cause shown based upon the written report of the chairperson reporting such absences. Upon the motion of the Mayor and approval of the Council, said board or commission seat may be declared vacant. Once said board or commission seat is declared vacant, a successor shall then be appointed for said commission or board seat as provided by law.

(Ord. 600, Passed 2004)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 PLANNING AND ZONING COMMISSION

2-9-1 Created

2-9-3 Powers and Duties

2-9-2 Term of Office

2-9-1 **CREATED.** There is created a City Planning and Zoning Commission, composed of seven residents of the City, who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning, none of whom shall hold any elective position in the City. Such members shall be appointed by the Council.

(Ord. 158, Passed 1958)

2-9-2 **TERM OF OFFICE.** The term of office of members shall be five years, except that the members first named shall hold office for such terms, not exceeding five years, that the terms of not more than one-third of the members will expire in any one year. Any vacancy occurring on the Commission, caused by resignation or otherwise, shall be filled by the Council for the unexpired term. All members of such Commission shall serve without compensation except their actual expenses, which shall be subject to the approval of the Council.

(Ord. 158, Passed 1958)

2-9-3 **POWERS AND DUTIES.** The Commission shall have and possess the following powers, and such other powers as may be incidental to the successful carrying out of the powers vested in it in this section, or such as may be expressly conferred upon it by law:

1. To make such surveys, studies, maps, plans or plats of the whole or any portion of the City and of any land outside thereof, which in the opinion of such Commission bears relation to a comprehensive plan, and shall submit such plan to the Council with its studies and recommendation; and it may publish the same.

2. To prepare a comprehensive plan regarding the height, number of stories and size of buildings and other structures; the percentage of ground that may be occupied; the size of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; and to this end shall prepare a preliminary report and hold public meetings thereon and, after such hearings have been held, to submit its final report and recommendations to the Council.

3. To recommend to the Council from time to time, as conditions require, amendments, supplements, changes or modifications in the comprehensive plan prepared by the Commission.

(Ord. 158, Passed 1958)

(Ord. 403, Passed 1980)

(Ord. 719, Passed 2012)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 10 RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 11 CIVIL SERVICE

2-11-1 State Statutes Adopted

2-11-1 STATE STATUTES ADOPTED. The provisions of the Civil Service Statute of the State, being Chapter 365 of the 1962 Code of Iowa, as amended by the 60th and 61st General Assembly, are adopted and made applicable to the Police Department and members of the Fire Department under full-time City employment.

(Ord. 223, Passed 1965)

(Ord. 227, Passed 1965)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 12 CAMANCHE PARK AND RECREATION COMMISSION

2-12-1	Appointment	2-12-6	Powers and Duties
2-12-2	Terms of Office	2-12-7	Fund Treasurer
2-12-3	Vacancies	2-12-8	Annual Report
2-12-4	Quorum and Voting	2-12-9	Boat Ramps--Construction and Maintenance Duty
2-12-5	Compensation		

2-12-1 APPOINTMENT. The Mayor, with the approval of the City Council, shall appoint five persons to constitute a Board of Recreation Commissioners, hereinafter referred to as the "Board". The Mayor shall appoint bona fide citizens and residents of the City who are eighteen years of age or over.

(Ord. 505, Passed, 1980)

(Ord. 537, Passed 1985)

2-12-2 TERMS OF OFFICE. The originally appointed commissioners shall cast lots at their first meeting to determine their respective terms of office, and shall report the results to the City Council. Three commissioners shall hold office for three years and four for two years from the first day of July following their appointments. All subsequent appointments shall be for two years except to fill vacancies.

(Ord. 339, Passed 1975)

2-12-3 VACANCIES. The position of any Commissioner shall be vacant if the Commissioner moves permanently from the City or is absent without due explanation from three consecutive regular meetings of the board, except in case of illness, or is removed for cause by the Mayor with the approval of the City Council. The Mayor, with the approval of the City Council, shall fill any vacancy by appointment of a new Commissioner to fill the vacancy or unexpired term.

(Ord. 405, Passed 1980)

2-12-4 QUORUM AND VOTING. All action by the board shall require a majority vote of the whole number of members appointed to the board.

(Ord. 339, Passed 1975)

2-12-5 COMPENSATION. Commissioners shall receive no compensation for their service.

(Ord. 339, Passed 1975)

2-12-6 POWERS AND DUTIES. The board shall have and exercise the following powers and duties.

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

2. To have charge, control and supervision of Garner Hall, its appurtenances, all city parks, all city-owned boat ramps, city recreation equipment, and all existing and future buildings.
3. To direct and control all the affairs of the Park and Recreation commission.
4. To employ a Director and other employees necessary for the proper management of the recreational facilities, and to fix their salaries on approval of the City Council.
5. To remove, by a majority vote of the board, the Director or employees for misconduct, incompetency, or inattention to duty;
6. To select and purchase all items considered necessary for the operation of the Camanche Park and Recreation Commission.
7. To authorize the use of Garner Hall by nonresidents of the City and private parties, and to fix charges for this privilege.
8. To make and adopt, amend, modify, or repeal bylaws, rules and regulations for the care, use, government and management of Garner Hall, and the business of the board. Copies of such bylaws, rules and regulations shall be posted in the city hall where they can be seen by the public.
9. To control exclusively the expenditures of all portions of the general fund allocated for recreational purposes by the Council, and rentals collected under the rules of the board.
10. To make and send to the City Council, on or before the seventh day of January in each year, an estimate of the amount necessary for operation and maintenance of recreational facilities for the coming fiscal year, the amounts expended for like purposes for the preceding year, and the amount of income expected for the next fiscal year from sources other than taxation.
11. To enforce the performance of conditions on gifts, donations, devises, and bequests accepted by the City by action against the City Council.
12. To keep a record of its proceedings.
13. To perform all of the functions, duties and obligations as designated regarding trees and shrubs, as now and hereafter amended.

(Ord. 339, Passed 1975)

(Ord. 405, Passed 1980)

(Ord. 674, Passed 2006)

(Ord. 719, Passed 2012)

2-12-7 FUND TREASURER. All money allocated by the Council from the general fund for the maintenance of the Park and Recreation Commission shall be deposited with the City Treasurer to the credit of the Park and Recreation Commission fund.

(Ord. 339, Passed 1975)

(Ord. 674, Passed 2006)

(Ord. 719, Passed 2012)

2-12-8 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 recreational facilities.

2-12-9 BOAT RAMPS--CONSTRUCTION AND MAINTENANCE DUTY. It shall be the responsibility of the board to construct, repair and maintain all City—owned boat ramps within the City with the funds for said repair, maintenance and construction to come out of the budget for said board.

(Ord. 405, Passed 1980)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 13 RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 14 ROSE HILL CEMETERY

- | | | | |
|--------|--|---------|--|
| 2-14-1 | Establishment | 2-14-9 | Care and Maintenance--Annual
Budget Preparation |
| 2-14-2 | Board--Number of Members--City
Council Ratification Authority | 2-14-10 | Sexton--Appointment--
Responsibilities |
| 2-14-3 | Board--Term of Office | 2-14-11 | Graves--Disposition of Receipts--
Charges--Deeds of Conveyance--
Abandoned Lots--Correction of
Errors |
| 2-14-4 | Board--Residence Requirement | 2-14-12 | Infant Grave Openings--Fees |
| 2-14-5 | Board--City Council Members
Prohibited | 2-14-13 | Misdemeanor Offenses |
| 2-14-6 | Board--Meetings | | |
| 2-14-7 | Board--Establishment of Burial
Rules | | |
| 2-14-8 | Recordkeeping Requirements--
Annual Audit | | |

2-14-1 ESTABLISHMENT. The cemetery ground presently existing and known as Rose Hill Cemetery is hereby established as a municipal cemetery of the City.

2-14-2 BOARD--NUMBER OF MEMBERS--CITY COUNCIL RATIFICATION AUTHORITY. The Rose Hill Cemetery Board shall be a five-member board, nominated by the Mayor, with ratification subject to the approval of the City Council.
(Ord. 663, Passed 2004)

2-14-3 BOARD--TERM OF OFFICE. The board members shall be appointed for a five-year term except for the initial board, which shall be appointed for a period of time so that the term of one member expires upon January 1st of each year following the passage of the ordinance codified in this chapter.
(Ord. 365, Passed 1976)

2-14-4 BOARD--RESIDENCE REQUIREMENT. The City Council shall approve only those members to the board who are residents of the City and eighteen years of age or over.
(Ord. 406, Passed 1980)

2-14-5 BOARD--CITY COUNCIL MEMBERS PROHIBITED. No member of the City Council shall be a board member.
(Ord. 365, Passed 1976)

2-14-6 BOARD--MEETINGS. All meetings of the board shall be open and public meetings which shall be held in the City Hall, Camanche, Iowa.
(Ord. 365, Passed 1976)

2-14-7 BOARD--ESTABLISHMENT OF BURIAL RULES. The cemetery board shall establish rules which shall apply to burials within Rose Hill Cemetery, and a copy of such rules shall be adopted by resolution of the board and kept on file with the City Clerk.

(Ord. 653, Passed 2002)

2-14-8 RECORDKEEPING REQUIREMENTS--ANNUAL AUDIT. All existing cemetery records, whether relating to platting conveyance or the financial affairs of the cemetery, shall be surrendered to the City Clerk and placed on file with the Clerk of the City. All financial records previously maintained by the Rose Hill Cemetery Association shall be audited, and in the future all financial records so maintained in the Clerk's office shall be subject to the annual audit.

(Ord. 365, Passed 1976)

2-14-9 CARE AND MAINTENANCE--ANNUAL BUDGET PREPARATION. The cemetery board shall be responsible for care and maintenance of Rose Hill Cemetery. The board shall prepare and submit an annual budget for the operation of the cemetery in the time and manner required by the City Clerk of the City. Employee wages and hours shall be established by the board subject to approval of the City Council by resolution.

(Ord. 663, Passed 2004)

2-14-10 SEXTON--APPOINTMENT--RESPONSIBILITIES. The commission shall appoint a sexton, who shall be responsible to the commission for the care and maintenance of the cemetery, and in addition thereto shall be responsible for the burial of bodies in the cemetery.

(Ord. 365, Passed 1976)

2-14-11 GRAVES--DISPOSITION OF RECEIPTS--CHARGES--DEEDS OF CONVEYANCE--ABANDONED LOTS--CORRECTION OF ERRORS.

1. The receipts from the sale of graves or any other receipts shall be paid into the office of the City Clerk.

2. The charges related to graves and to burial shall be established by resolution by the City of Camanche, and such charges shall be assessed by the cemetery from and after the date of the resolution. The charges as currently included in the Ordinance shall remain in full force and effect until adoption of a resolution amending such charges.

3. Purchasers of burial space in the cemetery, whether by lots or parts thereof, shall be entitled upon payment of the full purchase price to a deed for the space purchased, such deed to be signed by the Mayor and countersigned by the City Clerk, conveying such lot or part thereof for the sole purpose of sepulcher alone for human bodies, subject to the rules, regulations and ordinances governing, the cemetery as exist at the time of interment, and that the City reserves the control of such lot or lots within the cemetery in order to properly maintain the cemetery. No deed shall be delivered until the purchaser has made final payment of the full fee for purchase plus the payment required for perpetual care.

4. Any unoccupied lot would be presumed abandoned pursuant to Sections 556.20 to 556.27 of the Code of Iowa, as amended, and upon reversion, the City may sell such reverted lot, the proceeds from which shall be deposited in the perpetual care fund, or applied pursuant to Section 566.26, Code of Iowa.

5. The City board reserves, retains and shall have the right to correct any errors in the description, transfer or conveyance of any cemetery lots or part thereof, by canceling such conveyance and substituting and conveying in lieu thereof other lots or parts thereof of equal value and similar location as possible or as may be selected by the City and the Cemetery Board, or by refunding the amount of money paid on account of such purchase, or by disinterment or relocation if necessary. In the event such error shall involve the disinterment and relocation of the remains of any person in such property, the City and Cemetery Board reserve the right to remove and transfer such remains to such other property of similar value and location as far as reasonably possible.

(Ord. 389, Passed 1980)

(Ord. 559, Passed 1987)

(Ord. 570, Passed 1988)

(Ord. 614, Passed 1995)

(Ord. 627, Passed 1997)

(Ord. 653, Passed 2002)

2-14-12 INFANT GRAVE OPENINGS--FEES.

1. The fees to be charged by Rose Hill cemetery for the opening of an infant's grave shall be one hundred twenty-five dollars. Such fees shall, in the future, be set by the Rose Hill Cemetery Board.

2. An "infant," for purposes of assessing the fees for opening grave, is a child who has not yet attained the age of two.

3. All grave openings for individuals who have attained the age of two, shall be assessed the previously established fee for opening graves of two hundred fifty dollars. Such fees shall, in the future, be set by the Rose Hill Cemetery Board.

(Ord. 603, Passed 1994)

(Ord. 719, Passed 2012)

2-14-13 MISDEMEANOR OFFENSES. The following offenses against persons and property within Rose Hill Cemetery are established as misdemeanor offenses:

1. No person shall drive any vehicle at a speed in excess of fifteen miles per hour or in a careless manner on the cemetery roads or drive anywhere except upon such roads unless authorized by the sexton/caretaker.

2. No person shall deface or otherwise damage any marker, headstone, monument, cemetery fence or any other cemetery structure, or cause damage to the grass or parkways of the cemetery.

3. It is a public trespass to be on cemetery property other than during hours of operation from six-thirty a.m. to ten p.m.

4. No person shall consume or possess alcoholic beverages of any kind on cemetery property.

5. No animals or pets shall be allowed in the cemetery unless confined within a vehicle.

6. Littering is prohibited on cemetery property.

7. No activities except funerals and veterans memorial ceremonies can be held in the cemetery without the written approval of the cemetery board and sexton.

8. No glass containers are allowed within the cemetery premises.

9. No snowmobiles are allowed on cemetery premises.

10. Violation of the foregoing ordinance provisions shall be punishable under the provisions of Title I, Chapter 3 of this Code of Ordinances.

(Ord. 563, Passed 2002)

(Ord. 719, Passed 2012)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 15 POLICE PROTECTION

POLICE PROTECTION

- 2-15-1 Establishment and Purpose
- 2-15-2 Department and Organization
- 2-15-3 Duties of the Police Chief
- 2-15-4 Standards and Training
- 2-15-5 Removal, Demotion and Suspension
- 2-15-6 Civil Service Requirements
- 2-15-7 Liability Insurance

RESERVE POLICE FORCE

- 2-15-8 Purpose
- 2-15-9 Facts Found
- 2-15-10 Membership
- 2-15-11 Removal or Discharges
- 2-15-12 Authority of Police Department and Mayor
- 2-15-13 Employee Status; Salaries
- 2-15-14 Conflicting Regulations Repealed
- 2-15-15 Grounds for Dismissal
- 2-15-16 Firearms Restrictions

POLICE PROTECTION

2-15-1 ESTABLISHMENT AND PURPOSE. A Police Department is established to provide for preservation of the peace and enforcement of law within the corporate limits of this City. It is the purpose of the Chapter to create a Police Department.

(Ord. 407, Passed 1980)

2-15-2 DEPARTMENT ORGANIZATION. The Police Department shall consist of all law enforcement officers performing duties authorized by law or ordinance. The department shall be headed by the Chief of Police, also known as Police Chief, appointed by the Mayor with the approval of the City Council. There shall be an Assistant Police Chief who shall be appointed by the Chief of Police with the approval of the City Council. The term of office of the Police Chief shall be indefinite. The number of members of the Police Department shall be fixed by the City Council, from time to time, by resolution.

(Ord. 407, Passed 1980)

(Ord. 719, Passed 2012)

2-15-3 DUTIES OF THE POLICE CHIEF. It shall be the duty of the Police Chief:

1. To perform all duties of the Marshall or police Chief, which are required by State law and City ordinance.
2. To enforce all laws, ordinances and regulations and to bring all persons committing any offense before the proper courts.
3. To execute and return all writs and other processes directed to the Police Chief

4. To report all motor vehicle accidents investigated by the Department in the regular course of duty to the Iowa Department of Public Safety.

5. To have charge of conveying prisoners from the City to jail facilities.

6. To aid municipal officers in the execution of their official duties, when requested.

7. To execute orders of City boards and commissions; and to report to the Council upon the activities of the Police Department, when requested.

8. To be in command of all officers appointed for police work and to be responsible for the gear, maintenance and use of all vehicles and equipment for the Department.

9. To appoint one or more Assistant Police Chiefs, who may perform the duties of the Police Chief and shall be a member of the police force.

10. To make such rules, not in conflict with the provisions of this Chapter, as needed, for the detailed operation of the Police Department, subject to the approval of the Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with sidearms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the police Chief determines to be necessary for the operation of the Police Department. The Police Chief shall see that the discipline and conduct of the Department conforms to the rules of the Department. In the event of an emergency, the Police Chief may make temporary rules for the protection of the system until due consideration by the Council may be had.

11. To direct or authorize a member of the Police Department to direct all traffic either in person or by means of visible or audible signal and to enforce all traffic and vehicular Ordinances and State law.

(Ord. 407, Passed 1980)

2-15-4 STANDARDS AND TRAINING. All police officers shall meet minimum standards required by State law. Further, all police officers shall have received the minimum training required by State law at an approved law enforcement training school within one year of employment.

(Ord. 407, Passed 1980)

(Ord. 719, Passed 2012)

2-15-5 REMOVAL, DEMOTION AND SUSPENSION. A police officer may be peremptorily removed, demoted or suspended by the Police Chief for neglect of duties, disobedience of orders, misconduct or failure to properly perform the duties but such officer shall have the right to a hearing before the City Council and any removal, demotion or suspension action by the Police Chief shall be subject to the provisions of Chapter 400, Code of Iowa, as amended.

2-15-6 CIVIL SERVICE REQUIREMENTS. All qualification, appointments, promotions and preferences shall be subject to the provisions of Chapter 400, Code of Iowa, as amended.

(Ord. 407, Passed 1980)

2-15-7 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the Department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

(Ord. 407, Passed 1980)

RESERVE POLICE FORCE

2-15-8 PURPOSE. The purpose of this chapter is to create and establish a reserve police force and approve the regulation and by-laws for the reserve police force.

(Ord. 667, Passed 2004)

2-15-9 FACTS FOUND. The City Council of the City of Camanche, Iowa, hereby makes the following finds that the establishing of a reserve police force as requested by the Chief of Police is in the best interest of the City, and the object of the Camanche police reserves shall be to assist the Chief of Police in any manner the Police Chief requests in promoting, creating, maintaining and protecting the health, safety, lives and property of the citizens of the City of Camanche, Iowa. The reserve police force shall serve until abolished by the City Council or the Chief of Police.

(Ord. 667, Passed 2004)

2-15-10 MEMBERSHIP. Membership in said reserve police force shall be as authorized in the reserve by-laws, rules and regulations and shall be subject to the approval of the Mayor and the Chief of Police. The Mayor and Chief of Police may, from time to time, modify or amend the by-laws, rules and regulations as they, in their sole discretion, may deem advisable. All rules, regulations or by-laws of said reserves shall be approved by the Chief of Police.

(Ord. 667, Passed 2004)

2-15-11 REMOVAL OR DISCHARGES. The members of the reserves shall serve at the discretion of the Chief of Police and may be removed or discharged from said reserve at any time upon violation of any by-law, rule, or regulation adopted as aforesaid or upon recommendation of the reserve police Camanche staff.

(Ord. 667, Passed 2004)

2-15-12 AUTHORITY OF POLICE DEPARTMENT AND MAYOR. The members of the reserves shall be subject to lawful orders of the Camanche Police Department and Mayor.

(Ord. 667, Passed 2004)

2-15-13 EMPLOYEE STATUS; SALARIES. Members of the reserves shall be considered employees of the City during those periods when they are performing police duties as authorized and directed by the Chief of Police or the assistant chief in the absence of the chief, and they shall

receive a salary of one dollar per year. However, said reserve members shall not be entitled to any benefits or obligations of the police retirements benefits or civil service

(Ord. 667, Passed 2004)

2-15-14 CONFLICTING REGULATIONS REPEALED. Any rule, regulation or by-law of said reserve inconsistent with or in violation of the ordinance codified in this Chapter or the rules and regulations of the Camanche Police Department is hereby repealed.

(Ord. 667, Passed 2004)

2-15-15 GROUNDS FOR DISMISSAL. No member of said police reserve shall violate the ordinances of the City of Camanche, Iowa, or the laws of the State of Iowa, or the United States of America, and such violation shall be grounds for summary dismissal.

(Ord. 667, Passed 2004)

2-15-16 FIREARMS RESTRICTIONS. Members of said reserves shall not, at any time, carry firearms except as provided by Section 80D.7 of the Code of Iowa.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 16 CITY OF CAMANCHE HISTORICAL BOARD

2-16-1	Historical Board Created	2-16-4	Reports
2-16-2	Board Organization	2-16-5	Rules
2-16-3	Duties of the Board	2-16-6	Gifts

2-16-1 HISTORICAL BOARD CREATED. The City of Camanche Historical Board is created to advise the Council on the planning and operation of a museum. It shall also:

1. Kindle and keep alive an active interest in state and local history,
2. Promote interest in local history by historical markers, programs, observations and pageants of early pioneer history,
3. Discover, collect, and preserve books, pamphlets, messages, genealogies, portraits, paintings, relics, manuscripts, letters, journals, surveys, field notes, and any and all articles, and materials which may establish or illustrate the history of this City,
4. Secure, preserve and publish the recollections and reminiscences of those who have taken part in or witnessed the growth of our community,
5. Collect and preserve the materials of local history,
6. Promote the presentation and display of historical relics,
7. Cooperate as fully as possible with other organizations whose objects are substantially the same as this Board.
8. Upon nomination by the President of the Historical Society, the Board is authorized to approve or disapprove the appointment of the Director of Archives, and said Historical Board is authorized to cooperate with the Director of Archives in trading, selling or donating duplicate or unneeded items under the control of the Historical Society.

(Ord. 385, Passed 1980)

(Ord. 558, Passed 1987)

(Ord. 561, Passed 1987)

2-16-2 BOARD ORGANIZATION. The Board shall consist of nine members, all citizens of the City, appointed by the Mayor with the approval of the City Council. The originally appointed Board Members shall cast lots at their first meeting to determine their respective terms of office, and shall report the results to the City Council. Three members shall hold office for three years and four for two years from the first day of July following their appointments. All subsequent appointments shall

be for two years except to fill vacancies. Vacancies shall be filled in the same manner as original appointments. Members shall serve without compensation.

(Ord. 702, Passed 2009)

(Ord. 385, Passed 1980)

2-16-3 DUTIES OF THE BOARD. The Board shall have charge, control and supervision over the museum, its appurtenances, fixtures and rooms containing the same. In addition to its duties to plan and operate a museum, the Board shall have authority over the properties and personnel devoted to the museum, subject to the limitations of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for the museum operations; and it shall cooperate with the Mayor in the allotment of time of City employees for museum purposes. The chairperson shall order supplies by the procedures established by Council for all departments of the City, and payments will be made by checks written by the City Clerk for invoices submitted and approved by the Board.

(Ord. 385, Passed 1980)

2-16-4 REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the clerk's report to the Council.

(Ord. 385, Passed 1980)

2-16-5 RULES. The Board shall have power to make rules and regulations for the use of the museum, subject to the approval of the rules by the Council. Such rules shall be either posted at the museum and/or otherwise publicized in a manner to provide adequate notice to the public.

(Ord. 385, Passed 1980)

2-16-6 GIFTS. All gifts, donations, devises and bequests that may be made to the City for the purpose of establishing, increasing, or improving the museum shall be administered by the Board. The Board, in conjunction with the Director of Archives of the Historical Society, has the right to trade, sell or donate duplicate or unneeded items.

(Ord. 385, Passed 1980)

(Ord. 558, Passed 1987)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 17 CITY ADMINISTRATOR

2-17-1	Creation of the Office	2-17-3	Removal of the City Administrator
2-17-2	Appointment and Compensation	2-17-4	Powers and Duties

2-17-1 CREATION OF THE OFFICE. The office of City Administrator is created.
(Ord. 680, Passed 2006)

2-17-2 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote the City Administrator for an indefinite term. The City Administrator shall be chosen by the Council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of the appointment, the appointee need not be a resident of the City or state, but during tenure of office, the City administrator shall reside within the City (or within a distance from the City set by the Council). No Council Members shall receive such appointment during the term for which the Council Member has been elected or within one year after the expiration of such term. The Mayor or the City Attorney shall be the acting City Administrator during all excused absences of the City Administrator or when there is a vacancy in the position. The administrator receives such compensation as established by the resolution of the Council.

(Ord. 680, Passed 2006)

2-17-3 REMOVAL OF THE CITY ADMINISTRATOR. The Council may remove the City Administrator at any time by a majority vote of its members. The Council may suspend the City Administrator from duty but shall continue the City Administrator's salary, and if the removal becomes final, shall pay said salary for three calendar months following the final removal date.

(Ord. 680, Passed 2006)

2-17-4 POWERS AND DUTIES. The City Administrator is the chief administrative officer of the City, may head one or more departments and is responsible to the Council and Mayor for the proper administration of all affairs of the City. To that end, the City Administrator has the power and is required to do the following:

1. Supervise execution of City laws, ordinances, resolutions, and directives of the Council and ensure that approved operational policies are either appropriately enforced and executed or referred to the proper official for compliance therewith.

2. Attend all meetings of the Council, unless excused by the Council, and take part in the discussion of all matters coming before the Council. The City Administrator is entitled to notice of all regular and special meetings of the Council.

3. Advise the Mayor and Council on such measures as the Administrator deems necessary or expedient for good, efficient government and the general welfare of the City.

4. Have general responsibility for the supervision, direction and administration of all City services, and all City employees, including police, fire, water, sewer and streets provided throughout the various departments.

5. The City Administrator shall have the power and authority to employ such assistants, supervisors and other employees of the City in conjunction with the recommendation of the appropriate department head, for which the Council has approved the position, and to supervise and discharge the same.

6. Be responsible for the supervision and performance of all contracts for work and services to be done for the City, except as specified otherwise in the construction or service program involved.

7. Maintain an accounting of all obligations, agreements, commitments, and contractual franchises involving the City and report to the Mayor and Council any deviation from the exact terms as specified.

8. Be authorized to direct the purchasing of all commodities, materials, supplies, capital outlay and services for all departments of the City that have been budgeted and appropriated by resolution of the Council and enforce a program to determine that such purchases are received and are of the quality and charter called for in the order.

9. Review and evaluate, along with the appropriate department head, the applications for City employment in the departments under the administrator's supervision and jurisdiction and make recommendations to the Council for approval.

10. Negotiations. Represent the City in all employee negotiations properly entered into in accordance with law or ordinance. This includes salary, and benefits offered by the City and requires that the City Administrator review and put out for bids for all insurance benefits offered by the City. The City Administrator shall not represent the City where this duty is specifically delegated to another office by law, ordinance or Council direction.

11. Budget. Assist the Mayor, City Council and all department heads in preparing the annual budget. The City Administrator will submit the budget to the Council for approval and be responsible for its administration after adoption. A preliminary budget review with the Council shall be held prior to November 1 for the next fiscal year. There shall be a budget status update for the new budget presented to the committee of the whole semi-monthly commencing on or about January 2.

12. Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

13. Appoint and when necessary for the good of the City, suspend, remove or discipline all officers of the City except as otherwise provided by law or the Code of Ordinances and except authorizing the head of department or appoint, suspend, remove or discipline subordinates in said department.

14. Employ, reclassify, or discipline all employees subject to City Council approval, civil service provisions and the Code of Iowa and bargaining agreement. The City Administrator will review, evaluate and interview the applicants for City employment and make recommendations to the City Council for approval.

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

16. Assist the Council and Planning and Zoning Commission in the carry out of the comprehensive plan and to assist in all other forms of planning within the City government.

17. Act for the City in the exercise and execution of all policies and programs whereby the City is involved in a joint basis with any other governmental subdivision, agency or department.

18. Supervision of City Officers. The City Administrator is responsible to the Council for the performance of all department activities. All City officers and department heads, regardless of their method of appointment, are responsible to the City Administrator of the conduct of their department.

19. Complies and maintains current and up-to-date including state and federal grant and loan program: plans, develops, prepares and submits, with the approval and at the direction of the City Council, applications for grants, loans and other funding sources and to administer all such fundings.

20. Recommends and participates in projects and endeavors to support and promote economic growth and development in the City.

21. Assist the Council in the rewriting of present City ordinances or in the writing of new City ordinances as needed. The City Administrator will also maintain and update a variety of reports, files and records.

22. Perform other duties at the Council's direction.

23. Supervise the management of all buildings, structures and land under the jurisdiction of the City Council, and shall also be charged with the care and preservation of all City-owned equipment, tools, machinery, appliances, supplies and commodities.

24. Represents the City to the media and community groups.

25. The City Administrator will have the power to appoint and remove all department heads subject to the approval of the City Council.

26. Investigate the affairs of the City or any department or division thereof and investigate all complaints in relation to matters concerning the administration of the government of the City.

27. Administer all oaths as required by the City.

(Ord. 680, Passed 2006)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 18 INDUSTRIAL IMPROVEMENTS TAX EXEMPTION

2-18-1	Purpose	2-18-6	Prior Approval of City Council
2-18-2	Definitions	2-18-7	Exemptions Not Affected by Repeal
2-18-3	Exemptions Granted	2-18-8	Other Exemptions Bar Granting
2-18-4	Amount of Exemption		
2-18-5	Application Procedure		

2-18-1 **PURPOSE.** The purpose of the Chapter is to provide for partial property tax for industrial property on which improvement have been made pursuant to the authority granted municipalities by the provisions of Chapter 427B, Iowa Code

(Ord. 502, Passed 1982)

2-18-2 **DEFINITIONS.** As used in this Chapter:

1. “Actual value added” means 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 1st of each year for which the exemption is received.

2. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products, which determination shall receive prior approval of the City Council upon the recommendation of the Iowa Development Commission.

3. “New machinery and equipment” means 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 existing operational status.

(Ord. 502, Passed 1982)

2-18-3 **EXEMPTIONS GRANTED.** A partial exemption from taxation for the actual value added to industrial real estate shall be granted for new construction and new machinery and equipment, for the five eligible tax years upon proper application by the property owner to the Clinton County assessor under the provisions of this Chapter and the requirement of the Iowa Department of Revenue.

(Ord. 502, Passed 1982)

2-18-4 AMOUNT OF EXEMPTION.

1. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

- a. For the first year, seventy-five percent;
- b. For the second year, sixty percent;
- c. For the third year, forty-five percent;
- d. For the fourth year, thirty percent;
- e. For the fifth year, fifteen percent.
- f. After the fifth year there shall be no exemption.

2. The granting of the exemption hereunder 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.

(Ord. 502, Passed 1982)

2-18-5 APPLICATION PROCEDURE. 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 which the Clinton County Assessor by February first of the assessment year in which the value added is first assessed by taxation. Applications for exemption shall be made on forms prescribed by the Director of Iowa Department of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of the Iowa Department of Revenue.

(Ord. 502, Passed 1982)

2-18-6 PRIOR APPROVAL OF CITY COUNCIL. A person may submit a proposal to the City Council for prior approval for eligibility for a tax exemption on new construction. Said proposal shall contain substantially the same information as required in Section 2-18-5. The City Council, by Ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the City and after public hearing as by law provided. Such prior approval shall not entitle the owner to said exemption 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.

(Ord. 502, Passed 1982)

2-18-7 EXEMPTIONS NOT AFFECTED BY REPEAL. This Chapter may be repealed by the City Council when in its opinion continuation of the exemption granted ceases to be a benefit to the

City, but all existing exemptions granted pursuant to these provisions shall continue in effect until their expiration.

(Ord. 502, Passed 1982)

2-18-8 OTHER EXEMPTIONS BAR GRANTING. A property tax exemption under this Chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Ord. 502, Passed 1982)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 19 NUMBERING OF BUILDINGS

2-19-1	Numbering Required	2-19-8	Failure to Comply-- Assessment
2-19-2	Owner Responsibility-- Existing Buildings	2-19-9	Taxes and Assessments-- Collection
2-19-3	Owner Responsibility-- New Buildings	2-19-10	Building Identification Location
2-19-4	Number--Material and Size	2-19-11	Number Standard
2-19-5	Numbers--Designation--Records	2-19-12	Violation--Penalty
2-19-6	Numbers--Assignment		
2-19-7	Numbers--Named Street		

2-19-1 NUMBERING REQUIRED. The owners of all property within the City, having erected upon such property any building, shall cause their property fronting upon public streets, avenues, places or highways of the City to be numbered as provided in this Chapter.

(Ord. 125, Passed 1952)

2-19-2 OWNER RESPONSIBILITY--EXISTING BUILDINGS. The owner of every building, residence, or storeroom within the City shall have conspicuously placed on any and all such buildings, residences and storerooms so owned by him or her, on or over the front or main door or entrance thereof, in plain view, the number of such structure.

(Ord. 125, Passed 1952)

2-19-3 OWNER RESPONSIBILITY--NEW BUILDINGS. The owner of every building, residence or storeroom erected within the City shall, within ten days after said building, residence or storeroom shall have been used or occupied or shall have been completed for use or occupancy, procure and have conspicuously placed upon or over the front door thereof or other place visible from the street, the number of said building, residence or storeroom.

(Ord. 125, Passed 1952)

2-19-4 NUMBER--MATERIAL AND SIZE. The number placed upon buildings, residences or storerooms as prescribed in Sections 2-19-1 through 2-19-3, shall thereafter by the owner be kept and maintained where so placed as contemplated in this Chapter, and may be of metal or wood, or may be painted upon metal or glass; but in every case the number must be at least one and one-half inches in height, and, if painted, shall be of durable and legible character; and no numbering done or attempted to be done, in numbers or figures of a less size than prescribed in this section, shall be regarded as complying with the provisions of this Chapter.

(Ord. 125, Passed 1952)

2-19-5 NUMBERS--DESIGNATION--RECORDS. The City Fire Chief shall, when requested by any property owner, when any subdivision is being submitted to the City Council for approval, or when the

said Fire Chief deems a change of numbers to be necessary for compliance with the enhanced 911 emergency telephone system, and in accordance with the provisions of this Chapter, shall designate the number of any building, and shall keep a record of the number so designated.

(Ord. 590, Passed 1991)

(Ord. 125, Passed 1952)

2-19-6 NUMBERS--ASSIGNMENT. Within the presently developed and established subdivisions within the City prior to the date of the enactment of this amendment, each twenty-five feet of frontage shall constitute a number commencing at that property line which abuts on the northerly line of the numbered streets which run east and west and upon the property line which abuts on the westerly line of the streets which run north and south commencing at the Mississippi River and running west and westerly on the avenues, the numbers shall be less than one hundred. From First Street to Second Street, the numbers shall be 101 - 103, or upon the northerly side of the avenue shall be 100-102-etc., and shall be known as the one hundred block. The same system shall prevail throughout the City. For the subdivisions submitted to the City Council after the date of the enactment of this amendment, and for the rural areas, each fifty feet of frontage shall constitute a number commencing at the property line which abuts on the northerly line of the numbered streets which run east and west and upon the property line which abuts on the westerly line of the streets which run north and south. For irregular lots or unusual circumstances which require deviation from the linear foot frontage standard set forth above, the fire chief shall have sole discretion in assigning numbers to said properties.

(Ord. 590, Passed 1991)

(Ord. 125, Passed 1952)

2-19-7 NUMBERS--NAMED STREET. Where a named street is located between two numbered streets (with the exception of Washington Boulevard), the numbers shall bear the hundred number of the street to the east or south and continue to the next numbered street.

(Ord. 125, Passed 1952)

2-19-8 FAILURE TO COMPLY--ASSESSMENT. In case of failure of any owner to comply with and conform to the provisions of the Chapter the Council may, by resolution, adopted by a majority of the members thereof, order the numbering of such house, residence or storeroom, as contemplated in this chapter and prescribed to be done forthwith by the Chief of Police, or under the direction of the Chief of Police; and the Chief of Police shall report to the Council at its next meeting the acts so ordered under said resolution, with the costs and expense of said number, with a description of the lot and block upon which the same shall have been placed by the Chief of Police or under the direction of Chief of Police; and thereupon the Council shall, by resolution, levy and declare a special tax and assessment against each said lot or part of lot or block and the owner thereof, if known, of the costs and expense thereof.

(Ord. 397, Passed 1980)

2-19-9 TAXES AND ASSESSMENTS--COLLECTION. All such taxes and assessments as are contemplated by this Chapter, remaining unpaid on or about the first day of June of each year, shall be by the City Clerk certified to the Auditor of Clinton County, Iowa, with a description of the property against which the levy and assessment were made, and the amount taxed or assessed against each lot or part of lot or block with the date of levy and assessment and for what said tax or assessment

were made; and all such taxes and assessments remaining unpaid and certified shall be collected the same as the general taxes under the laws of the state with like penalties and interest.

(Ord. 397, Passed 1980)

2-19-10 BUILDING IDENTIFICATION LOCATION. The owner of every building and residence shall on or before the first day of December, 1991, obtain and have conspicuously placed a standard type number on the front entryway of the structure, plainly visible from the street, or in the case of rural areas, the number should be attached to the rural mailbox at the street location for identification purposes, or for City areas where the numbers are not plainly visible and for private lanes, a standard type number shall be placed on a mailbox or lane post for identification purposes. In any areas of the City that are served by multiple mailboxes, the inclusive numbers must be shown on a post adjacent to the mailboxes, and each individual lane or house in said developed area shall also be marked conspicuously on the house or lane post as set forth above.

(Ord. 589, Passed 1991)

2-19-11 NUMBER STANDARD. The type of number should be a standard four-inch high block letter with a color in contrast to the building wall. On rural type mailboxes or land posts, a three-inch number is permitted.

(Ord. 589, Passed 1991)

2-19-12 VIOLATION--PENALTY. If the owner of any property fails to comply with and conform to the provisions of this chapter, the City shall notify said property owner of the violation, and if the property owner does not comply within thirty days of said notice, thereafter the City shall levy a fine of fifteen dollars as a special tax and assessment to be certified and collected in the same manner as all special assessments are collected. Each thirty-day period that said violation continues is a separate offense and, after notice, can be fined as set forth above.

(Ord. 589, Passed 1991)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 20 RESIDENTIAL REVITALIZATION AREA

2-20-1 Residential Revitalization Area

2-20-1 RESIDENTIAL REVITALIZATION AREA. In accordance with the Act and in consideration of the reditations set out in the preamble hereof, all property within the City of Camanche is hereby designated as a revitalization area under the Act, which shall be known as the Camanche Residential Revitalization Area.

(Ord. 710, Passed 2010)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 21 URBAN RENEWAL AREAS

**MURPHY’S ADDITION
URBAN RENEWAL AREA**

**URBAN RENEWAL AREA
THIRD STREET**

- 2-21-1 Purpose
- 2-21-2 Definitions
- 2-21-3 Provision for Division of Taxes
Levied On Taxable Property

- 2-21-4 Purpose
- 2-21-5 Definitions
- 2-21-6 Provision for Division of Taxes
Levied On Taxable Property

MURPHY’S ADDITION URBAN RENEWAL AREA

2-21-1 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Murphy's Addition Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Camanche to finance projects in such area.

2-21-2 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. "City" shall mean the City of Camanche, Iowa.
2. "County" shall mean Clinton County, Iowa.
3. "Urban Renewal Area" shall mean the Murphy's Addition Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on December 30, 2008:

Part of the Southwest One-Quarter of Section 28, part of the Southeast One- Quarter of Section 29, part of the Northwest One-Quarter of Section 33 and part of the Northeast One-Quarter of Section 32 all in Township 81 North, Range 6 East of the 5th P.M. in the City of Camanche, Clinton County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the said Northwest One-Quarter of Section 33, thence Southerly along the Easterly line of the said Northwest One- Quarter of Section 33 to the Southerly Right-of-way line of 9th Street;

Thence Westerly along the said Southerly Right-of-way line of 9th Street to the Southeasterly Right-of-way line of U.S. Route #67;

Thence Northeasterly along the said Southeasterly Right-of-way line of U.S. Route #67 to the Northerly Right-of-way line of 9th Street;

Thence Easterly along the said Northerly line of 9th Street to the Southwesterly corner of Lot 2 of Alan D. Murphy First Addition;

Thence Northerly along the Westerly line of said Alan D. Murphy First Addition and the Westerly line of Alan D. Murphy Third, Fourth and Sixth

Additions, to the Northwesterly corner of Alan D. Murphy Sixth Addition, also being to the North line of the South One-Half of the Southwest One-Quarter of Section 28;

Thence Easterly along the said Northerly Line of Alan D. Murphy Sixth Addition and the North line of the South One-Half of the Southwest One- Quarter of Section 28 to the Northeasterly corner of Alan D. Murphy Sixth Addition, being also to the East line of the Southwest One-Quarter of Section 28;

Thence Southerly along the Easterly line of said Alan D. Murphy Sixth Addition and the Easterly line of Alan D. Murphy Fifth, Second and First Additions, also being along the East line of the Southwest One-Quarter of Section 28, to the Northerly Right-of-way line of 9th Street;

Thence Southerly along the said East line of the Southwest One-Quarter of Section 28 to the Southeast corner of the Southwest One-Quarter of Section 28 and the place of beginning.

2-21-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY.

After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, 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. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate- income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 695, Passed 2008)

URBAN RENEWAL AREA THIRD STREET

2-21-4 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Third Street-Urban Renewal Area; each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced, to or indebtedness, including bonds proposed to be issued by the City of Camanche to finance projects in such area.

2-21-5 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. "City" shall mean the City of Camanche, Iowa,
2. "County" shall mean Clinton County, Iowa.

3. "Urban Renewal Area" shall mean the Third Street Urban Renewal Area, which includes the properties identified below, such Area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on January 4, 2010:

Property located at 900, 906 and 912 Third Street, Camanche, Iowa, with Clinton County Tax Identification Numbers as follows:

078862009
10-04570000
10-04580000
10-04590000
10-04610000
10-04620000

2-21-6 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY.

After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, 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. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts, shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1); of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate- income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area

exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes' levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area,

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 703, Passed 2010)

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 364.14(2)(a))

3-1-3 PUBLIC MORALS. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.

3-1-4 STREETS AND DITCHES

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

(Code of Iowa, Sec. 716.5)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 364.14(2)(b and e))

4. No person shall cause snow to be placed upon the improved area of a City street by shoveling, plowing, blowing, or any other means. A violation of the provisions of this sub-section shall constitute a municipal infraction, subject to a fine of \$25.00 for the first offense and a fine of \$50.00 for each subsequent offense thereafter.

(Ord. 705, Passed 2010)

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

6. It is unlawful to obstruct, fill or in any manner alter street ditches within the City limits

a. Which have been brought to an established level by the City in connection with the grading of its streets or

b. In such a manner as to obstruct the proper flow or drainage of water

7. All driveways and parking areas shall have a culvert in the ditch in the size and kind as specified by the City.

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expectorating. No person shall expectorate on the ground or in any structure within the City limits.

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)

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

4. False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.

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

6. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

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

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

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would

be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

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

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

7. Possession of Fireworks.

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

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

c. Prohibition. No person shall possess fireworks except as provided in this Chapter.

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

10. Interference with officers. Commission of any of the following acts by any person, persons, firm, corporation or partnership, or association of any kind, will constitute a violation of this Chapter:

a. It is unlawful to hinder or interfere with any officer or firefighter, in the performance of their duty at a fire or going to or returning from any fire, or while attending to their duties as a member of the fire department.

(Ord. 222, Passed 1965)

b. Willfully and knowingly to resist or aid in resisting any police officer, officer, City official or person authorized by law when such police officer, City official or person in the discharge of their duty is making a lawful arrest or is serving or attempting to serve any legal writ, rule, order or process.

c. To interfere with or hinder any police officer, officer, firefighter, or City official in the discharge of their duty.

(Ord. 153, Passed 1957)

11. Harassment of City Employees.

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

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

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

(Code of Iowa, Sec. 364.14(2))

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 364.14)

15. Dead Animals.

a. It is unlawful for any person to bury, or cause to be buried any dead horse, mule, ass, cattle hogs, sheep, goat, dog, cat or fowl at any place or on any public or private property within the City limits.

b. It is unlawful for any person to bury or cause to be buried any dead animals or fowl of any kind in any street, alley, or highway within the City.

c. It is unlawful for the owner of or person having custody of any animal or fowl mentioned in 3-1-5(14)(a) to allow or to permit such animal or fowl to remain within the City for more than twelve hours after such animal or fowl has died.

d. If any person or persons fail to dispose of any dead animal or fowl as required by the provisions of this Chapter, it shall be the duty of the Chief of Police to cause to have removed and disposed of all such animals and fowls, in such a manner as the Chief of Police may deem proper and according to the provisions of this Chapter. The Chief of Police shall be allowed out of the City treasury the necessary expense and costs for such removal and disposal. There shall be paid to the City treasury, for the use of the City, by every person violating this subsection, the expense and cost of removal and disposal of any dead animal or fowl removed or cause to be removed by the Chief of Police.

(Ord. 418, Passed 1980)

3-1-6 PUBLIC PROPERTY.

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

(Code of Iowa, Sec. 364.14(2))

2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 364.14(2))

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

(Code of Iowa, Sec. 364.14(2))

4. Injury to public library books or property. No person shall willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. Defacing or destroying proclamations or notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

6. Injury to gravestones or property in cemetery. No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

10. Injury to roads, railways, and other utilities. No person shall maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 727.8)

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

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	3-2-8	Method of Service
3-2-2	Nuisances Prohibited	3-2-9	Request for Hearing and Appeal
3-2-3	Grass, Weeds, Vines and Brush	3-2-10	Abatement in Emergency
3-2-4	Rural Area--Duty to Maintain	3-2-11	Abatement by Municipality
3-2-5	Other Conditions Regulated	3-2-12	Collection of Cost of Abatement
3-2-6	Notice to Abate Nuisance or Condition	3-2-13	Installment Payment of Cost of Abatement
3-2-7	Contents of Notice to Abate	3-2-14	Condemnation of Nuisance

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

1. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

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

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

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

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

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

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

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

g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets.

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

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

i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.

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

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

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

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

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

l. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way.

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

m. Trees infected with Dutch elm disease.

(Code of Iowa, Sec. 657.2(14))

n. Effluent from septic tank or drain field running or ponding on the ground in the open.

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 657.2)

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

(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

(Code of Iowa, Sec. 657.3)

3-2-3 GRASS, WEEDS, VINES AND BRUSH. The purpose of this Section is to require owners of residential property to cut their grass, weeds, vines and brush when it exceeds eight inches in height, as such is declared a nuisance. In any area of the City within one hundred feet of any developed area, any weeds, vegetation, vines, brush or other growth which exceed ten inches in height shall be deemed a nuisance. In all other areas of the City, any weeds, vegetation vines, brush or other growth which exceeds two feet in height shall be deemed a nuisance. Natural areas, including, but not limited to, waterways or farmland, may exceed these established height limitations. The aforementioned growths are all declared to be weed and grass nuisances.

1. Definitions. For use in this section, the following terms are defined:

a. "Boulevard" means the property outside a property owner's lot and property lines and inside the curb lines upon the public streets or, in the absence of a curb, from the traveled portion of the public streets to the lot or property line.

b. "Residential property" means a property located in an area occupied by residential dwellings including, but not limited to, houses and apartments and any property within two hundred feet of said dwelling

(Ord. 686, Passed 2004)

2. Maintenance of boulevard and residential property. All owners of residential property shall maintain their property and the abutting boulevard by cutting or destroying all grasses, weeds, vines and brush when said growth exceeds eight inches in height.

(Ord. 686, Passed 2004)

3. Rural area—Duty to maintain. It is the responsibility of any and all property owners to maintain their property and the public right-of-way between the property line and the driving surface of any drivable street to keep it free of any and all weed nuisances as defined in 3-2-3 and Section 3.17, Code of Iowa, between April 1 and November 1 of each year.

(Ord. 686, Passed 2004)

4. Failure to maintain. Any property owner who allows a weed nuisance or grass nuisance to exist on the property during the time period mentioned in 3-2-3(3) will be subject to the abatement procedures as outlined in 3-2-3(5), except as otherwise provide for herein.

(Ord. 686, Passed 2004)

5. Required notice. The City shall publish notice of the maintenance requirements of this Section and the penalties and procedures involved with noncompliance hereof. The notice shall be published once in the Clinton Herald. Each notice shall contain the following information and shall generally conform to the following:

a. An adequate definition of what constitutes a weed nuisance or grass nuisance as defined in this Code.

b. What form and level of maintenance is required of the property owner.

c. What time frame this Section covers (April 1 through November 1).

d. The actions the City will take to abate the nuisance in the absence of the property owner's maintenance and the fact that all costs will be assessed.

e. The hourly and other miscellaneous charges to be assessed against the property for any work done.

f. The fact that this notice will be the only notice given of the requirement. Failure to pay shall result in the costs being assessed against the property for collection in the same manner as a property tax.

g. The City shall appoint a weed nuisance inspector.

(Ord. 686, Passed 2004)

3-2-4 RURAL AREA--DUTY TO MAINTAIN. It is the responsibility of any and all property owners to maintain their property and the public right-of-way between the property line and the driving surface of any drivable street to keep it free of any and all weed nuisances as defined in Section 3-2-1 of this Chapter and Section 3.17, Code of Iowa, between April 1 and November 1 of each year.

(Ord. 686, Passed 2004)

3-2-5 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

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

(Code of Iowa, Sec. 364.14(3)(b))

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

(Code of Iowa, Sec. 364.14(3)(c))

3. The numbering of buildings.

(Code of Iowa, Sec. 364.14(3)(d))

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

(Code of Iowa, Sec. 364.14(3)(e))

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

(Code of Iowa, Sec. 364.14(3)(f))

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

(Code of Iowa, Sec. 364.14(3)(g))

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-6 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3-2-3, the Mayor or officer 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.

(Code of Iowa, Sec. 364.14(3)(h))

3-2-7 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

(Code of Iowa, Sec. 364.14(3)(h))

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

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

3-2-8 METHOD OF SERVICE. The notice may be served by certified mail or personal service to the property owner as shown by the records of the County Auditor.

(Code of Iowa, Sec. 364.14(3)(h))

3-2-9 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively

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

3-2-10 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

(Code of Iowa, Sec. 364.14(3)(h))

3-2-11 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk, who shall pay such expenses on behalf of the municipality.

(Code of Iowa, Sec. 364.14(3)(h))

3-2-12 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, Sec. 364.14(3)(h))

3-2-13 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-14 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.14A)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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

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

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

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

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

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

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

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

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

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

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

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to

direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.

Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.174 Driving without license.
321.174A Driving with expired license
(Ord. 720, Passed 04-17-12)
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.

15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.

35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.314 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.

57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.
75. 321.367 Failure to maintain distance fire-fighting vehicle.
76. 321.368 Crossing unprotected fire hose.
77. 321.369 Putting debris on highway/roadway.

- 78. 321.370 Removing injurious material.
- 79. 321.371 Clearing up wrecks.
- 80. 321.372 School bus provisions.
- 81. 321.377 Excessive speed of school bus.
- 82. 321.381 Driving or towing unsafe vehicle.
- 83. 321.382 Operating underpowered vehicle.
- 84. 321.383 Failure to display reflective device on slow-moving vehicles.
- 85. 321.384 Failure to use headlamps when required.
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- 88. 321.387 Improper rear lamp.
- 89. 321.388 Improper registration plate lamp.
- 90. 321.389 Improper rear reflector.
- 91. 321.390 Reflector requirements.
- 92. 321.391 Improper type of reflector.
- 93. 321.392 Improper clearance lighting on truck or trailer.
- 94. 321.393 Lighting device color and mounting.
- 95. 321.394 No lamp or flag on rear-projecting load.
- 96. 321.395 Parking on certain roadways without parking lights.
- 97. 321.397 Improper light on bicycle.
- 98. 321.398 Improper light on other vehicle.
- 99. 321.402 Improper use of spotlight.

100.	321.403	Improper use of auxiliary driving lights.
101.	321.404	Improper brake light.
102.	321.408	Back-up lamps.
103.	321.409	Improperly adjusted headlamps.
104.	321.415	Failure to dim.
105.	321.419	Improper headlighting when night driving.
106.	321.420	Excessive number of driving lights.
107.	321.422	Lights of improper color-front or rear.
108.	321.423	Special light/signal provision.
109.	321.430	Defective braking equipment.
110.	321.431	Brake performance ability.
111.	321.432	Defective audible warning device.
112.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
113.	321.434	Use of siren or whistle on bicycle.
114.	321.436	Defective or unauthorized muffler system.
115.	321.437	Mirrors.
116.	321.438	Windshields.
117.	321.439	Defective windshield wiper.
118.	321.440	Defective tires.
119.	321.441	Unauthorized use of metal tire or track.
120.	321.442	Unauthorized use of metal projection on wheels.
121.	321.444	Failure to use safety glass.

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| 122. | 321.445 | Failure to maintain or use safety belts. |
| 123. | 321.446 | Failure to secure child. |
| 124. | 321.449 | Special regulations. |
| 125. | 321.450 | Hazardous materials. |
| 126. | 321.454 | Width and length violations. |
| 127. | 321.455 | Excessive side projection of load – passenger vehicle. |
| 128. | 321.456 | Excessive height. |
| 129. | 321.457 | Excessive length. |
| 130. | 321.458 | Excessive projection from front of vehicle. |
| 131. | 321.459 | Excessive weight – dual axels (each over 2000 lb. over). |
| 132. | 321.460 | Spilling loads on highways. |
| 133. | 321.461 | Excessive tow-bar length. |
| 134. | 321.462 | Failure to use required towing equipment. |
| 135. | 321.463 | Maximum gross weight. |
| 136. | 321.466 | Gross weight in excess of registered gross weight (for each 2000 lb. over). |

TRAFFIC CONTROL DEVICES

3-3-7 **AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.** The Chief of Police shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Chief of Police shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-8 CHIEF OF POLICE TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Chief of Police is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-9 PLAY STREETS. The Chief of Police has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

SPEED REGULATIONS

3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Forty-five miles per hour between the north City limits and a point two hundred feet south of 15th Place,

2. Thirty-five miles per hour between a point two hundred feet south of 15th Place and point two hundred feet north of 4th Avenue,

3. Thirty miles per hour between a point two hundred feet north of 4th Avenue and a point one hundred feet south of 14th Avenue.

4. Thirty-five miles per hour between a point one hundred feet south of 14th Avenue and a point six hundred feet west of 22nd Avenue.

5. Forty-five miles per hour between a point seven hundred feet west of 22nd Avenue and U.S. Highway 67,

6. Thirty-five miles per hour from the westerly end of the twenty-five mile per hour school speed zone adjacent to Camanche High School property on Ninth Street between a point commencing at the westerly edge of the twenty-five mile per hour speed zone in an easterly-westerly direction to the center of the bypass on Ninth Street within the City

7. Thirty-five miles per hour on 9th Street between a point 200 feet west of 31st Ave. and Highway 67.

(Ord. 700, Passed 2009)
(Ord. 600, Passed 1994)
(Ord. 574, Passed 1989)
(Ord. 463, Passed 1980)
(Code of Iowa, Sec. 321.290)

7. Fifty-five miles per hour between the point where the Camanche Bypass intersects 37th Avenue Fair Acres Drive and a point where the Camanche Bypass intersects North Washington Boulevard.

(Ord. 524, Passed 1983)
(Ord. 719, Passed 2012)

8. The lawful speed on Dunn Road is thirty-five miles per hour and any speed in excess thereof shall be unlawful.

(Ord. 562, Passed 1987)
(Ord. 719, Passed 2012)

9. The speed limit on 21st Street from Seventh Avenue to North Washington Boulevard is thirty-five miles per hour, and any speed in excess thereof is unlawful.

(Ord. 577, Passed 1990)
(Ord. 719, Passed 2012)

10. The speed limit on Seventh Avenue from U.S. Highway 67 north to the Chicago Northwestern Railway Company tracks is thirty-five miles per hour, and any speed in excess thereof is unlawful.

(Ord. 577, Passed 1990)

TURNING MOVEMENTS

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS. The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no

driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-12 **AUTHORITY TO PLACE RESTRICTED TURN SIGNS.** The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-13 **OBEDIENCE TO NO-TURN SIGNS.** Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-14 **"U" TURNS.** It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS

3-3-15 **AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS.** Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-16 **ONE-WAY STREETS AND ALLEYS.** Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

1. In the alley located between 6th Avenue and 7th Avenue from 10th Place to a point one hundred thirty five feet (135') north of the intersection with 9th Street, one-way traffic southbound
(Ord. 728, Passed 2013)

3-3-17 **AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS.** The Chief of Police is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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

SPECIAL STOPS REQUIRED

3-3-18 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways:

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-19 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-20 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-21 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

3-3-22 SCHOOL STOPS.

1. School zones are established and shall embrace all of the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in the City.

(Ord. 444, Passed 1980)

2. All vehicular traffic shall stop when approaching such zone in obedience to movable stop signs placed in the streets at limits of the same or when automatic traffic signals have been placed in operation at said zone by action of the Council.

(Ord. 204, Passed 1963)

3. Moveable stop signs shall be placed at such hours on school days, as may be determined from time to time by resolution of the Council.

(Ord. 204, Passed 1963)

4. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school

stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-23 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-24 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-25 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

1. Seventh Street--"Parallel parking only" zone/signs posted. Only parallel parking is permitted on the south side of Seventh Street from the intersection of Sixteenth Avenue to the intersection of Seventeenth Avenue, within the City, and "Parallel Parking Only" signs shall be erected at the beginning and end of said parking zone and at such reasonable intervals are deemed appropriate.

(Ord. 541, Passed 1985)

(Code of Iowa, Sec. 321.361)

3-3-26 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-27 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-28 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, DRIVING OR PARKING PROHIBITED

3-3-29 STOPPING, STANDING, DRIVING OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
14. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or

alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.

13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.
16. Parking restricted at boat ramp parking areas.

a. No person shall park, stop or leave standing a vehicle or a vehicle and trailer whether attended or unattended, upon the paved portion of the boat ramp or adjacent parking lot except at designated areas as set forth on the maps attached to the ordinance codified in this section and on file in the City Clerk's office for all boat ramps within the City. The Chief of Police and the Public Works Director shall place appropriate signs at all boat ramps restricting the parking within the designated areas according to said maps, and designating specific areas for vehicles with trailers and vehicles without trailers, and no vehicles shall park except in accordance with this section. Said boat ramps and parking areas shall be marked according to said maps and appropriate signs designating the parking restriction shall be posted. The Chief of Police and public works director may amend said maps and restricted parking areas from time to time with the approval of the City Council. Any additional boat ramps or enlarged parking areas shall also be included in this section upon a filing of an amended map by the Chief of Police and Public works Director and with the approval of the Council.

b. Any person found guilty of violating any of the provisions of this section shall be subject to the general penalties as set forth in this Chapter. Further, any vehicle, motor vehicle or trailer parked in violation of this chapter shall be towed at the owner's expense, and the owner shall pay the towing charges and storage fees as established in Chapter 3-10-6.

(Ord. 611, Passed 1995)

(Ord. 719, Passed 2012)

17. Ingress and Egress Designated.

a. Washington Boulevard--Ingress, egress prohibited. That no person shall have any right of ingress or egress to, from or across Washington Boulevard within the city, except at such points as may be designated by resolution of the Council.

(Ord. 230, Passed 1966)

b. Point of access defined. A point of access shall be defined and shall consist of access ways from abutting property to the adjacent traffic lanes or roadway and their location shall be expressed in terms of stations (each representing a distance of one hundred feet), measured along the centerline of the controlled access facility. Such measurement shall refer to the center of the accessways which, unless otherwise stated in the resolution referred to in Sub-section 3-3-29(17)(a),

shall be eighteen feet in width for residential and agricultural purposes and thirty-five feet in width for commercial purposes.

(Ord. 230, Passed 1966)

c. Washington Boulevard--Access control established. Access control is established on Washington Boulevard and on any extensions of Washington Boulevard which may be made by annexation of territory.

(Ord. 230, Passed 1966).

18. No Parking Designation.

a. To park or leave placed upon the public right-of-way any trailer, boat trailer, non-motorized vehicle, dumpster, motor home, travel trailer or such similar vehicle for a period in excess of forty-eight hours.

b. A dumpster may be placed on the public right-of-way only after obtaining a permit from the City Clerk and paying the fees and following the procedure established by resolution of the City Council for such permit.

c. Anyone violating any of the provisions of this sub-section shall, on conviction, be subject to penalties as set forth by the state code and this City Code for a misdemeanor offense. As a scheduled fine, the City would establish the following fines as a guideline for the court:

First Offense	\$ 25.00
Second Offense	\$ 50.00
Third Offense	\$ 100.00
Fourth and Subsequent Offenses	Court Discretion

d. For purposes of determining an offense under this sub-section, no vehicles of the kind and nature described herein shall remain on the street right-of-way, wherever located, for a period in excess of forty-eight hours. Relocation of the vehicle from one location upon the public right-of-way to another location upon the public right-of-way is not a defense to a violation of this sub-section. For purposes of a violation of this section, street right-of-way shall also include City boat ramps, City parks, City parking and such other City owned property that is generally accessible to the public.

(Ord. 659, Passed 2002)

(Ord. 654, Passed 2002)

19. Washington Boulevard--Parking prohibited. Parking shall be prohibited on Washington Boulevard for a distance of twenty-one feet on either side of the centerline of the improved travelled portion of Washington Boulevard.

(Ord. 230, Passed 1966)

20. Minor streets--Parking restrictions. Parking shall be prohibited on the approaches and exit sides of minor streets for a distance of thirty-five feet from the centerline of the highway.

(Ord. 230, Passed 1966)

21. Middle road and Lot 11--"No parking" zone / signs posted. Parking is prohibited on the north side of Middle Road from the intersection of the curbline of Middle Road and the west lot line of Lot 11, Shadle's First Subdivision, within the city and extending west along said curbline of Middle Road for a distance of four hundred seventy feet and "No Parking" signs shall be erected at the beginning and end of said "No Parking" zone.

(Ord. 466, Passed, 1980)

22. Middle Road from Seventh Avenue to Hiawatha-- "No parking" zone/signs posted. Parking is prohibited on the northerly side of Middle Road from the westerly corner of the intersection of Middle Road and Seventh Avenue to the easterly corner of the intersection of Middle Road and Hiawatha, within the city, and "No Parking" signs shall be erected at the beginning and end of said no parking zone and at such reasonable intervals as are deemed appropriate.

(Ord. 557, Passed, 1987)

23. Seventh Avenue--Parking prohibited. Parking is prohibited on the east side of 7th Avenue, from the intersection of the south curb line of 10th Place and the east curb line of 7th Avenue as now established, for a distance of fifty feet south of the intersection of said curb lines.

(Ord. 281, Passed, 1973)

24. Seventh Avenue--"No parking" signs required. "No Parking" signs shall be erected and maintained at a point fifty feet south of the intersection of the east curb line of 7th Avenue and the south curb line of 10th place as now established.

(Ord. 281, Passed, 1973)

25. Sixth Avenue and First Street--No parking zone--When.

a. Parking is prohibited on the westerly side of Sixth Avenue between First Street and Second Street from the southwesterly corner of Second Street and Sixth Avenue to the northwest corner of Sixth Avenue and First Street, and then proceeding in a southwesterly direction along the north side of First Street a distance of one hundred fifteen feet more or less to the end of the first driveway on the north side of First Street, within the City, and "No Parking" signs shall be erected at the beginning and end of said no parking zone and at such reasonable intervals as are deemed appropriate.

b. Parking is prohibited as set forth above in the designated sections of First Street and Sixth Avenue commencing April 1st of each year through November 1st of each year.

(Ord. 576, Passed, 1990)

26. Private property--Parking prohibited when. No person shall drive, stop, stand, or park a vehicle onto or upon privately owned property or an area developed as a private off-street parking facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility.

(Ord. 282, Passed, 1973)

27. Relocated U.S. Primary Highway No. 67-- Parking prohibited.

a. Parking shall be prohibited on the Relocated U.S. Primary Highway No. 67 roadway and its abutting shoulders extending ten feet from the travelled and improved portion of the roadway except in the case of an emergency parking for not more than twenty-four hours is permitted only to the abutting shoulders.

b. The Chief of Police is directed to place and maintain or cause to be placed and maintained official "No Parking" signs at each end of the no parking zone set forth in this section.
(Ord. 520, Passed 1982)

28. Minor street approaches to Relocated U.S. Primary Highway No. 67--Parking restrictions.

a. Parking shall be prohibited on the minor street approaches to Relocated U.S. Primary Highway No. 67 for a distance of thirty-five feet from the street right-of-way of Relocated U.S. Primary Highway No. 67.

b. The Chief of Police is directed to place and maintain or cause to be placed and maintained official "No Parking" signs at each end of the no parking zone set forth in this section.
(Ord. 520, Passed 1982)

29. 14th Avenue--"No parking here to corner". Parking is prohibited on east side of 14th Avenue from the intersection with 9th Street to a point 110 feet south of the intersection for traffic bound in a northerly direction.

(Ord. 704, Passed 2010)

30. Ninth Avenue--"No parking" zone/signs posted.

a. Parking is prohibited on the north and south sides of 9th Avenue from the intersection of 9th Avenue and 9th Street in a northerly direction to the intersection of 9th Avenue and 16th Avenue within the City and "No Parking" signs shall be erected at the beginning, intermittently, and end of said "No Parking" zone.

b. Parking is prohibited on the northeasterly side of 9th Avenue from the southeast corner of 9th Avenue and South Washington Boulevard, thence south along the curb establishing the traveled portion of the roadway a distance of eighty-three feet southeasterly from said intersection along the northeasterly right-of-way of 9th Avenue within the street right-of-way within the City, and "No Parking" signs shall be erected at the beginning and end of said "No Parking" zone, and at such other intervals as the city deems appropriate.

(Ord. 612, Passed 1995)

(Ord. 522, Passed 1983)

31. 9th Street--“No Parking Here to Corner”. Parking is prohibited on the south side of 9th Street from the intersection with 14th Avenue to a point 100 feet west of the intersection for traffic bound in an easterly direction.

(Ord. 704, Passed 2010)

32. Dunnburr Street--“No parking”/signs posted. Parking is prohibited on the north side of Dunnburr Street between the intersection with 9th Avenue and the intersection with 13th Avenue.

(Ord. 706, Passed 2010)

33. Park Drive--"No parking" zone/signs posted. Parking is prohibited on both the east and west sides of Park Drive from the intersection of Washington Boulevard and Park Drive to the intersection of Park Drive and the railroad right-of-way presently owned by the D.R.I. and Northwestern Railroad.

(Ord. 569, Passed 1988)

34. Prohibited parking on the northwesterly side of 3rd Street at the intersection of 9th Avenue and 3rd Street. Parking is prohibited on the north side of 3rd Street from the intersection of the center line of 9th Avenue and the northerly street right-of-way of 3rd Street, a distance of eighty feet westerly from the center line of 9th avenue and a distance of eighty feet west along the northerly right-of-way of 3rd Street within the street right-of-way within the city and a "No Parking" sign shall be erected at the beginning and end of said "no parking" zone, and at such other intervals as the city deems appropriate.

(Ord. 605, Passed 1994)

35. Public Park--Driving restricted to roadways.

a. No person shall drive a motor vehicle within a public park within the City, unless said operator confines the driving of said motor vehicle to designated roadways.

b. Motor vehicle defined. "Motor vehicle," as used in Section 3-3-29 (32)(a), is defined as every vehicle which is self-propelled, and includes but is not limited to any car, truck, van, motorcycle, motor truck, pickup, tractor, bike or minibike.

(Ord. 289, Passed 1973)

36. No parking Signs Posted.

a. Parking is prohibited on both the north and south sides of Ninth Street from the intersection of US Highway 67 to the intersection with Thirty First Avenue.

(Ord. 721, Passed 05-15-12)

b. Parking is prohibited on the southwest side of 5th Avenue from a point one hundred ninety feet (190') southeast of the intersection with 2nd Street to the Mississippi River, and on the northwest side of 5th Avenue from a point two hundred thirty feet (230') southeast of the intersection with 2nd Street to the Mississippi River.

(Ord. 723, Passed 09-04-12)

3-3-30 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbing to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-3-31 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

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

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

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

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

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

STOPPING, STANDING OR PARKING

3-3-32 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-33 **PARKING PLAN TO FACILITATE SNOW REMOVAL.** The purpose of this Section is to establish a parking plan to facilitate snow removal during normal and severe snowfalls.

(Ord. 383, Passed 1980)

1. Alternate parking restrictions from November 15th to the following April 1st. Between November 15th and the following April 1st, the parking of vehicles on all roadway within the City between six p.m. and six a.m. is prohibited, except that vehicles may be parked on the even-numbered side of a roadway on those nights commencing with an even calendar date and on the odd-numbered side of a roadway on those nights commencing with an odd calendar date, and except that where parking is normally permitted on only one side of the roadway, vehicles may be parking on that side of the roadway on every night of the week. No parking shall be permitted where parking is prohibited pursuant to any Ordinances of the City. This section shall not apply during snow emergencies as set forth in 3-3-33(2).

(Ord. 451, Passed 1980)

2. Parking restrictions during snow emergencies. In the event of a severe snowfall, the Mayor, or the Mayor's authorized representative, shall declare a snow emergency and publicize the same over all radio stations serving the City. During a snow emergency, parking will be permitted only on the even-numbered side of the roadways until the snow emergency is no longer in effect, except that where parking is normally permitted on only one side of the roadway only. No parking shall be permitted where parking is prohibited pursuant to any Ordinance. Sub-section 3-3-33(1) shall not apply during a snow emergency.

(Ord. 451, Passed 1980)

3. In any proceeding for violation of Sub-sections 3-3-33(1) or (2), the registration plates displayed on a motor vehicle involved in such violation shall constitute in evidence a prima facie presumption that the registered owner of such motor vehicle is the person who parked or placed such motor vehicle at the point where such violation occurred.

(Ord. 383, Passed 1980)

3-3-34 **ALL-NIGHT PARKING PROHIBITED.** No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-35 **TRUCK PARKING LIMITED.** Trucks licensed for five tons or more shall not be parked at the following locations on the streets named:

NONE

3-3-36 **PERSON WITH DISABILITIES PARKING.** Person with disability parking (a/k/a Handicap parking). The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. The persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and the Iowa Administrative Code, 661.18, and the rules adopted by the Department of Public Safety. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining approval from the Police Chief or an Assistant Police chief in writing, which notification should be retained on a permanent record by the police department;

2. Improper Use. The following uses of a persons with disability parking space, located on either public or private property, constitutes improper use of a persons with disability parking permit which is a violation of this code of ordinances:

a. Use of an operator of a motor vehicle not displaying a persons with disability parking permit,

b. Use by an operator of a motor vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2(1b) of the Code of Iowa,

c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

3. Scheduled violations. The fine is a scheduled fine of one hundred dollars for a first offense, and two hundred dollars for a second or subsequent offense. The fines shall thereafter be imposed for scheduled fines violations per Section 805(8)A of the Code of Iowa, as amended.

(Ord. 681, Passed 2006)

4. Impounding vehicles. A peace officer is authorized to remove, or cause to be removed, a vehicle from a street, public parking lot or private parking lot any vehicle illegally parked in a persons with disabilities parking space to the nearest garage or other place of safety or to a garage designated for storage by the city of Camanche, Iowa, and assess the cost, in addition to the standard penalties provided to the owner or driver of any vehicle impounded for the violation of the provisions of the Ordinance codified in this Chapter who shall be required to pay the reasonable cost of towing and storage

(Ord. 681, Passed 2006)

MISCELLANEOUS DRIVING RULES

3-3-37 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-38 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-39 **PARKING FOR CERTAIN PURPOSES PROHIBITED.** No person shall park a vehicle upon the roadway for the principal purpose of:

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

3-3-40 **DRIVING THROUGH FUNERAL OR OTHER PROCESSION.** No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-41 **DRIVERS IN A PROCESSION.** Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-42 **FUNERAL PROCESSIONS TO BE IDENTIFIED.** A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-43 **LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS.** The City Council may, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles on designated streets. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs on such street.

3-3-44 **TRUCK ROUTES.**

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

No Truck Route designated at this time

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

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

3-3-45 VEHICULAR NOISE.

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

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

3-3-46 ENGINE AND COMPRESSION BRAKES.

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

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

BICYCLE REGULATIONS

3-3-47 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

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

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

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

(Code of Iowa, Sec. 321.1)

3-3-48 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those

provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-49 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

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

3-3-50 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

3-3-51 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-52 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-53 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-54 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-55 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

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

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

3-3-56 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

SNOWMOBILES

3-3-57 SNOWMOBILE DEFINITIONS.

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

3-3-58 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

1. The staging area for loading and unloading snowmobiles will be Swan Slough boat ramp.
2. The official snowmobile route will be from the Swan Slough boat ramp to Washington Boulevard, easterly on Washington Boulevard to Seventh Avenue, and westerly on Washington Boulevard from Seventh Avenue to the Highway 67 Bypass. Snowmobiles will be authorized to travel on both sides of Washington Boulevard provided they comply with the operation requirements of Chapter 321G of the Code of Iowa.
3. Operation of snowmobiles within the city, except as limited within the official route designated above, is prohibited.
4. An all-terrain vehicle shall not be operated at any time within the right-of-way of any city street, alley or city property within the city. A registered all-terrain vehicle may be operated on the city streets or public property in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicle impractical, and only for the period of time that the investigating officer deems necessary or expedient to resolve the emergency at hand.
5. All-terrain vehicles shall not be operated on snowmobile trails except where designated by ordinance, the controlling authority, and the primary snowmobile sponsor.

6. Snowmobiles shall not be operated on all-terrain vehicle trails except where designated by the controlling authority and the primary all-terrain vehicle sponsor.

(Ord. 696, Passed 2009)

(Ord. 668, Passed 2004)

(Ord. 613, Passed 1995)

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

3-3-59 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.

2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.

3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.

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

7. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to ten o'clock (10:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-60 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

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

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

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

3-3-61 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-62 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-63 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-64 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this Chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.

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

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

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

3-3-65 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation
(Code of Iowa, Sec. 321I)

3-3-66 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs, off-road motorcycles, and off-road utility vehicles shall comply with the following restrictions as to where the vehicles may be operated within the City:

1. Streets. On streets only in accordance with Sec. 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the City Council for the sport of driving.
(Code of Iowa, Sec. 321I.10(1))
(Code of Iowa, Sec. 321I.10(2a))

2. Trails. Not be operated on snowmobile trails except where designated.
(Code of Iowa, Sec. 321I.10(3))

3. Railroad Right-of-way. Shall not be operated on an operating railroad right-of-way. May be driven across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law, may if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
(Code of Iowa. Sec. 3321I.14(h))

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

5. Sidewalk or Parking. Not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking".

Not be operated without suitable and effective muffling devices. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1487.

3-3-67 NEGLIGENCE. The owner and operator of an ATV, an off-road motorcycle, or an off-road utility vehicle is liable for any injury or damage occasioned by the negligent operation of the ATV, off-road motorcycle, or off-road utility or snowmobile. The owner of an ATV, an off-road motorcycle, or an off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred.
(Code of Iowa, Sec. 321I.19)

3-3-68 ACCIDENT REPORTS. Whenever an ATV, off-road motorcycle, or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321I.11)

GOLF CARTS

3-3-69 DEFINITIONS. For use in this ordinance “golf cart” is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-70 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver’s license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa.

RAILROAD TRAINS

3-3-71 DEFINITIONS. The following terms are defined:

1. "Operator" means any individual, partnership, corporation, or other association that owns, operates, drives or controls a railroad train.

2. "Railroad train" means any steam, electric, or other motor driven engine and the cars, if any, coupled to the engine operated on rails, but does not include interurbans and streetcars.

(Ord. 210, Passed 1965)

3-3-72 SPEED. It is unlawful to operate any railroad train through any part of the City, at a speed greater than the lowest maximum speed established by the Secretary of Transportation, the Federal Railroad Administration, the Iowa Department of Transportation and the railroad company's time table if approved by the Iowa Department of Transportation and the Federal Railroad Administration, establishing the maximum operating train speeds for freight and passenger trains on different classes of track. All amendments to federal and state statutes and the approved railroad time tables are adopted as the maximum speed for the operation of freight and passenger trains within the City, and said federal and state regulations and railroad time tables currently in effect and as

amended in the future are adopted herein. Where the statutes, regulations and approved railroad time tables conflict, the lowest maximum speed for the classification of train and track shall govern.

(Ord. 624, Passed 1997)

(Ord. 219, Passed 1965)

3-3-73 WARNING SIGNALS. Operators shall sound a bell at least sixty rods and before a street crossing is reached and shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least one hundred feet before reaching every intersection of the track and a street, sidewalk, alley or similar public crossing within the City limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 3-3-75.

(Ord. 219, Passed 1965)

3-3-74 RIGHT-OF-WAY FENCING. Repealed

(Ord. 219, Passed 1965)

(Ord. 719, Passed 2012)

3-3-75 CROSSING--SIGNS AND DEVICES. Wherever a railway track crosses or shall hereafter cross a highway, street or alley, the railway corporation owning such track and the City Council may agree upon the location, manner, vacation, physical structure, characteristics and maintenance of the crossing and flasher lights or gate arm signals at the crossing and allocation of cost thereof in case of streets and alleys located within the City. The Department of Transportation of the State of Iowa shall become a party to the agreement if grade crossing safety funds are to be used. Up to seventy-five percent of the maintenance cost of flasher lights or gate arm signals at the crossing and an unlimited portion of the cost of installing flasher lights or gate arm signals at the crossing may be paid from the grade crossing safety fund. Payments from the grade safety fund shall be made by the Treasurer of the State of Iowa upon certification by the Iowa Department of Transportation that the terms of the agreement have been followed.

Notwithstanding other provisions of this section, maintenance of flasher lights or gate signals installed or ordered to be installed before July 1, 1973, shall be assumed wholly by the railroad corporation.

If the railway corporation and the council cannot reach an agreement, either party may make written application to the Iowa State Board of Transportation requesting a resolution of the disagreement and such proceedings shall be in accordance with Chapter 327 G of the Iowa Code and any amendments thereto.

(Ord. 447, Passed 1980)

3-3-76 CROSSING--OBSTRUCTIONS. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street or alley for a period of time in excess of ten minutes except in any of the following circumstances:

1. When necessary to comply with signals effecting the safety of the movement of trains;
2. When necessary to avoid striking an object or person on the track;

3. When the train is disabled;

4. When necessary to comply with governmental safety regulations, including, but not limited to speed ordinances or speed regulations;

5. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of Ninth Avenue, for a period of time in excess of five minutes, and said Ninth Avenue is intersected by tracks presently owned by the CP Rail System and the Chicago Northwestern Railroad, said Ninth Avenue being the designated emergency response route for responding volunteer firefighters, police personnel and responding equipment for emergency purposes within the City. This regulation does not apply to trains constantly in motion.

(Ord. 602, Passed 1994)

(Ord. 388, Passed 1980)

3-3-77 CROSSING--MAINTENANCE. Operators shall construct and maintain good, sufficient and safe crossings over any street.

(Ord. 219, Passed 1965)

3-3-78 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car's or cars' approach.

(Ord. 219, Passed 1965)

PENALTIES AND PROCEDURE ON ARREST

3-3-79 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this Chapter at the City Clerk's office as provided therein.

3-3-80 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-81 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

3-3-82 UNPAID PARKING TICKETS. Parking tickets which remain unpaid and uncontested ninety days after the date of issuance, and following two mailed notices, shall be eligible for certification to the Clinton County Treasurer for collection at the time of vehicle registration. The scheduled fine for any parking ticket shall be increased by ten dollars (\$10.00) at the time an unpaid and uncontested ticket is certified to the Clinton County Treasurer for collection.

(Ord. 714, Passed 2011)

3-3-83 LOCAL PARKING FINES. The City of Camanche hereby establishes the following fines for violations of local parking regulations:

1. A fifty dollar (\$50.00) fine for violating parking regulations at restricted boat ramp parking areas

2. A fifteen dollar (\$15.00) fine for violating other local parking regulations

(Ord. 727, Passed 2013)

TITLE III COMMUNITY PROTECTION

CHAPTER 4 FIRE CODE

3-4-1	Purpose	3-4-3	Adoption
3-4-2	Facts Found		

3-4-1 PURPOSE. The purpose of this Chapter is to adopt a Fire Code for the City of Camanche, Iowa.

(Ord. 682, Passed 2007)

3-4-2 FACTS FOUND. The City Council of the City of Camanche, Iowa, hereby makes the following findings:

1. That it is necessary for the protection of the citizens of Camanche and the general public to adopt a Fire Code for the City of Camanche, Iowa.

2. That the State of Iowa has adopted a State Fire Code which is set forth in the Iowa Administrative Code, and the City of Camanche, Iowa, cannot adopt a Fire Code less restrictive than the State Code.

3. That the State of Iowa Fire Code adopts the majority of the provisions of the International Fire Code, as amended, the last amendment being the 2006 draft which shall at all times be kept on file at the Camanche Fire Station. The City Council further finds that as the International Fire Code and Iowa Fire Code are amended in the future, that unless specifically excepted by future action of the Council, the Iowa Fire Code and international Fire Code as amended shall be and is hereafter adopted as the Fire Code for the City of Camanche, Iowa.

(Ord. 682, Passed 2007)

3-4-3 ADOPTION. The City of Camanche, Iowa, hereby adopts the Iowa Fire Code as set forth in the Iowa Administrative Code, as amended and hereafter amended, and those provisions of the International fire Code that have been adopted by the Iowa Fire Code and incorporated therein, as now existing or hereafter amended.

(Ord. 682, Passed 2007)

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE AND AMBULANCE PROTECTION

3-5-1	Establishment and Purpose	3-5-9	Rules by Department
3-5-2	Fire Chief; Appointment	3-5-10	Compensation
3-5-3	Fire Chief; Duties	3-5-11	Worker's Compensation and Hospitalization Insurance
3-5-4	Membership	3-5-12	Liability Insurance
3-5-5	Fire Fighters Duties	3-5-13	Fire and Ambulance Calls Outside the City Limits
3-5-6	Vacancies	3-5-14	Ambulance Service Fees
3-5-7	Removal		
3-5-8	Rules by Council		

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

(Ord. 222, Passed 1965)

(Code of Iowa, Sec. 364.16)

3-5-2 FIRE CHIEF; APPOINTMENT. The Fire Chief shall be appointed by the Mayor and as otherwise provided by this code and the Code of Iowa. The assistant Fire Chief shall be appointed by the volunteer fire department with the approval of the City Council

(Ord. 222, Passed 1965)

(Ord. 373, Passed 1979)

3-5-3 FIRE CHIEF; DUTIES. It shall be the duty of the Fire Chief:

1. To command all operations of the department and be responsible for the care, maintenance and use of all vehicles and equipment of the department, including the ambulance equipment;

2. To investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever the Fire Chief finds that bodily injury or property damage of fifty dollars or more was caused by such fire, or if arson is suspected, the Fire Chief shall report in writing the finding and facts relating to the cause and origin of the fire, to the Fire Marshal of the State of Iowa, within one week of the occurrence of the fire. If the Fire Chief believes that a fire was started by design or if a death occurs as the result of a fire, the Fire Chief shall notify the Fire Marshal of the State of Iowa immediately;

3. To be in charge of the ambulance service and shall arrange schedules so that three volunteer fire fighters are available at all times to take care of ambulances calls;

4. To keep a record of the names, ages, and residence of the fire fighters and be responsible for their training and supervision. The Fire Chief shall maintain attendance records for drill meetings, fires and ambulance calls.

5. To promote public interest in fire prevention;

6. Upon finding violations, the Chief or other authorized representative shall make written orders to correct within a reasonable period of time any conditions that are likely to cause fire or endanger other buildings or property. If the provisions of this subsection shall conflict with any other provision of the Code, then the more specific section shall govern.

(Ord. 719, Passed 2012)

7. To perform such other duties as required by State statute and the ordinances of the City.

3-5-4 MEMBERSHIP. The fire department shall consist of a Fire Chief of the fire department, an Assistant Fire Chief, and as many volunteer fire fighters as the Council shall fix, from time to time by resolution; but at not time shall the department have less than eighteen members. Any citizen of the City, at least age eighteen (18) shall be eligible to membership. Prior to appointment as a volunteer fire fighter and every four years thereafter a volunteer fire fighter must pass a medical physical examination. The volunteer fire department, as existing, shall be the fire department under this chapter, but the membership thereof shall be subject to the approval of the Council

(Ord. 222, Passed 1965)

(Ord. 719, Passed 2012)

(Code of Iowa, Sec. 362.10)

3-5-5 FIRE FIGHTERS DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately, in the manner directed by the Fire Chief. They shall be subject to call at any time. They shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. Fire fighters shall report to the Fire Chief in advance if they expect to be absent from the City for twelve hours or more. Fire Fighters shall report for training as ordered by the Fire Chief.

(Ord. 222, Passed 1965)

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

3-5-6 VACANCIES. All vacancies in the fire department, except for the Fire Chief, shall be filled by the members of the fire department by election, in accordance with rules established by said department; but the election of all new members shall be subject to the approval of the Council.

(Ord. 402, Passed 1965)

3-5-7 REMOVAL. If any fire fighter refuses or neglects to attend any fire, without submitting a sufficient and satisfactory excuse to the Fire Chief of the fire department, or shall neglect or refuse to do their duty as a fire fighter, or obey the orders of the Fire Chief or the proper commanding officer, or shall leave their post of duty at a fire, without permission of the Fire Chief or officer in charge, or

violate or ignore any rule or regulation established by the Council, the fire fighter shall be subject to expulsion from the fire department.

(Ord. 222, Passed 1965)

(Ord. 719, Passed 2012)

3-5-8 RULES BY COUNCIL. The Council may adopt such rules and regulations, in regard to the fire department, not inconsistent with the Ordinances, or the laws of the State.

3-5-9 RULES BY DEPARTMENT. The fire department may adopt such constitution, rules and regulations, not inconsistent with the Ordinances or the laws of the State, as the members deem advisable; but such constitution, rules and regulations or changes in such constitution, rules and regulations, before being effective, shall be approved by the Council.

(Ord. 222, Passed 1965)

3-5-10 COMPENSATION. The Fire Chief shall receive such compensation as may from time to time be established by resolution of the Council. The Council shall, by resolution, establish the money to be paid to the volunteer fire department for the benefit of volunteer fire fighters, including ambulance crews; and may, by resolution, provide for compensation to volunteer fire fighters.

(Ord. 222, Passed 1965)

3-5-11 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters. All volunteer fire fighters shall be covered by the contract.

(Ord. 222, Passed 1965)

(Ord. 719, Passed 2012)

3-5-12 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

(Ord. 222, Passed 1965)

3-5-13 FIRES AND AMBULANCE CALLS OUTSIDE THE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

(Ord. 222, Passed 1965)

(Code of Iowa, Sec. 364.16)

3-5-14 AMBULANCE SERVICE FEES. The following schedule of fees shall be applicable to services provided by the Camanche Municipal Ambulance Service:

1. Basic Life Support – Non-emergency Service	\$400.00
2. Basic Life Support – Emergency Service	\$500.00
3. Advanced Life Support – Non-emergency Service	\$550.00
4. Advanced Life Support, Level 1 Emergency Service	\$600.00
5. Advanced Life Support, Level 2 Emergency Service	\$650.00
6. Advanced Life Support, Non-transport	\$150.00
7. Charge per loaded mile	\$ 13.00
	(Ord. 701, Passed 3009)

TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

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

3-6-1 PREAMBLE. The City of Camanche recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-6-2 FINDINGS AND PURPOSE. The City Council has determined that persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

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

3-6-3 DEFINITIONS. In this chapter:

1. Curfew hours means 11:00 p.m. until 6:00 a.m.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. A public or private agency with whom a minor has been placed by a court.
5. Minor means any person under age 17 years of age.
6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. Parent means a person who is:
 - a. A biological parent, adoptive parent, or step-parent of another person; or
 - b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. Remain means to:
 - a. Linger or stay; or
 - b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-6-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.
2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-6-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Camanche, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Camanche, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married.

2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-6-5 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Camanche.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 PEDDLERS AND DOOR-TO-DOOR SALES

3-7-1	Peddler Defined	3-7-4	License Requirements
3-7-2	License Required	3-7-5	License Non-transferable
3-7-3	Exceptions	3-7-6	Penalty

3-7-1 **PEDDLER DEFINED.** A peddler is a door-to-door salesperson which shall include and apply to all transient merchants, salespersons, itinerant vendors and contractors selling by sample or order, whether for immediate use and delivery or future delivery, and includes all sales of consumer goods or services purchased, leased or rented primarily for personal, family or household purposes, including courses of instruction or training, including repairs and remodeling of homes.

3-7-2 **LICENSE REQUIRED.** No peddler, contractor or door-to-door salesperson shall sell or offer for sale or solicit for the sale of goods, wares, merchandise or any other thing except as otherwise permitted in this Chapter within the City limits without a license, and without first complying with the requirements of the Iowa Code including the compliance of the licensing provisions of the “Transient Merchants Act,” Chapter 9C, Iowa Code, and the registering for “Conducting Business Under Trade Name,” Chapter 547, Iowa Code, and the requirements of the “Door-to-Door Sales Act,” Chapter 555A, 2009 Iowa Code, requiring the seller to give buyer a complete receipt or copy of any contract at the time of its execution, including the right to cancel within three business days from the date of said execution, and the requirement that seller orally notify buyer at the time of the contract of the buyer’s right to cancel.

(Ord. 413, Passed 1980)

(Ord. 568, Passed 1988)

(Ord. 719, Passed 2012)

3-7-3 **EXCEPTIONS.** A person shall not be deemed a peddler or door-to-door salesperson if selling at wholesale to merchants, nor is a person who has established a bona fide residence within the City who is selling door-to-door sales of cosmetics, nor is a person who is a resident who is selling or soliciting on behalf of a fraternal, religious or other charitable organization having its principal place of activity within the City limits of the City of Camanche, Iowa

(Ord. 413, Passed 1980)

(Ord. 568, Passed 1988)

3-7-4 **LICENSE REQUIREMENTS.** The City Clerk shall, upon the applicant showing compliance with the provisions of the “Transient Merchants Act,” Chapter 9C of the 2009 Iowa Code, Conducting Business Under Trade Name,” Chapter 547 of the 2009 Code of Iowa, and showing by order form and presentation that the seller complies with the “Door-To-Door Sales Act,” Chapter 555A of the 2009 Iowa Code and upon payment of a filing fee of twenty-five dollars, issued to the peddler or door-to-door salesperson a license which shall authorize said individual to ply that

vocation in the City for a period of forty-eight hours; however, prior to issuance of such license, the licensee must establish to the satisfaction of the City Clerk that the peddler is a legitimate merchant or vendor and that those who buy from said licensee will have a reasonable assurance that the thing sold is suitable for the purpose it is sold, or if sold for future delivery, that the buyer shall have a reasonable expectation that what is sold will be delivered.

(Ord. 325, Passed 1974)

(Ord. 568, Passed 1988)

(Ord. 719, Passed 2012)

3-7-5 LICENSE NON-TRANSFERABLE. No license issued pursuant to this Chapter may be sold or transferred.

(Ord. 413, Passed 1980)

3-7-6 PENALTY. Any person peddling or selling without such a license within the City limits, or any peddler or individual selling with such a license in the City for future delivery who, in fact, sells without intending to deliver the things sold, or any person who does not fully comply with the “Transient Merchants Act,” Chapter 9C, Iowa Code, or who violates the “Conducting Business Under Trade Name,” Chapter 547 of the 2009 Iowa Code, or who violates the “Door-to-Door sales Act,” Chapter 555A of Iowa Code, shall be prosecuted under the provisions of Chapter 1-3 of this Code of Ordinances

(Ord. 719, Passed 2012)

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CIGARETTE LICENSE

3-8-1	Definitions	3-8-6	Refunds
3-8-2	Permit Required	3-8-7	Suspension; Revocation; Civil Penalty
3-8-3	Issuance	3-8-8	Permits not Transferable
3-8-4	Expiration	3-8-9	Display
3-8-5	Fees		

3-8-1 **DEFINITIONS.** For use in this chapter the following terms are defined as follows:

1. "Cigarette" means any roll for smoking made wholly or in part of tobacco or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition shall not be construed to include cigars.

(Code of Iowa, Sec. 453A.1(2))

2. "Retailer" means and includes every person in this State who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales.

(Code of Iowa, Sec. 453A.1(19))

3. "Place of business" means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(Code of Iowa, Sec. 453A.1(17))

3-8-2 **PERMIT REQUIRED.** No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Camanche, Iowa, without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13)

3-8-3 **ISSUANCE.** The City Council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the City Clerk a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-8-5.

(Code of Iowa, Sec. 453A.13(2)(a))

3-8-4 EXPIRATION. Permits expire on June 30 of each year.
(Code of Iowa, Sec. 453A.13(3))

3-8-5 FEES. The fee for permits issued or renewed in July, August, or September is \$75.00. The fee for permits issued in October, November, or December is \$56.25; in January, February or March, \$37.50; and in April, May or June, \$18.75.
(Code of Iowa, Sec. 453A.13(3))

3-8-6 REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$56.25; in October, November, or December, for \$37.50; or in January, February, or March, for \$18.75.
(Code of Iowa, Sec. 453A.13(4))

3-8-7 SUSPENSION; REVOCATION; CIVIL PENALTY.

1. If a retailer or employee of a retailer has violated Section 453A.2, 453A.36, subsection 6 or 453A.39, Code of Iowa, the City Council, in addition to the other penalties fixed for such violations in this section, shall assess a penalty after giving the permit holder an opportunity to be heard, upon ten (10) days written notice, stating the reasons for the contemplated action and the time and place at which the person may appear and be heard, as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

b. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this paragraph.

c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.

d. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

e. For a fifth violation within a period of four (4) years, the retailer's permit shall be revoked.

f. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a

penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.2A at the time of the violation. A retailer may assert only once in a four (4) year period the bar under either this subsection or subsection 4 against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

g. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the retailer provides written documentation that the employee of the retailer has completed an in-house tobacco compliance employee training program or a tobacco compliance employee training program which is substantially similar to the I Pledge program which is approximately one (1) hour in length as developed by the alcoholic beverages division of the Department of Commerce. A retailer may assert only once in a four (4) year period the bar under this subsection against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

2. If a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

3. The City Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty (30) days of the suspension or revocation of any retail permit.

(Code of Iowa, Sec. 453A.22)

3-8-8 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3-8-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(10))

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

3-9-1	Purpose	3-9-4	Transfers
3-9-2	Required Obedience to Provisions of this Chapter and State Law	3-9-5	Beer and Wine Consumption at Designated Public Places
3-9-3	Action by Council		

3-9-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

(Code of Iowa, Sec. 364.1)

3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

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

14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.142 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-9-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

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

3-9-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

3-9-5 BEER AND WINE CONSUMPTION AT DESIGNATED PUBLIC PLACES.

1. It is lawful for tenants and tenant's guests to consume beer and wine at the Camanche Community Center pursuant to the terms of valid lease agreement executed by the community center board and the tenant. It is unlawful for any persons to remove beer or wine from the Community Center other than at the conclusion of the activity for which the lease was executed by the tenant.

2. It is lawful to consume beer and wine in the City parks during the hours from noon until nine p.m. and it is unlawful to possess or consume beer at City parks from nine p.m. until noon the following day.

3. It is unlawful to possess or consume beer or wine in City parks during any time in which the City parks are being used for organized youth activities such as soccer, softball, baseball, and other similar activities.

4. It is lawful for beer and wine to be consumed in the Camanche Fire Station on such activities as authorized by the Fire Chief. It is lawful for alcohol to be consumed in the Camanche Fire Station as authorized by the Fire Chief when hosting county-wide, area, or state-wide fire fighter meetings or conventions at the Fire Station. The Fire Chief shall notify the Mayor in advance of those events hosted by the Camanche Fire Department where alcohol will be served.

5. It is unlawful at any time to possess or consume alcohol other than beer or wine on any City property.

6. Penalty. Violation of any of the provisions of this Chapter shall be subject to the provisions of Chapter 1-3 of this Code of Ordinances.

(Ord. 633, Passed 1999)

(Ord. 662, Passed 2003)

TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK AND ABANDONED VEHICLES

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

3-10-1 **PURPOSE.** The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-10-2 **DEFINITIONS.** For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of ten days; or
 - e. Any vehicle parked on the street determined by the Chief of Police to create a hazard to other vehicular traffic.

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

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

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

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

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

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

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

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

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

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

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

3-10-3 REMOVAL OF ABANDONED VEHICLES.

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

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

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

the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

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

3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

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

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

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

3-10-5 IMPOUNDMENT FEES AND BONDS.

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

a. an impoundment fee

- b. towing charges
- c. preservation charges
- d. storage charges
- e. notice charges

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

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

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

a. the fees required by Section 3-10-5(1)

b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES.

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

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

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-10-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Camanche, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa.

If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 NOTICE TO ABATE.

1. Whenever the Chief of Police or Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:

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

2. The notice to abate shall:

- a. describe, to the extent possible, the year, make, model, and color of the vehicle.
- b. describe the location of the vehicle.
- c. state that the vehicle constitutes a nuisance under the provisions of this chapter.
- d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-10-10 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

(Code of Iowa, Sec. 364.14(3)(h))

3-10-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, Sec. 364.14(3)(h))

3-10-12 EXCEPTIONS. This chapter shall not apply to the following:

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

3-10-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 DRUG PARAPHERNALIA

3-11-1 Definitions

3-11-3 Prohibition

3-11-2 Exemption

3-11-1 DEFINITIONS. As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

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

(Code of Iowa, Sec. 124.414)

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

(Code of Iowa, Sec. 124.414)

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

(Code of Iowa, Sec. 124.41)

TITLE III COMMUNITY PROTECTION

CHAPTER 12 ADULT ENTERTAINMENT BUSINESS REGULATIONS

3-12-1	Purpose	3-12-4	Other Legal Provisions
3-12-2	Definitions	3-12-5	Adult Establishment Sign Regulations
3-12-3	Adult Establishment Location Requirements	3-12-6	Licensing Requirements
		3-12-7	Appeals

3-12-1 Purpose. It is the purpose and intent of this section to regulate adult entertainment businesses in order to limit their potential adverse impact and detrimental secondary effects in the community while at the same time permitting lawful businesses to conduct operations within the community. By the nature of their business, adult entertainment businesses create serious, objectionable operational characteristics which are magnified when located in close proximity to residences, churches, schools, day care centers and parks. Special regulation of adult entertainment businesses is necessary to insure that no adverse secondary effects will contribute to the blighting or downgrading of surrounding neighborhoods and areas. These regulations are necessary to protect the minors of the community from businesses by restricting their location and to protect the health, safety and general welfare of all of the residents of the community, prevent crime, protect the city's retail trade, maintain property values and protect and preserve the quality of neighborhoods and are not to suppress the expression of unpopular views.

3-12-2 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

1. "Adult booth" shall mean any area of an adult establishment that is set off from the remainder of such establishment by one or more walls, partitions or other dividers and which is used to show, exhibit, play, display or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical areas or the performance or simulation of any specified sexual activities.

2. "Adult cabaret" shall mean any commercial establishment that as a substantial or significant portion of its business provides any of the following:

- a. Persons who appear nude:
- b. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of a specified anatomical area or the performance or simulation of a specified sexual activity; or
- c. Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations, recordings, imagery, illustration or depiction of any kind that are

distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

3. "Adult establishment" or "adult entertainment business" shall mean an adult store, adult: cabaret, adult theater, nude model studio, sexual encounter center, adult motel or escort agency.

4. "Adult material" shall mean any of the following, whether new or used:

a. Books, magazines, periodicals, or other printed matter or digitally stored materials, films, motion pictures, video cassettes, audio cassettes, slides, computer displays or other visual or audio representations or recordings of any kind, DVD, CD ram, or similar item that is distinguished or characterized by an emphasis on the exposure, depiction, description, imagery or visual representation of any specified anatomical area or the performance or simulation of any specified sexual activity,

b. Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities or that depict, describe or portray specified anatomical areas; except that this definition shall not include those items used for birth control or for the prevention of sexually transmitted diseases,

5. "Adult motel" shall mean any motel, hotel or similar business that:

a. Offers accommodations to the public for any form of consideration; and provides patrons with closed circuit television transmission telephones, motion pictures, video cassettes, slides or other material that is characterized by the depiction or description of any specified anatomical area or any specified sexual activity; and has a sign that is visible from the public right-of-way that advertises the availability of adult materials, or

b. Offers a room or suite for consideration for a period of time that is less than ten hours,
or

c. Allows a tenant, occupant or patron of a room or suite to sublet the room or suite for a period of time that is less than ten hours.

6. "Adult store" shall mean any commercial establishment that:

a. Contains one or more adult booths, or

b. As a substantial or significant portion of its business offers for sale, rental, exchange or viewing any adult materials. Adult stores do not include commercial establishments that offer for sale, rental, exchange or viewing any adult materials as a sideline or adjunct to sales, rentals, exchanges or viewings of materials other than adult materials.

7. "Adult theater" shall mean any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations, recordings, imagery, illustration or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

8. "Commercial establishment" shall mean any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

9. "Escort" shall mean a person who, for pecuniary consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease dance or otherwise perform or appear before another person while nude in or about any place of public or private resort or any private quarter or business premises.

10. "Escort agency" shall mean any person or business entity furnishing or offering to furnish, or advertising to furnish escorts as one of its business purposes, for a fee, tip or any other form of consideration.

11. "Nude model studio" shall mean any place where a person who appears nude is provided for the purpose of being sketched, drawn, painted, sculptured, photographed or similarly depicted by any other person who has paid money or any other form of consideration, barter or exchange, or for whose benefit someone else has paid money or any other form of consideration, barter or exchange, for the purpose of being allowed to observe the person appearing nude being sketched, drawn, painted, sculptured, photographed or similarly depicted.

Nude model studio does not include public or private colleges or universities licensed by the State of Iowa that offer art, modeling or anatomical drawing classes.

12. "Nude or state of nudity" shall mean a state of dress or undress that exposes to view:

a. Less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed, or

b. Human male genitals in a discernibly turgid state even if completely and opaquely covered, or any device that when worn, simulates human male genitals in a discernibly turgid state.

13. "Sexual encounter center" shall mean any business or commercial establishment that, for consideration, offers:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex, or
- b. Activities between two or more persons regardless of gender when one or more of the persons is in a nude condition, or
- c. Where two or more persons may congregate, associate or consort in connection with specified sexual activities or specified anatomical areas, or
- d. Where two persons may congregate, associate, or consort, in a private room, suite, or similar enclosure, with one of the two persons modeling lingerie, dancing, in a sexually suggestive manner, or some similar activity for the pleasure or entertainment of the other.

14. "Specified anatomical area" shall mean any of the following:

- a. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola but not including, any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed;
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered or any device or covering that when worn, simulates human male genitals in as discernibly turgid state.

15. "Specified sexual activity" shall mean any of the following;

- a. The fondling or touching of one person's human genitals, pubic region, buttocks, anus or female breasts by another person;
- b. Sex acts, normal or perverted, actual or simulated, including without limitation, cunnilingus, fellatio, anilingus, bestiality, intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated;
- d. Excretory or urinary functions as part of or in connection with any of the activities set forth in Subsection 15a, 15b, or 15c of this definition.

16. "Substantial or significant portion of its business" shall mean that ten percent or more of the establishment's income is derived from the sale, rental, exchange or viewing of any adult material; or ten percent or more of the establishment's stock in trade or floor space is utilized for the display of any adult material; or that one or more persons appearing, performing or working in a state of nudity constitutes a fundamental or essential part of or attraction of the business. Regardless of the foregoing, any business establishment that advertises or holds itself out as "XXX", "adult", or "sex" in conjunction with adult material and/or nude appearances or performances is deemed to meet the substantial or significant portion of its business standard.

17. "Adult amusement arcade" shall mean an establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, or similar devices either coin, token or slug operated, or which in consideration of an entrance fee, displays materials distinguished or characterized by an emphasis on depictions of specified sexual acts or specified anatomical areas.

3-12-3 Adult establishment location requirements,

1. Adult establishments shall only be permitted in specific manufacturing zoning districts M1, M2, and M3, or in any commercial district as a Special Use approved by the Camanche Zoning Board of Adjustment.

2. No adult establishments shall be located, established, maintained or operated on any lot that has a property line within five hundred feet of the property line or any other lot on which another adult establishment is located, established, maintained or operated; nor shall more than one adult establishment be located on any lot; nor shall any other business be located, established, maintained or operated on any lot on which an adult establishment is located, established, maintained or operated.

3. No adult establishment shall be located, established, maintained or operated on any lot that has a property line within one thousand feet of the property line of;

- a. Any residentially zoned property;
- b. A public or private nursery school, a public or private elementary or secondary school;
- c. A childcare facility licensed by the state of Iowa;
- d. A church, synagogue, mosque, or other religious facility or institution;
- e. A public park including public recreational paths or trails;
- f. A public or private cemetery;
- g. A public housing facility.

4. For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult establishment is located to the nearest point on the property line of uses protected in subsection 3 of this section, or the nearest point of the property line of the other adult establishment, as the case may be. It is the adult establishment's obligation to provide the city's land use department with a survey acceptable and satisfactory to the department that demonstrates the establishment meets the requirements of this section.

5. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of an adult entertainment

business license, of a use listed in subsection 3 within one thousand feet of the adult establishment. This subsection applies only to the renewal of a valid license and does not apply when an application is made for a license after the applicant's previous license has expired or the protection of the limited exceptions of the minimum distance requirements for protected uses contained in subsection 5 shall not apply to an adult entertainment establishment at a time when an application for an adult entertainment business license is submitted after the license has previously expired, has been revoked, or is at that time under suspension.

Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of the provisions of this section, shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use.

3-12-4 Other legal provisions. Adult establishments located, maintained or operated in the city shall comply, in addition to complying with all other applicable regulations set forth in this code, with the regulations set forth in this chapter. In the event of a conflict between the provisions of any other such regulations and the regulations set forth in this chapter, the regulations set forth in this chapter shall control the location of the adult establishment. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any provision of any statute, ordinance or regulation.

3-12-5 Adult establishment sign regulations,

1. Signage, All signs for adult establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on the street, but under no circumstances may a sign exceed thirty-two square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this subsection shall contain only

a. The name of the adult establishment conducted on the licensed premises, and/or

b. The specific type of adult entertainment business conducted on the licensed premises. Temporary signage and banner signage shall not be permitted in connection with any adult establishment.

2. Exterior Display, No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public rights-of-way or private property other than the lot on which the licensed premises is located. No portion of the exterior of an adult establishment shall utilize or contain any flashing lights, search lights, spotlights, or other similar lighting systems; or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent allowed pursuant to subsection 1 of this section with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, sign, performance, show, and to any window, door or other opening to the adult establishment.

3-12-6 Licensing Requirements. Prior to operation, an adult entertainment business operating within the City of Camanche shall secure a proper license from the City of Camanche. A license shall be valid for one year from the date of issue and shall be renewed annually. The fee for a new license and for each subsequent renewal shall be one hundred dollars (\$100.00).

3-12-7 Appeals. Any party aggrieved by the enforcement of the provisions of this ordinance may appeal to the Comanche Zoning Board of Adjustment. The Zoning Board of Adjustment shall have the authority to hear an appeal and to render a decision on behalf of the City of Camanche.

(Ord. 725, Passed 2012)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 PROPERTY MAINTENANCE

3-13-1 Purpose	3-13-3 Violations
3-13-2 Enforcement Officer	3-13-4 Penalty

3-13-1 PURPOSE. This chapter establishes the minimum requirements for the initial and continued occupancy and use of all structures and premises, that does not replace or modify requirements than otherwise established by other ordinances/chapters of this Code, which may be additional, alternative, or more stringent than the requirements set forth herein, for the construction, repair, alteration, or use of structures, equipment or facilities.

3-13-2 ENFORCEMENT OFFICER, The City Administrator shall be responsible for the enforcement of this chapter and shall have all necessary authority to carry out the enforcement. The City Administrator may delegate the enforcement authority to another city employee.

3-13-3 VIOLATIONS. A failure to satisfy any one or more of the following provisions shall constitute a violation of this chapter:

1. General. All structures, equipment, and exterior property, whether occupied or vacant, shall be maintained in good repair and in structurally sound and sanitary condition as provided herein, so as not to cause or contribute to the creation of a blighted area or adversely affect the public health or safety.

2. Rodents and Vermin. All structures, equipment, and exterior property shall be kept free from rodent and vermin harborage and infestation. Where rodents and vermin are found, they shall be promptly exterminated by approved process that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and vermin harborage and prevent re-infestation.

3. Accessory Structures. All accessory structures, including, but not limited to, detached garages; fences, storage sheds, and walls shall be maintained in structurally sound condition and in good repair.

4. Protective Treatment. All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or application of other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.

5. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks, and shall be kept in such condition so as to prevent the entry of rodents or vermin

6. Exterior Walls. All exterior walls shall be maintained plumb unless otherwise designed or engineered; free from cracks, holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

7. Roofs and Drainage. All roofs and flashing shall be sound, tight, and not have defects that admit rain. Roofs shall consist of appropriate surface materials designed for roofing purposes (shingles, metal roofing, tile, rubber, fiberglass panels, etc.). Plastic or canvas tarps are not acceptable surface materials. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and down spouts shall be maintained in good repair, with proper anchorage and free from obstructions.

8. Stairways, Decks, Porches, and Balconies. Every exterior stairway, deck, porch, or balcony, and all appurtenances thereto, shall be maintained in structurally sound condition, in good repair, and proper anchorage, and capable of supporting the imposed loads.

9. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in structurally sound condition and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment,

10. Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads.

11. Basement Entrances. Every basement hatchway or exterior basement entrance shall be maintained to prevent entry of rodents or vermin, and shall be maintained so as not to allow rain or surface drainage water to enter.

12. Broken Doors or Windows. Broken exterior doors and broken windows shall be replaced or repaired.

3-13-4 Penalty. A violation of the provisions established in this chapter shall constitute a municipal infraction as defined in Title I, Chapter 3 of the Camanche Municipal Code and Chapter 364.22 of the Code of Iowa, or may be filed as a city nuisance as set forth in Title III, Chapter 2, Nuisances, as the City may elect.

(Ord. 726, Passed 2012)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-20	Infected Dog, Cat or Other Animal--Destruction
4-1-2	Owner Responsibility	4-1-21	Confinement
4-1-3	License--Tag Required	4-1-22	Animal Care
4-1-4	License--Fee--Liability	4-1-23	Keeping of Wild Animals
4-1-5	License Required	4-1-24	Barking--Removal of Waste
4-1-6	License--Fines	4-1-25	Trespassing Unlawful
4-1-7	License--Fee--Designated	4-1-26	Disturbing Peace, Trespass--Evidence Required
4-1-8	License--Due Date	4-1-27	Female Dog in Season
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4-1-10	Seizure, Impoundment and Disposition of Vicious Dogs or Cats	4-1-29	Rabies--Acceptable Confinement
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4-1-12	Dangerous Animals or Reptiles	4-1-31	Bite by Rabid Animal--Quarantine
4-1-13	Humane Officer--Appointment	4-1-32	Rabies--Failure to Surrender Animal--Action
4-1-14	Humane Officer--Duties	4-1-33	Rabies Outbreak--Sections Effective When
4-1-15	Responsibility for Animals	4-1-34	At Large--Permitting Unlawful
4-1-16	Humane Officer--Impoundment Duties	4-1-35	Setting at Large Unlawful
4-1-17	Impounding--Notice	4-1-36	At Large--Impoundment
4-1-18	Impoundment--Redemption	4-1-37	Pound—Establishment
4-1-19	Unclaimed Dog, Cat, or Other Animal--Destruction	4-1-37A	Keeping of Domestic Fowl and Livestock
		4-1-38	Enforcement
		4-1-39	Penalty for Violations

4-1-1 DEFINITIONS. The following definitions shall apply in the interpretation and the enforcement of this chapter.

1. "Animal" means any live, vertebrate creature, domestic or wild.
2. "Animal shelter" means any facility operated by a humane society, or municipal agency, or its authorized agents, or by City authorization, designated for the purpose of impounding or caring for animals held under the authority of this chapter or state law.
3. "At large" includes any dog or cat off the premises of its owner or upon the public streets, alleys, public grounds, school grounds, or parks within the City. The fact that a dog or cat is running at large without the knowledge or permission of the owner of such dog or cat is not a defense to any charge of the violation of this section. A dog or cat shall not be deemed at large if:

a. It is attached to a leash of sufficient strength to restrain the dog or cat and not more than ten feet in length, where said leash is held by a person competent to govern the dog or cat; or

b. When properly restrained within a motor vehicle or housed in an animal hospital approved by the City health officers; or

c. Accompanied by and completely under the restraint of the owner or a competent, responsible person.

4. "Cat" includes all members of the felis-domestica family.

5. "Commercial animal establishment" means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.

6. "Dog" includes all domesticated members of the canisfamiliaris, male or female, whether altered or not.

6-A. "Domestic Fowl" A bird of one of the breeds developed from jungle fowl especially for meat or egg production. Examples include chickens, ducks, geese, turkeys, etc.
(Ord. 722, Passed 2012)

7. "Grooming shop" means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed, or a vehicle used for providing the same services.

8. "Humane officer" means all police officers, the public works director, or the person or persons hired by the City Council whose primary responsibility is the enforcement of this chapter.

9. "Kennel" means any premises wherein any person engages in the boarding, breeding, buying, letting for hire, training for a fee, raising or selling of dogs, cats, or other animals. A boarding kennel, commercial kennel and hobby kennel shall be considered kennels for purposes of this chapter.

9-A. "Livestock" Animals kept or raised for use or pleasure, especially farm animals kept for use and profit. Examples include cattle, swine, horses, sheep, alpacas, etc.
(Ord. 722, Passed 2012)

10. "Owner" means any person, partnership, limited liability company or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for one day or more.

11. "Performing animal exhibition" means any spectacle, display, act or event other than circuses, in which performing animals are used.

12. "Pet" means any animal kept for pleasure rather than utility.

13. "Pet shop" means any person, partnership, Limited Liability Company or corporation, whether operating separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

14. "Public nuisance" means any animal or animals which:

- a. Molest passersby or passing vehicles;
- b. Attack other animals or attack people;
- c. Trespass on school grounds;
- d. Is at large;
- e. Damages private or public property;
- f. Barks, whines, or howls in a loud, excessive, continuous, offensive or untimely fashion.

15. "Restraint" means keeping an animal secured by a leash or lead or within the real property limits of its owner.

16. "Vicious animal" means any animal or animals that constitute a physical threat to human beings or other animals. A dog or cat is deemed to be vicious when:

a. It has attacked or bitten any person or domestic animal without provocation either on public or private property. A dog or cat shall not be deemed to be vicious if said animal bites a trespasser on the private property of the animal's owner if said property is properly posted with warning signs to the public. This exception does not apply to invitees, licensees, and guests of said property;

b. It has a history, tendency, propensity or disposition to attack, to cause injury, or otherwise endanger the person or domestic animal; or

c. It snaps, bites, or manifests a disposition to snap or bite; or

d. If, in a vicious or terrorizing manner, approaches any person or domestic animal and displays threatening or aggressive behavior; or

e. It has been trained for dog or cat fighting, animal fighting, or animal baiting, or is owned or kept for such purposes; or

f. It is trained to attack human beings, upon command, or spontaneously in response to human activities, except dogs or cats owned by and under control of the Police Department, a law enforcement agency of the State, the United States, or a branch of the armed forces of the United States, and under the direct control of a certified police or agency animal control officer.

17. "Wild animal" means any live monkey, raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state, exceptions being: gerbils, hamsters, guinea pigs, similar pets and birds allowed by state code.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

(Ord. 650, Passed 2001)

4-1-2 OWNER RESPONSIBILITY. The owner of any dog, whether licensed or unlicensed, shall be wholly responsible for the acts of the dog and in accord with Section 351.28 of the 1958 Code of Iowa, and amendments thereto, and with the provisions of this chapter.

(Ord. 188, Passed 1962)

4-1-3 LICENSE--TAG REQUIRED. Written original applications for licenses shall be made to the City Clerk which shall include name and address of owner, description, breed and sex of the dog or cat, the appropriate fee, and rabies certification issued by a licensed veterinarian and anti-rabies clinic. Second and subsequent applications for the same animal may be made orally at City Hall. The licensee, upon procurement of the license, shall securely attach the license tag to a collar or harness, and this collar or harness with the license tag attached shall at all times be kept on the dog or cat for which the license is issued. Any dog or cat found without a collar or harness to which a licensed tag is attached shall be deemed unlicensed, and shall be impounded.

(Ord. 552, Passed 1987)

4-1-4 LICENSE--FEE--LIABILITY. The head of the family shall be liable for payment of the license fee on any dog owned, harbored or kept by any member of the family. If the owner of the dogs and cats cannot be ascertained, for owner-occupied dwellings, the title holder shall be liable for payment of license fees and fines, and for leased premises, the tenant on the lease shall be liable for the payment of license fees and fines.

(Ord. 188, Passed 1962)

(Ord. 685, Passed 2007)

4-1-5 LICENSE REQUIRED. It is unlawful for any owner to own, possess or harbor a dog in the City without having obtained a license therefor in compliance with the provisions set forth in this chapter, except that a license shall not be required for dogs under the age of six months, which are confined to the owner's premises.

"Number of dogs and cats" means any person shall not own, keep, possess, shelter, or harbor more than four dogs and cats of one specie and no more than a total of four dogs and cats permitted per street address. "Owner" means any person owning, keeping, sheltering, or harboring dogs and cats.

No person may license more than four dogs and cats of one species and no more than a total of four dogs and cats permitted per street address. From the date of the birth of a litter, the owner shall have six months to dispose of the litter and comply with this section. Owners possessing more than four dogs and cats as of the date of enactment of the ordinance codified in this section are exempt from the licensing restriction of not more than four dogs and cats provided that they license all of said

dogs and cats within sixty days of the enactment of the ordinance codified in this section and thereafter maintain current licenses for all dogs and cats at the residence. Thereafter, after the death or disposal of the dogs and cats exceeding four at a residence, the licensing restrictions shall thereafter apply.

(Ord. 188, Passed 1962)

(Ord. 685, Passed 2007)

4-1-6 LICENSE--FINES. A violation of the licensing provisions shall carry the following fines and be charged by citation or municipal infraction:

1. For an unregistered dog and cat found on the premises - first offense per owner or property, a warning to correct the violation within two business days of the date of the warning.

2. For unregistered dogs and cats found on the premises, a fine of twenty-five dollars for the second and subsequent offenses.

3. For dogs and cats running at large, without registration, a twenty-five dollar fine for each dog and cat running at large in addition to the pickup fee for a first offense, and fifty dollars for second and subsequent offenses, plus the pick-up fee.

(Ord. 685, Passed 2007)

4-1-7 LICENSE--FEE--DESIGNATED. A license shall be issued after submission of the written application, rabies certification, and after payment of the following applicable fees:

1. For each unneutered male dog\$6.00
2. For each unneutered male cat\$6.00
3. For each unspayed female dog.....\$6.00
4. For each unspayed female cat\$6.00
5. For each neutered male dog\$3.00
6. For each neutered male cat\$3.00
7. For each spayed female dog.....\$3.00
8. For each spayed female cat\$3.00

(Ord. 692, Passed 2008)

(Ord. 552, Passed 1987)

4-1-8 LICENSE--DUE DATE. A dog or cat must be licensed by March 31st of each year, or at the time a dog or cat comes into possession or ownership. All dogs and cats must be licensed by the time they reach six months of age.

A dog or cat licensed the previous year must be licensed by March 31st of each subsequent year. Failure to re-license a dog or cat by March 31st will result in a late license penalty fee of \$10.00, which must be paid at the time a license issued.

(Ord. 692, Passed 2008)

(Ord. 188, Passed 1962)

4-1-9 HARBORING VICIOUS DOG OR CAT UNLAWFUL. It is unlawful for any person to harbor or keep a vicious dog or cat within the City. A dog or cat is deemed to be vicious when it shall have attacked or bitten a person, without provocation, and when propensity to attack or bite a person shall exist and is known or reasonably ought to be known to the owner.

(Ord. 623, Passed 1996)

4-1-10 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS OR CATS.

1. The humane officer or their designee, in their discretion, or a Camanche police officer, in their discretion, or upon receipt of a complaint alleging that a particular dog or cat is a vicious dog or cat as defined in this article, may declare such dog or cat a vicious dog or cat by delivering a written notice of declaration to the owner. The notice shall include a description of the dog or cat and the basis of the declaration of viciousness. The notice shall also set forth that the owner shall be required to license and confine the dog or cat as required by this article. 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.

2. The person owning, keeping, sheltering or harboring the dog in question may contest the declaration of viciousness by filing a written request for a hearing with the City Clerk within three business days of the receipt of the officer's declaration. If at this time the owner agrees to confine the dog or cat pursuant to this Chapter and submits to the Clerk proof of insurance, the dog or cat shall not be impounded pending appeal. Failure to file a request for hearing shall constitute a waiver of any right to contest the declaration of the officer, and the humane officer or their designee shall be authorized to seize and impound the dog or cat. A dog or cat so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the owner has not licensed and shown ability to confine the dog or cat as required by this article or has not declared an intent to remove the dog or cat from the City, the animal control officer or their designee shall cause the dog or cat to be destroyed.

3. The person owning, keeping, sheltering or harboring the dog or cat in question shall be given not less than seventy-two hours written notice of the time and place of the hearing. The notice shall set forth the description of the dog or cat in question and the basis for the allegation of viciousness. The notice shall also set forth that, if the determination of the officer is upheld, the owner shall be required to license and confine the dog or cat as required by this article. The notice shall be served in the same manner as the declaration notice.

4. The hearing shall be held before the mayor, or the Mayor's designee, which may be the police chief, assistant chief, or a member of the Camanche City Council so designated by the mayor. If, after hearing, the hearing officer upholds the determination of the officer that the dog

or cat is a vicious dog or cat, or is a vicious dog or cat held in violation of this ordinance, as set out in the notice of hearing, the hearing officer, or their designee shall either order the person owning, sheltering, harboring or keeping the animal to permanently license and confine the dog or cat as required by this article or remove it from the City or order it destroyed. 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 days of the issuance, the humane officer, the police chief or their designee is authorized to seize or impound the dog or cat. A dog or cat so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the order of the hearing officer or their designee was issued has not appealed such order to the Iowa District Court or has not complied with the order, the humane officer, the police chief or their designee shall cause the dog or cat to be destroyed.

5. The order to license, confine, or remove a vicious dog or cat from the City issued by the hearing officer or their designee may be appealed to the Iowa District Court within seven days after receipt of the order. Failure to file such appeal shall constitute a waiver of the right to appeal the order of the hearing officer or their designee.

6. The hearing officer or their designee shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dogs or cats shall license and confine the dog or cat as required by this article or remove such animal from the City. The decision or order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection (1) of this section. If the original order of the hearing officer or their designee is not appealed and is not complied with within three days of its issuance, the humane officer or their designee is authorized to seize and impound the dog or cat. A dog or cat so seized shall be impounded for a period of seven days. If, at the end of the impounding period, the individual or entity against whom the order of the hearing officer or their designee was issued has not appealed such order to the Iowa District Court or has not complied with the order, the humane officer, police chief, or their designee shall cause the dog or cat to be destroyed in a humane manner.

7. Failure to comply with an order of the humane officer, the police chief or their designee issued pursuant to this section and not appealed, or of the district court after appeal is a misdemeanor.

8. Any dog or cat that is alleged to be vicious and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continued to be held at the expense of the owner pending the outcome of the hearing and or appeal. All costs of such impoundment or quarantine shall be paid by the owner if the dog or cat is determined to be vicious. If the dog or cat is not determined to be vicious, all costs shall be paid by the City, except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

(Ord. 650, Passed 2001).

4-1-11 CONFINEMENT OF VICIOUS DOGS OR CATS.

1. All vicious dogs or cats shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this ordinance. Such pen, kennel, or structure must have secure sides and a secured top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.

2. All pens or other structure designed, constructed or used to confine vicious dogs or cats must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet as to prevent digging under the walls by the confined dog.

3. All structures erected to house vicious dogs or cats must comply with all City zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog or cat may be kept on a porch, patio or in any part of a house or structure that would allow the dog or cat to exit such building on its own volition.

4. No persons shall permit a vicious dog or cat to go outside its kennel or pen unless such dog or cat is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious dog or cat to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the dog or cat and the leash are under the actual physical control of a person eighteen years of age or older.

5. Vicious dogs or cats may not be leashed to inanimate objects such as trees, posts, buildings, or any other objects or structures.

6. An owner of a dog or cat alleged to be vicious or found to be vicious, as a condition of keeping said vicious dog or cat shall provide the City Clerk a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of one hundred thousand dollars for the injury or death of any person or damage to property of others and for acts of negligence by the owner or their agents, in the keeping or owning of such vicious dogs or cats. The certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, if the underlying policy of insurance is canceled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to thirty days subsequent to the determination that a dog or cat is vicious; however, if after thirty days a certificate of insurance or policy has not been submitted, the dog or cat shall be impounded.

7. A vicious dog or cat which is found more than once in any calendar year not to be confined as required by this article shall be required to be permanently removed from the City or

destroyed. An animal which is returned to the City after removal under this section shall be destroyed.

(Ord. 650, Passed 2001)

4-1-12 DANGEROUS ANIMALS OR REPTILES.

1. It is unlawful for any person to keep, raise, harbor, use, possess or have on their premises or under their control or attempted control any dangerous animal. A dangerous animal is any wild or feral mammal or reptile which by its nature or breeding has the capability of inflicting serious bodily injury to humans.

2. Any dangerous animal kept in violation of this section or found at large may be impounded by the animal control officer with whatever force is reasonably necessary to safely secure impoundment. The animal control officer shall be authorized to impound or seize any animal found at large or kept in violation of this code. The animal control officer or any police officer shall also be authorized upon obtaining a search warrant, to impound any dangerous animal which the health authority or police officer has probable cause to believe is being kept in violation of this section. The impoundment remedies in this section shall not be exclusive. The City shall have the right to exercise any and all other remedies available at law or in equity.

3. The animal control officer or any police officer shall be authorized to destroy any dangerous animal running at large which because of its nature, disposition or disease condition would present a hazard to life or limb in an attempt to capture it. A peace officer may destroy any such animal in any life threatening situation.

4. No owner or custodian or person in possession of a dangerous animal shall allow such animal to be at large. The animal control officer may, but shall not be required to enlist the voluntary aid of any person in attempting to capture a dangerous animal at large.

5. The owner or custodian of any impounded dangerous animal shall be liable to the City in the amount of the impoundment fees charged for other impoundment animals pursuant to the provisions of this Chapter or for such fee as may be set by ordinances and for actual feeding, care, cost and impoundment cost as determined by the impoundment facility. No impounded dangerous animal shall be released until all required fees and costs have been paid or arranged to be paid, and disposition of the animal has been approved by the animal control officer. Prior to the release of an impounded animal to the owner or custodian, the animal control officer shall determine that adequate provision has been made for the removal of the animal to a place outside the City or for confinement within the City under authority of Section 4-1-12(6).

6. It shall be an affirmative defense to a prosecution that:

a. The keeping of such an animal was temporarily for public exhibition by a circus, a carnival or other traveling exhibition,

b. The animal was enroute to a duly licensed veterinary clinic or that the keeping of such an animal was in a duly licensed veterinary clinic.

7. Dangerous animals kept under authority of Section 4-1-12(6), within the City shall be securely confined to prevent injury to persons and properly cared for. A person possessing or keeping a dangerous animal with the City under the authority of Section 4-1-12(6) shall have enforced liability insurance in the amount of not less than \$500,000 (five hundred thousand dollars) per claim. Proof of insurance shall be filed with the City Clerk within thirty days of the keeping or bringing into the City of any dangerous animal.

8. The animal control officer or any police officer is authorized to release custody and possession of a dangerous animal to the impoundment facility if such animal is not reclaimed by its owner or custodian within seven calendar days after the date of impoundment, not including the day of impoundment. Any animal so released by the City after the expiration of such time may then be disposed of in a lawful manner by the impoundment facility including but not limited to, the sale or destruction of said animal. The animal may be released to and disposed of by the impoundment facility prior to the expiration of such time if in the professional opinion of the veterinarian or manager of the control facility, disposition is necessary to avoid the unnecessary suffering of a sick or injured animal.

(Ord. 604, Passed 1994)

4-1-13 HUMANE OFFICER--APPOINTMENT. The Mayor with the approval of the Council shall appoint some suitable person who shall be known as and perform the duties of humane officer. The humane officer shall have the same powers as a police officer and shall be under the supervision and direction of the Chief of Police. The Humane Officer shall hold the office for such time as the Mayor shall direct and shall receive as compensation an amount as fixed by the Council. The Chief of Police, or a deputy, may be appointed and designated humane officer.

(Ord. 188, Passed 1962)

(Ord. 719, Passed 2012)

4-1-14 HUMANE OFFICER--DUTIES. It shall be the duty of the humane officer to impound any dogs found running at large in violation of the terms of this chapter or those being kept, owned, sheltered, or harbored in violation of the terms of this chapter.

(Ord. 188, Passed 1962).

4-1-15 RESPONSIBILITY FOR ANIMALS.

1. All animals shall be kept under restraint.

2. It is unlawful for any person owning, harboring or keeping any dog, cat or animal to permit such dog, cat or animal to run at large within the City; provided that the provisions of this prohibition shall not apply to any animal confined within a building, structure or enclosed vehicle if such confinement is otherwise lawful and with the consent of the owner of the building, structure or vehicle, or to any dog, cat or animal owned or kept by an employee or agent of the City while such animal is being impounded in the enforcement of this section. The fact that a dog, cat or animal was running at large without the knowledge or permission of the owner of such animal shall not be a defense to any charge of a violation of this subsection.

3. No owner shall fail to exercise proper care and control of their animal to prevent them from becoming a public nuisance.

(Ord. 623, Passed 1996).

4-1-16 HUMANE OFFICER--IMPOUNDMENT DUTIES. It shall be the duty of the humane officer to apprehend any animal found running at large, committing a public nuisance, or a vicious animal contrary to the provisions of this title and to impound such animal. The humane officer, upon receiving any animal, shall make a complete registry, entering the animal species, breed, color and the sex of such animal and whether licensed. If licensed, the humane officer shall enter the name and address of the owner and the number of the license tag in a book kept for that purpose.

(Ord. 623, Passed 1996)

4-1-17 IMPOUNDMENT--NOTICE. Not later than three days after the impounding of any dog, cat or other animal the owner shall be notified by regular mail, addressed to such owner as such owner's name and address appears upon the license tag of the dog, cat or other animal. If the owner of the dog, cat or other animal is unknown or if such dog, cat or other animal is unlicensed, then written notice shall be posted for three days on the front door of the pound describing the dog, cat or other animal and the place and time of taking.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

4-1-18 IMPOUNDMENT--REDEMPTION. The owner of any dog, cat or other animal impounded may reclaim such dog, cat or other animal upon securing a license, if none has been secured, and upon payment of all costs and charges from impounding and maintaining of such dog, cat or other animal as set out below:

1. Transportation cost to reimburse the City for transporting the animal, ten dollars

(Ord. 719, Passed 2012)

2. For keeping any dog, cat or other animal, actual fees incurred by the City as charged by the Clinton Humane Society Animal Shelter

3. For giving notice, actual cost of publication

4. Any such dog or cat may be redeemed by the owner upon payment of the fees provided in this section, provided that such redemption is made within a three day holding period as set forth in 4-1-17. Before any impounded dog or cat is released to the owner thereof, the owner shall pay to the City or the animal shelter the daily pound boarding fee as established by contract between the City and the humane society for each day during which the dog or cat has been kept within the pound or other approved shelters, together with an impoundment fee as follows:

Impoundment	Fee
1. First impoundment	\$ 25.00
2. Second impoundment	50.00
3. Third impoundment	100.00
4. Fourth impoundment	200.00
5. Fifth and each subsequent impoundment	300.00

Any impounded dog or cat shall be released to the owner thereof upon the presentation of a current license tag issued for each dog or cat, or receipt for such license for the current, and upon payment of the fees required in this section. The impoundment fees collected are the property of the City and shall be forwarded to clerk on weekly basis. These fees shall be used for animal control and welfare.

(Ord. 552, Passed 1987)
(Ord. 623, Passed 1996)
(Ord. 650, Passed 2001)

4-1-19 UNCLAIMED DOG, CAT OR OTHER ANIMAL--DESTRUCTION. Unless reclaimed by the owner, it shall be the duty of the humane officer to keep all dogs, cats and other animals impounded for a period of three days after notice to the owner or from the date of posting notice. If at the expiration date of three days from the date of notice to the owner or the date of posting notice such dog, cat or other animal shall not have been reclaimed, it may be destroyed.

(Ord. 188, Passed 1962)
(Ord. 623, Passed 1996)

4-1-20 INFECTED DOG, CAT OR OTHER ANIMAL--DESTRUCTION. Any unlicensed dog, cat or other animal required by law to be licensed, or any dog, cat or other animal which appears to be suffering from rabies, mange, or other disease which, in the opinion of the humane officer, is infectious or dangerous, shall not be released but may be forthwith destroyed in a humane manner.

(Ord. 188, Passed 1962)
(Ord. 623, Passed 1996)

4-1-21 CONFINEMENT. No dog, cat or other animal which, in the opinion of the humane officer or a policeman, is dangerous or of vicious propensities, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. Every female dog in season (in heat) shall at all times be confined in an enclosure. If any dog, cat or other animal is found either running at large or not properly confined in violation of this section, it shall be taken up and impounded and shall not be released except upon approval of the humane officer after the payment of the fees as provided herein; provided, however, that if any dog, cat or other animal found at large, which in the opinion of the humane officer is dangerous or vicious and cannot be

safely taken up and impounded, such dog, cat or other animal may be slain by the humane officer.
(Ord. 188, Passed 1962)
(Ord. 623, Passed 1996)

4-1-22 ANIMAL CARE.

1. No owner shall fail to provide their animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

2. No person shall beat, cruelly treat, torment, overload or overwork, or otherwise abuse an animal, or cause, instigate or permit any combat between animals or between animals and humans.

3. No owner of an animal shall abandon such animal.

4. No person except a licensed veterinarian shall crop a dog's ears.

5. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner, and in the event that the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local Humane Society.

(Ord. 623, Passed 1996).

4-1-23 KEEPING OF WILD ANIMALS.

1. No person shall keep or permit to be kept on his or her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to circuses.

2. No person shall keep or permit to be kept any wild animal as a pet.

3. The humane officer shall have the power to impound any wild animal.

(Ord. 623, Passed 1996).

4-1-24 BARKING--REMOVAL OF WASTE.

1. Barking. It is unlawful for any person to keep or harbor within the City any dog, cat or animal which by loud or frequent barking, yelping or howling causes serious annoyance to other persons in the area. No persons shall be convicted under this paragraph except upon evidence of two or more persons of different households.

2. Waste. It is unlawful for any person owning, keeping, harboring or controlling any dog, cat or animal to permit or allow such dog, cat or animal to discharge or deposit on any property in which such person has no proprietary interest, any feces or other waste matter. In the event any

animal does discharge or deposit such matter in such a location, and the owner, keeper or person in control of such animal is present, such person shall immediately remove and lawfully dispose of such matter. A violation of this subsection is a simple misdemeanor offense.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

(Ord. 650, Passed 2001)

4-1-25 TRESPASSING UNLAWFUL. It is unlawful for any person, firm, or corporation keeping, owning or sheltering a dog, cat or other animal to allow or permit such animal to pass upon the premises of another causing damage or annoyance or otherwise interfering with the premises.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

4-1-26 DISTURBING PEACE, TRESPASS--EVIDENCE REQUIRED. No person shall be convicted under the provisions of Sections 4-1-24 and/or 4-1-25, except upon the evidence of two or more persons of different households.

(Ord. 188, Passed 1962)

4-1-27 FEMALE DOG IN SEASON. It is unlawful for any owner to allow such owner's female dog that is in season to run at large or to so confine the female dog in such a manner which would attract male dogs to the area and by their presence cause a nuisance. Any person violating the provisions of this section shall be punished as provided in this chapter and the female dog shall be subject to seizure and impoundment at the expense of the owner, during the remainder of the period of time the female dog is in season.

(Ord. 427, Passed 1980)

4-1-28 RABIES--SURRENDER FOR QUARANTINE. The owner of any dog, cat or other animal which has contracted rabies, or which has been subject to same or which is suspected of having rabies, or which has bitten any person, shall upon demand of the humane officer of the City produce and surrender up such dog, cat or other animal to the humane officer to be held in quarantine for observation for a period determined by the humane officer at the expense of the owner of such dog, cat or other animal.

(Ord. 427, Passed 1980)

(Ord. 623, Passed 1996)

4-1-29 RABIES--ACCEPTABLE CONFINEMENT. The humane officer may permit the owner to properly confine the dog, cat or other animal instead of having it impounded. The term "properly confined" shall be construed to include:

1. Chaining at home or penning at home if the dog, cat or other animal can be so protected as to prevent the intimate approach of any other animal or person by a metal or wood barrier of sufficient size, height, and construction as to absolutely prevent the ingress or egress of any person or animal.

2. Confinement in an animal hospital under the supervision of a registered veterinarian.

(Ord. 427, Passed 1980)

(Ord. 623, Passed 1996)

4-1-30 RABIES--DESTRUCTION. If upon examination by a veterinarian, any dog, cat or other animal proves to be infected with rabies, such dog, cat or other animal can be disposed of as directed by the humane officer. It shall be the duty of such veterinarian to notify the county health officer of any positive rabies case found, without delay.

(Ord. 427, Passed 1980)

(Ord. 623, Passed 1996)

4-1-31 BITE BY RABID ANIMAL--QUARANTINE. Any animal bitten or attacked by any known rabid animal shall be quarantined under supervision of the humane officer by being confined as provided above for a period of not less than ninety days.

(Ord. 427 Passed, 1980)

4-1-32 RABIES--FAILURE TO SURRENDER ANIMAL--ACTION. Any person who knowingly harbors or keeps any dog, cat or other animal infected with rabies, or any dog, cat or other animal known to have been bitten by a rabid dog, cat or other animal or who fails to report to the police or humane officer the existence of a dog, cat or other animal which is known to be so infected or who fails to produce and surrender any dog, cat or other animal pursuant to Section 4-1-28 shall be punished as provided in this chapter.

(Ord. 427, Passed 1980).

(Ord. 623, Passed 1996)

4-1-33 RABIES OUTBREAK--SECTIONS EFFECTIVE WHEN. Sections 4-1-34 through 4-1-36 shall become effective only after and during such time as the City Council, on the recommendation of the humane officer, by resolution declares that a state of emergency due to rabies exists.

(Ord. 427, Passed 1980)

(Ord. 623, Passed 1996)

4-1-34 AT LARGE--PERMITTING UNLAWFUL. It is unlawful for the owner of any dog, cat or other animal to permit or suffer such dog, cat or other animal to be at large. Any dog, cat or other animal found at large shall be deemed to be so with the permission or at the sufferance of its owner.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

4-1-35 SETTING AT LARGE UNLAWFUL. It is unlawful for any person, except the owner of a dog, cat or other animal or his or her agent, to open any door or gate of any private premises, or to otherwise entice or enable any dog, cat or other animal to leave any private premises, for the purpose or with the result of setting such dog, cat or other animal at large.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

4-1-36 AT LARGE--IMPOUNDMENT. Any dog, cat or other animal found at large shall be impounded whether licensed or not.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

4-1-37 POUND--ESTABLISHMENT. The mayor, with the approval of the Council, may establish and provide for maintenance of a public pound, or, in lieu thereof, may contract with any incorporated society or association for the prevention of cruelty to animals for the use of their facilities for impounding such dog, cat or other animal.

(Ord. 188, Passed 1962)

(Ord. 623, Passed 1996)

4-1-37A KEEPING OF DOMESTIC FOWL AND LIVESTOCK. Livestock or domestic fowl may be kept on any property within the City of Camanche that meets the following conditions:

1. The property upon which livestock or domestic fowl, excluding chickens is to be kept shall be taxed by Clinton County as agricultural land.

2. The property upon which livestock or domestic fowl, excluding chickens, is kept shall be made up of no less than five (5) contiguous acres under common ownership.

3. No portion of an enclosure for livestock or domestic fowl, excluding chickens, shall be located closer than one hundred feet (100') from any portion of a principle structures located on an adjoining property.

4. No portion of an enclosure for livestock or domestic fowl shall be located closer than fifteen feet (15') from a property line.

5. In the keeping of chickens, only hens are permitted. Roosters are prohibited in any area not zoned agricultural.

6. Domestic fowl or livestock must be kept in an enclosure and are not allowed to run at-large on a property or within the community.

7. Domestic fowl or livestock are not allowed to be kept in a dwelling in the City of Camanche.

8. Chickens may be kept on single family residential properties in the City of Camanche. The number of chickens kept on residentially zoned properties shall be limited to no more than six chickens. Chickens may be kept in the rear yard only.

9. Properties taxed as agricultural land and zoned AG-1, Agricultural Rural by the City of Camanche are exempt from items a-f listed above.

10. Domestic fowl that were kept within the corporate limits of the City of Camanche on or before July 1st, 2012 are exempt from the provisions of this ordinance.

(Ord. 722, Passed 2012)

4-1-38 ENFORCEMENT. The civil municipal infractions and the criminal provisions of this chapter shall be enforced by those persons or agencies designated by the City. It would be a violation of this chapter to interfere with a police officer or a humane officer in the performance of their duties. If any person be found guilty by court of violations of this title, their permit to own, keep, harbor or have custody of animal shall be deemed automatically revoked and no new permit or license may be issued.

(Ord. 623, Passed 1996)

4-1-39 PENALTY FOR VIOLATIONS. Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to imprisonment not to exceed thirty days, or a fine not to exceed five hundred dollars. The City may charge anyone violating any of the provisions of this chapter under the municipal infraction ordinances, and if so charged, the fine may not exceed five hundred dollars for a first offense and seven hundred and fifty dollars for subsequent offenses. Each day that a violation is permitted to exist constitutes a separate offense.

(Ord. 188, Passed 1962)

(Ord. 650, Passed 2001)

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY

5-1-1	Established	5-1-8	Gifts to city
5-1-2	Board of Trustees--Appointment	5-1-9	Contract or lease--Board Action
5-1-3	Board of Trustees--Term of Office	5-1-10	Contract or Lease--Termination
5-1-4	Board of Trustees--Vacancies	5-1-11	Nonresident Use of the Library
5-1-5	Board of Trustees--Quorum	5-1-12	Moneys Credited to Library Fund
5-1-6	Board of Trustees--Compensation	5-1-13	Board of Trustees--Annual Report
5-1-7	Board of Trustees--Powers and Duties	5-1-14	Recovery of Library Books

5-1-1 ESTABLISHED. There is established a free public library for the use of residents of the city, to be known as the Camanche Public Library.

(Ord. 214, Passed 1963)

5-1-2 BOARD OF TRUSTEES--APPOINTMENT. The mayor, with the approval of the council, shall appoint five persons to constitute a board of library trustees, referred to as the board. The mayor shall appoint bona fide citizens and residents of the city who are age eighteen or over.

(Ord. 404, Passed 1980)

5-1-3 BOARD OF TRUSTEES--TERMS OF OFFICE. The originally appointed trustees shall cast lots at their first meeting to determine their respective terms of office, and shall report the results to the council. One trustee shall hold office for two years, two for four years, and two for six years, from the first day of July following their appointment. All subsequent appointments shall be for six years, except to fill vacancies.

(Ord. 214, Passed 1963)

5-1-4 BOARD OF TRUSTEES--VACANCIES. The position of any trustee shall be vacant if said trustee moves permanently from the city or if said trustee is absent without due explanation from three consecutive regular meetings of the board, except in case of sickness, or if said trustee is removed for cause by the mayor with the approval of the council. The mayor, with the approval of the council, shall fill any vacancy by appointment of a new trustee to fill the unexpired term.

(Ord. 404, Passed 1980)

5-1-5 BOARD OF TRUSTEES--QUORUM. All action by the board shall require a majority vote of the whole number of members appointed to the board. The removal of a librarian, assistant, or employee, however, shall require a two-thirds vote of the board as provided in 5-1-7.

(Ord. 214, Passed 1963)

5-1-6 BOARD OF TRUSTEES--COMPENSATION. Trustees shall receive no compensation for their services.

(Ord. 214, Passed 1963)

5-1-7 BOARD OF TRUSTEES--POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary and such other officers as it deems necessary;
2. To have charge, control and supervision of the library, its appurtenances, fixtures and rooms;
3. To direct and control all the affairs of the library;
4. To employ a librarian, assistants, and other employees necessary for the proper management of the library, and to fix their salaries;
5. To remove, by a two-thirds vote of the board, the librarian, assistants, or employees for misdemeanor, incompetency, or inattention to duty;
6. To select and purchase all items considered necessary for the operation of the library;
7. To authorize the use of the library by nonresidents of the city and to fix charges for this privilege;
8. To make and adopt, amend, modify, or repeal bylaws, rules and regulations for the care, use, government and management of the library and the business of the board, and to fix and enforce penalties for violations. Copies of such bylaws, rules and regulations shall be posted in the library where they can be seen by the public;
9. To control exclusively the expenditure of all portions of the municipal general fund allocated for library purposes by the council, and all money available by gift or otherwise for the erection of library buildings, and of all other money belonging to the library fund, including fines and rentals collected under the rules of the board;
10. To make and extend to the council, on or before the seventh day of January in each year, an estimate of the amount necessary for improvements, operation and maintenance of the library for the coming fiscal year, the amount expended for like purposes for the next two preceding years, and the amount of income expected for the next fiscal year from sources other than taxation;
11. To accept gifts, in the name of the library, of real property, personal property, or mixed property, and devises and bequests, including trust funds; to execute deeds and bills of sale for the conveyance of such property; and to expend the funds received from such gifts for the improvement of the library;

12. To enforce the performance of conditions on gifts, donations, devises, and bequests accepted by the city by action against the council;

13. To keep a record of its proceedings.

(Ord. 214, Passed 1963)

(Ord. 404, Passed 1980)

5-1-8 GIFTS OT CITY. All gifts, donations, devises and bequests that may be made to the city for the purpose of establishing, increasing, or improving the library shall be administered by the board of library trustees.

(Ord. 214, Passed 1963)

5-1-9 CONTRACT OF LEASE--BOARD ACTION. The board may contract with any other city, town, school corporation, township, county or with the trustees of a county library district for the use of the library by their respective residents, and may enter into leases with any such bodies not to exceed twenty years, with or without an option to purchase, and such leases may cover a library building and site, with or without books, furniture and equipment.

(Ord. 214, Passed 1963)

5-1-10 CONTRACT OR LEASE--TERMINATION. Such a contract or lease may be terminated at any time by mutual consent of the contracting parties or by compliance with termination provisions in the contract or lease. 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 in number of the electors who voted for governor of the territory of the party at the last general election. The petition must be presented to the governing body not less than forty days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

(Ord. 214, Passed 1963)

5-1-11 NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents of the city in any one or more of the following ways:

1. By lending library books to the nonresidents on the same conditions as to residents of the City;

2. By establishing depositories of library books to be loaned to nonresidents;

3. By establishing a traveling library so that books may be loaned to nonresidents;

4. By establishing branch libraries for lending books to nonresidents.

(Ord. 214, Passed 1963)

5-1-12 **MONEYS CREDITIED TO LIBRARY FUND.** All money allocated by the council from the municipal general fund for the maintenance of the library shall be deposited with the city treasurer to the credit of the library fund. This money shall remain in the general fund but a separate account shall be made and any money so allocated to the library fund shall be paid out only on orders of the board, signed by its president and secretary.

(Ord. 404, Passed 1980)

5-1-13 **BOARD OF TRUSTEES--ANNUAL REPORT.** The board shall make a report to the 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, the number circulated, the number lost or not returned, the amount of fines collected, the amount of money expended for maintenance of the library during the year, and any further information required by the council.

(Ord. 214, Passed 1963)

5-1-14 **RECOVERY OF LIBRARY BOOKS.** If any book or other property of the library is retained by any person beyond the period provided by the rules and regulations of the board and is not returned upon request of the librarian, the mayor, upon the written request of the board, may issue an order to the chief of police to obtain the book or other property and to collect any fine set by the board for such retention or for damage to the book or property. This order shall be sufficient authority for any policeman to take lawful possession of the book or property, collect the fine, and return the book or property and the fine to the librarian.

(Ord. 214, Passed 1963)

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 CITY PARKS - REGULATIONS

CURFEW

- 5-2-1 Purpose
- 5-2-2 Time Limits
- 5-2-3 Exceptions

PLATT PARK

- 5-2-4 Baseball Allowed
- 5-2-5 Baseball Not Allowed

5-2-1 **PURPOSE.** The purpose of this Chapter is to regulate, by the establishment of a curfew, the hours for the use of Camanche City parks.

(Ord. 376, Passed 1979)

5-2-2 **TIME LIMITS.** It is unlawful for any person to be or remain in any City park in the City between the hours of twelve midnight and five a.m. of the following day.

(Ord. 376, Passed 1979)

5-2-3 **EXCEPTIONS.** The restriction provided by Section 5-2-2 shall not apply to any employee of the City or State who has a bona fide purpose for his or her presence in a City park, such as repair or maintenance to City property, patrolling or supervising the laws of the City or State of Iowa, or other purpose which may be essential to the health and welfare of the citizens of the City. Furthermore the restriction provided by Section 5-2-2 shall not apply to a City park during the operation of a carnival thereon which has been approved by the City Council.

(Ord. 384, Passed 1980)

PLATT PARK

5-2-4 **BASEBALL ALLOWED.** Baseball shall be allowed only on the pony league field which is the west diamond at Platt Park.

(Ord. 595, Passed 1992)

5-2-5 **BASEBALL NOT ALLOWED.** The playing of baseball or hardball on the softball diamonds and fields which are on the east end of Platt Park known as fields one and two is prohibited, and said fields one and two on the east end of Platt Park are hereby specifically established as softball fields.

(Ord. 595, Passed 1992)

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 3 BOAT DOCKS AND RAMPS

5-3-1 Swimming and Fishing Prohibited

5-3-1 **SWIMMING AND FISHING PROHIBITED.** The purpose of this Chapter is to prohibit swimming at all City boat ramps and docks owned by the City, within the City limits. It is unlawful for any person to, at any time, swim or dive at the City-owned parking ramps and docks within the City. It is unlawful for any person to, at any time, fish from a boat dock (except the Terry Peters Dock) owned by the City.

(Ord. 567, Passed 1988)

(Ord. 719, Passed 2012)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 STREET CUTS, EXCAVATIONS, AND DRIVEWAYS

6-1-1	Excavation Permit Required	6-1-6	Rules and Regulations
6-1-2	Application for Permit	6-1-7	Definitions
6-1-3	Permit Fees	6-1-8	Permit Required
6-1-4	Safety Measures	6-1-9	Sidewalks
6-1-5	Backfilling and Restoration	6-1-10	Special Driveway

6-1-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

(Code of Iowa, Sec. 364.14(2))

6-1-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-1-3 PERMIT FEES. The permit fee shall be \$25.00 for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$25.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

6-1-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic

conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-1-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the City Administrator is authorized to have remove such material, as is necessary, and to backfill and restore the pavement or surfacing properly.

6-1-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

DITCHES

6-1-7 DEFINITIONS. For use within this chapter the following terms are defined:

1. "Driveway" means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.

2. "Person" means any individual, firm, corporation, trust, or other association.

3. "Special Driveway" means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street and where the ordinary grad of the sidewalk is changed by depression or elevation for the driveway.

(Ord. 266, Passed 1971)

(Ord. 719, Passed 2012)

6-1-8 PERMIT REQUIRED. Before any person shall construct or repair a driveway, that person shall obtain a written permit from the City Clerk. The application shall include the name of the property owner and a description of the construction or repair to be performed. The permit fee shall be \$10.00. Each permit shall expire six months from the date of issuance.

(Ord. 266, Passed 1971)

(Ord. 719, Passed 2012)

6-1-9 SIDEWALKS. Except where a permit for a special driveway has been granted, the grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

(Ord. 266, Passed 1971)

(Ord. 719, Passed 2012)

6-1-10 SPECIAL DRIVEWAY. Where a driveway or approach is constructed from the curb, the depression for said driveway or approach shall extend from the face of the curb back toward the property line not to exceed four inches for each inch in height of the top of the curb above the gutter except where special conditions exist. In any instance where special conditions exist, the City Administrator shall make such rules and requirements as may be reasonable in the particular case.

(Ord. 266, Passed 1971)

(Ord. 719, Passed 2012)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1	Definitions	6-2-24	Building Sewer Excavations
6-2-2	Waste Deposit Unlawful	6-2-25	Unpolluted Drainage Prohibited
6-2-3	Sewage Discharge Unlawful	6-2-26	Unpolluted Drainage Permitted
6-2-4	Sewage Disposal Facility Unlawful	6-2-27	Prohibited Waste Discharges
6-2-5	Toilet Facilities Required	6-2-28	Prohibited Harmful Discharges
6-2-6	Private Sewage Disposal Required	6-2-29	Nuisance
6-2-7	Permit Required for Private System	6-2-30	Pretreatment
6-2-8	Inspection of Private System	6-2-31	Interceptors
6-2-9	Specification of Private System	6-2-32	Preliminary Treatment Facilities
6-2-10	Connection by Private System	6-2-33	Manhole Required
6-2-11	Maintenance of Private System	6-2-34	Analyses of Waste
6-2-12	Chapter Construction	6-2-35	Industrial Waste Agreement
6-2-13	Building Sewer	6-2-36	Equipment Negligence
6-2-14	Building Sewer Connections	6-2-37	Inspection; Right of Entry
6-2-15	Building Sewer Permit	6-2-38	Inspection; Safety Rules
6-2-16	Building Sewer Costs	6-2-39	Easement; Right of Entry
6-2-17	Building Sewer Use Limited	6-2-40	Benefit Assignment Prohibited
6-2-18	Old Building Sewers	6-2-41	Violation; Notice
6-2-19	Building Sewer Specifications	6-2-42	Violation; Continuance Penalty
6-2-20	Building Sewer Elevation	6-2-43	Violation; Liability
6-2-21	Prohibited Connections	6-2-44	Violation; Penalty
6-2-22	Building Sewer Conformity	6-2-45	Layer; Excavation Responsibility
6-2-23	Building Sewer Inspection	6-2-46	Layer; Street Restoration

6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

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

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

(IAC 567-69.3(1))

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

(IAC 567-69.3(1))

4. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
5. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
6. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.
7. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
8. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
9. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
10. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
11. "Public Works Director" shall mean the Public Works Director of the City, or the authorized deputy, agent, or representative of the Public Works Director.
12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. "Sewer" shall mean a pipe or conduit for carrying sewage.
17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

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

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

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

(Ord. 283, Passed 1973)

(Ord 719, Passed 2012)

6-2-2 WASTE DEPOSIT UNLAWFUL. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(Ord. 283, Passed 1973)

6-2-3 SEWAGE DISCHARGE UNLAWFUL. It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

(Code of Iowa, Sec. 364.14(3)(f))

(Ord. 283, Passed 1973)

6-2-4 SEWAGE DISPOSAL FACILITY UNLAWFUL. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Ord. 461, Passed 1980)

6-2-5 TOILET FACILITIES REQUIRED. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(Code of Iowa, Sec. 364.14(3)(f))

(IAC 567-69.3(3))

6-2-6 PRIVATE SEWAGE DISPOSAL REQUIRED. Where a public sanitary sewer is not available under the provisions of Section 6-2-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Sections 6-2-6 through 6-2-13.

(Ord. 283, Passed 1973)

(Ord. 719, Passed 2012)

6-2-7 PERMIT REQUIRED FOR PRIVATE SYSTEM. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the County health officer pursuant to all rules and regulations of the Iowa State Department of Health.
(Ord. 461, Passed 1980)

6-2-8 INSPECTION OF PRIVATE SYSTEM. A permit for a private sewage disposal system shall not become operational until the installation is completed to the satisfaction of the County health officer. The County health officer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County health officer when the work is ready for final inspection, and before any underground portions are covered.
(Ord. 461, Passed 1980)

6-2-9 SPECIFICATIONS OF PRIVATE SYSTEM. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Ord. 461, Passed 1981)

6-2-10 CONNECTION BY PRIVATE SYSTEM. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-9, a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
(Ord. 283, Passed 1973)
(Code of Iowa, Sec. 364.14(3)(f))

6-2-11 MAINTENANCE OF PRIVATE SYSTEM . The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
(Ord. 283, Passed 283)

6-2-12 CHAPTER CONSTRUCTION. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.
(Ord 461, Passed 1980)

6-2-13 BUILDING SEWER. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
(Ord. 283, Passed 1973)
(Code of Iowa, Sec. 364.14(3)(f))

6-2-14 BUILDING SEWER CONNECTIONS. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Director.
(Ord. 499, Passed 1981)

6-2-15 BUILDING SEWER PERMIT. There shall be two (2) classes of building sewer permits:

1. For residential and commercial service; and

2. For service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee of one hundred twenty-five dollars (\$125.00) for a residential or commercial building sewer permit three hundred dollars (\$300.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

(Ord. 499, Passed 1981)

6-2-16 BUILDING SEWER COSTS. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 283, Passed 1973)

6-2-17 BUILDING SEWER USE LIMITED. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 283, Passed 1973)

6-2-18 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Public Works Director, to meet all requirements of this Ordinance.

(Ord. 499, Passed 1981)

6-2-19 BUILDING SEWER SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and 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. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 283, Passed 1973)

6-2-20 BUILDING SEWER ELEVATION. 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 sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. 283, Passed 1973)

6-2-21 PROHIBITED CONNECTIONS. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a

building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 283, Passed 1973)

6-2-22 **BUILDING SEWER CONFORMITY.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director before installation.

(Ord. 499, Passed 1981)

6-2-23 **BUILDING SEWER INSPECTION.** The applicant for the building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his or her representative, during normal working hours of City Hall.

(Ord. 499, Passed 1981)

(Ord. 719, Passed 2012)

6-2-24 **BUILDING SEWER EXCAVATIONS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 283, Passed, 1973)

6-2-25 **UNPOLLUTED DRAINAGE PROHIBITED.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(Ord. 283, Passed 1973)

6-2-26 **UNPOLLUTED DRAINAGE PERMITTED.** Storm water or all other unpolluted drainage shall be discharged to such sewers as are, specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, to a storm sewer or natural outlet.

(Ord. 283, Passed 1973).

(Ord. 719, Passed 2012)

6-2-27 **PROHIBITED WASTE DISCHARGES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, to injure or interfere with any sewage

treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer,

3. Any water or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works,

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 sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders,

5. Only waste waters with a pH between 3.5 and 9.5 are allowed to be discharged into the city's sanitary system. A fine of \$75.00 (seventy-five dollars) per day shall be assessed for waste water pH that does not fall within these parameters and payment of all additional cost or fines incurred by the city as a result of violating the parameters of allowable pH shall be assessed against the discharging party. A violation of this section by any discharging party of any waters or waste having a pH in excess of 9.5 on any occurrence is a offense punishable as a municipal infraction in violation of Chapter 1-3 of this Code and punishable pursuant to said Code section in Chapters 687-747 of the Code of Iowa.

(Ord. 664, Passed 2004)

(Ord. 283, Passed 1973)

6-2-28 PROHIBITED HARMFUL DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Public Works Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger limb, life, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Public Works Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150° F, 65°C;

2. Any water or wastes containing, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees, F (0 and 65°C);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76hp metric) or greater shall be subject to the review and approval of the Public Works Director;

4. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment work exceeds the limits established by the Public Works Director for such materials;

5. Any waters or wastes containing phenols or other taste or odor—producing substances, in such concentrations 'exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations;

7. Any waters or wastes having a pH in excess of 9.5;

8. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

c. Unusual HOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 13.08.010;

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

10. Only waste waters with a pH between 5.5 and 9.5 are allowed to be discharged into the City's sanitary system. A fine of \$75.00 (seventy-five dollars) per day shall be assessed for waste water pH that does not fall within these parameters and payment of all additional cost or fines incurred by the city as a result of violating the parameters of allowable pH shall be assessed against the discharging party. A violation of this section by any discharging party of any waters or waste having a pH in excess of 9.5 on any occurrence is an offense punishable as a municipal infraction in violation of Chapter 1-3 of this Code and punishable pursuant to said Code section in Chapters 687-747 of the Code of Iowa.

(Ord. 664, Passed 2004)

(Ord. 283, Passed 1973)

6-2-29 NUISANCE. 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 6-2-28, and which, in the judgment of the Public Works Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director 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 the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of **Section 13.08.350.**

(Ord. 283, Passed 1973)

6-2-30 PRETREATMENT. If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director, and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 283, Passed 1973)

6-2-31 INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 283, Passed 1973)

6-2-32 PRELIMINARY TREATMENT FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(Ord. 283, Passed 1973)

6-2-33 MANHOLE REQUIRED. When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

(Ord. 283, Passed 1973)

6-2-34 ANALYSES OF WASTE. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a twenty-four hour complete composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composites of all outfalls, whereas pH's are determined from periodic grab samples.

(Ord. 283, Passed 1973)

6-2-35 INDUSTRIAL WASTE AGREEMENT. No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

(Ord. 283, Passed 1973)

6-2-36 EQUIPMENT NEGLIGENCE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 283, Passed 1973)

6-2-37 INSPECTION; RIGHT OF ENTRY. The Public Works Director and other 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 in accordance with the provisions of this Chapter. The Public Works Director or the Director's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(Ord. 283, Passed 1973)

6-2-38 INSPECTION; SAFETY RULES. While performing the necessary work on private properties referred to in Section 6-2-37 the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-33.

(Ord. 283, Passed 1973)

6-2-39 EASEMENT; RIGHT OF ENTRY. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 283, Passed 1973)

6-2-40 BENEFIT ASSIGNMENT PROHIBITED. No industry or other user of any sanitary sewer, public sewer, sewage works or sewage treatment plant that has previously entered into a special agreement or arrangement with the City shall have any right to assign benefits under the special agreement or arrangement if the result of such an assignment is of such a nature as to materially change the hydraulic load or the intended use contemplated by the special agreement or arrangement.

(Ord. 283, Passed 1973)

6-2-41 VIOLATION; NOTICE. Any person found to be violating any provision of Sections 6-2-10 through 6-2-40, except Section 6-2-36, 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.

(Ord. 283, Passed 1973)

6-2-42 VIOLATION; CONTINUANCE PENALTY. Any person who shall continue any violation beyond the time limit provided for in Section 6-2-41, shall be subject to the enforcement provisions provided for in Chapter 1-3 of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 283, Passed 1973)

(Ord. 719, Passed 2012)

6-2-43 VIOLATION; LIABILITY. Any person violating any of the provisions of Sections 6-2-10 through 6-2-40 shall become liable to the city for any expense, loss or damage occasioned the City by reason of such violation.

(Ord. 283, Passed 1973)

6-2-44 VIOLATION; PENALTY. Any person violating any provision of Sections 6-2-10 through 6-2-40 shall be subject to the enforcement provisions provided for in Chapter 1-3 of this Code of Ordinances.

(Ord. 283, Passed 1973)

(Ord. 719, Passed 2012)

6-2-45 LAYER; EXCAVATION RESPONSIBILITY. Should any excavation be left open or partly refilled for twenty four hours after the private sewer is installed and connected with the public sewer or should the work be improperly done, the Public Works Director shall have the right to finish or correct the work, and the Council shall assess the cost to the property owner or to the sewer or drain layer. If the sewer or drain layer is assessed, said layer must pay the cost before receiving

another permit and any bond posted shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.
(Ord. 461, Passed 1980)

6-2-46 LAYER; STREET RESTORATION. No sewer or drain layer shall be permitted to open a trench or other ditch in a City street or alley unless as a condition thereof and as a condition for the issuance of the permit provided for in this Chapter, the layer restores the street or the alley to substantially the same condition that it was in prior to the time that he opened the same.
(Ord. 331, Passed 1974)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

WATER SYSTEM

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WATER SYSTEM

6-3-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

1. "Water (street) Main" is a water-supply pipe for public or community use.
2. "Water Service Pipe" is the pipe from the water main or other source of water supply to the building served.
3. "Water Supply System" of a building, or premises, consists of the water-service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the building or premises.

(Ord. 202, Passed 1963)

(Ord. 719, Passed 2012)

6-3-2 PUBLIC WORKS DIRECTOR DUTIES. The Public Works Director shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City, in accordance with this Chapter.

(Ord. 202, Passed 1963)

(Ord. 719, Passed 2012)

6-3-3 EXISTING PIPES APPLICABILITY. This Chapter shall apply to all replacements of existing service pipes as well as to new ones.

(Ord. 202, Passed 1963)

6-3-4 ADOPTION OF STATE PLUMBING CODE. The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted.

(Ord. 719, Passed 2012)

6-3-5 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source, notwithstanding the provisions of Section 6-3-25 of this Code.

(Ord. 719, Passed 2012)

6-3-6 PERMIT. Before any person shall open, uncover or in any manner make a connection with or modify any part of the public water system, the person must obtain a written permit from the City Clerk.

(Ord. 202, Passed 1963)

6-3-7 PERMIT APPLICATION. The application for the water permit shall be filed with the City Clerk on blanks furnished by the City and available at the City Clerk's office. The application shall include a description of the property, the name of the property owner, the amount and date of any prior assessment for construction of the water system, a general description of the materials to be used and the manner of construction, the line of the water system and the place of connection, if known, the intended use of the water system and the name and address of the person who will do the work. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Public Works Director. The City Clerk or the Public Works Director shall issue the permit if the proposed work meets all the requirements of this Chapter and if all fees required under this Chapter have been paid.

(Ord. 202, Passed 1963)

(Ord. 719, Passed 2012)

6-3-8 PERMIT AND INSPECTION FEE. Before any permit is issued, the person who makes application for a tap shall pay two hundred dollars (\$200.00) to the City Clerk to cover the cost of issuing the permit, the inspection of the work, the furnishing by the City of the corporation cock, the necessary water pipe extending from the main to the lot line, the curb cock and the buffalo box.

In the event that any tap larger than one inch is required, the fee for inspections and permits and installations shall be the actual cost for said tap plus installation.

(Ord. 202, Passed 1963)

(Ord. 719, Passed 2012)

6-3-9 COSTS AND EXPENSES FOR EXTENSIONS. All costs and expense incident to the installation and connection of the water main extension shall be borne by the applicant. The applicant shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the water main.

(Ord. 468, Passed 1981)

6-3-10 INSTALLATION OF CURB COCK AND BUFFALO BOX. The person who makes the connection to the municipal water system shall install the curb cock furnished by the City near the property line and shall install the buffalo box so that it is visible and even with the roadway or ground.

(Ord. 202, Passed 1963)

(Ord. 719, Passed 2012)

6-3-11 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Public Works Director. All taps in the water main must be at least (14) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

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

(Ord. 719, Passed 2012)

6-3-12 METER INSIDE BUILDING. Meters installed in buildings shall be located as near as is practicable to the point of entrance of the service, shall be readily accessible, and shall be protected from frost according to the directions of the Public Works Director. Meters shall be protected from mechanical injury by location or guarding, and shall be so installed as not to be subjected to strain imposed by plumbing. Plumbing adjacent to the meter shall be supported mechanically by a meter yoke or other approved means so that removal of the meter will not cause the meter connections to move out of line, or shift lengthways.

(Ord. 202, Passed 1963)

(Ord. 719, Passed 2012)

6-3-13 EXCAVATIONS. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good

repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Public Works Director.

(Ord. 719, Passed 2012)

6-3-14 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved by the Public Works Director before they are covered, and the Public Works Director shall keep a record of such approvals. If the Public Works Director refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Public Works Director's approval. Every person who uses or intends to use the municipal water system shall permit the Public Works Director to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

(Ord. 719, Passed 2012)

6-3-15 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Public Works Director shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit if the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.14(3)(h))

(Ord. 719, Passed 2012)

6-3-16 STREET RESURFACING AND MAINTENANCE. Where the installation is the initial hookup to the water main which necessitates excavating in the street, highway, avenue, course or alley, the person or persons hooking up to the water main shall restore the street, highway, avenue, course or alley to its original condition to the satisfaction of the City Engineer or Public Works Director within thirty (30) days of connection to the water main. If the street, highway, avenue, course or alley is not restored to its original condition to the satisfaction of the City Engineer or Public Works Director within the required time, the same shall be replaced by the City and charged against such person or persons. A permit shall be obtained prior to the excavation as provided by Section 6-1-1 of this Code.

(Ord. 719, Passed 2012)

6-3-17 EXTENSION OF WATER MAIN. After a property owner petitions, in writing, to the City Council for the extension of a water main to his or her property and the City does in fact grant the petition of the property owners, the property owner shall cause the immediate extension of the main and necessary laterals thereof, including curb cock and buffalo box, and shall connect to the water line within sixty (60) days after receiving notice from the City Clerk that the property owner's petition has been granted.

6-3-18 EXTENSION AND FAILURE TO CONNECT. A property owner that fails to connect once he or she has been notified to connect to the water service pipe shall pay the minimum monthly water rate then in force and effect in the City.

6-3-19 SHUTOFF FOR VIOLATIONS. After giving reasonable notice, the Public Works Director may shut off the supply of water of any patron because of any substantial violation of this Chapter.

(Ord. 202, Passed 1963)

(Ord. 719, Passed 2012)

WATER WELLS SEPARATION

6-3-20 PURPOSE. The purpose of this chapter is to establish separation distances from wells for all structures and uses to protect the public and preserve the health and welfare of the community by protecting water purity.

(Ord. 542, Passed, 1985)

6-3-21 FACTS FOUND. The council of the City hereby makes a finding that it is necessary to establish separation distances for uses in construction around all wells within the City, the old wells as well as new wells, that it is necessary to pass such an Ordinance as codified in this Chapter in lieu of obtaining easements from all adjoining property owners near well sites, and the distances for separating said uses and construction have been established by state requirements relative to possible pollutants and their distances from wells, and the council finds that said state requirements shall be adopted as the minimum acceptable requirements for separation distances from wells, and no construction nor use shall be allowed within said minimum distances to City wells as set forth herein.

(Ord. 542, Passed, 1985)

6-3-22 DEFINITIONS. For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular and use of any gender shall be applicable to all genders; the word "shall" is mandatory and not directory; the word "building" includes the word "structure".

1. "Animal enclosure" means a lot, yard, corral, or similar structure in which the concentration of livestock or poultry is such that a vegetative cover is not maintained.

2. "Animal pasturage" means a fenced area where vegetative cover is maintained and in which the animals are enclosed.

3. "Animal waste" means animal wastes consisting of excreta, leachings, feed losses, litter, washwaters or other associated wastes.

4. "Animal waste stockpiles" means stacking, composting, or contaminant of animal wastes.

5. "Animal waste storage basin or lagoon" means a fully or partially excavated or diked earthen structure including earthen sideslopes or floor.

6. "Animal waste storage tank" means a completely fabricated structure, with or without a cover either formed in place or transported to the site, used for containing animal wastes.

7. "Cistern" means a covered tank in which rainwater from roof drains is stored.

8. "Deep well" means a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at a depth of at least twenty-five feet below the normal ground surface and above the aquifer from which the water is to be drawn.

9. "Low permeability" means an unconsolidated soil layer of well sorted, fine, grain-sized sediments that under normal hydrostatic pressures would not be significantly permeable. Low permeability soils may include homogeneous clays below the zone of weathering, mudstone, claystone, and some glacial till.

10. "Privy" means a structure used for the deposition of human body wastes.

11. "Sanitary sewer pipe" means a sewer complying with the department's standards for sewer construction.

12. "Septic tank" means a watertight tank which receives sewage.

13. "Shallow well" means a well located and constructed in such a manner that there is not a continuous five foot layer of low permeability soil or rock between the aquifer from which the water supply is drawn and a point twenty-five feet below the normal ground surface.

14. "Water main pipe" means a water main complying with the department's standards for water main construction.

(Ord. 542, Passed, 1985)

6-3-23 SEPARATION DISTANCE REQUIREMENTS. No building or use shall be allowed within the separation distances from City wells as set out on Table A which is on file in the office of the City Clerk. A building permit shall be required for all construction within one thousand feet of municipal wells. No building permit shall be issued which is in violation of the separation distances from municipal wells if in violation of this Chapter or a source of contamination for the well. Any use or construction in violation of this section shall be a nuisance as defined in Section 3-2-1 and prohibited pursuant to Section 3-2-2, and the notice requirements of Section 3-2-6 apply regarding abatement of the nuisance and all provisions of Chapter 3-2 in regard to abatement, action, cost of collection, hearing, and penalty for violations as set forth in Chapter 1-3 apply. Specifically, and in addition to any other remedies allowed by ordinance or at law, the City shall recover any costs for water treatment which is created by any source of contamination which is identified, where the source is in violation of this chapter.

(Ord. 542, Passed 1985)

MANDATORY CONNECTION

6-3-24 DEFINITIONS. For use in this Section, the following terms are defined:

1. "Domestic Uses" means potable water furnished or required for human needs of health and sanitation including, but not limited to, drinking, cooking, washing, bathing, showering, and other similar household uses of water.

2. "Monitoring well" means a well used to monitor groundwater quality or level that is constructed or maintained to meet the requirements of a groundwater monitoring or remediation program.

3. "Private well" or "well" means any groundwater well, except

(a) Monitoring wells, and

(b) Other wells used as part of a remediation system.

4. "Western Water Main Connection Area" means the portion of the City of Camanche along 9th Street extending from the intersection of 9th Street and U.S. Highway 67 westward seven thousand (7,000) feet and encompassing the area two thousand seven hundred (2,700) feet north of 9th Street and the area five hundred (500) feet south of 9th Street. The southeast portion of this area is bounded by U.S. Highway 67 and the area does not extend past U.S. Highway 67.

6-3-25 CONNECTION TO THE PUBLIC WATER SYSTEM. All new residences and new business establishments within the City limits using water for any purpose, whether for potable or non-potable uses, shall connect to the public water system when City water main is within 200 feet of property line, or will be brought to within 200' within 30 days of issuance of building permit.

6-3-26 EXCEPTIONS. A residence or business establishment within the City limits may obtain its water from a private well as follows:

1. "Private Sand Point Wells". A private sand point well may continue to be used to obtain water only for irrigation of grass and landscape planting and other non-domestic uses. Water from sand point wells shall not be used for domestic uses. There shall be a physical separation between plumbing for a private well and domestic plumbing.

2. New Private Domestic Wells. A new private domestic well may be drilled only upon property that does not have access to the City water system within 200 feet of the property.

3. Existing Private Domestic Wells. After the effective date of this Ordinance, any existing private domestic well may continue to be used to obtain water. No new private domestic wells shall be drilled if City water is available within 200' of property line or shall be made available within 30 days of issuance of building permit.

4. Existing Private Sand Point Wells. A private sand point well may continue to be installed and used to obtain water only for irrigation of grass and landscape planning and other non domestic. Water from sand point wells shall not be used for domestic uses.

6-3-27 WELLS PROHIBITED IN WESTERN WATER MAIN CONNECTION AREA. Existing private sand point wells and existing private domestic wells in the Western Water Main Connection Area may continue to be used in this area until such time as either of the following occur:

1. Until such time as the property owner may execute a water line connection agreement with Chevron Environmental Management Company and Citigroup after which the private domestic and sand point wells must be plugged and abandoned within 120 days of completion and testing of the properties connection to the public water system.

2. In the Western Water Main Connection Area, no new private wells will be allowed after the adoption of this Ordinance. If the property owner declines to execute a Water Line Connection Agreement, said property owner may repair or replace their existing well provided said well does not violate State statutes or regulations or County Ordinances or regulations.

6-3-28 PERMIT REQUIRED FOR ALL NEW PRIVATE WELLS. In the portions of the City limits where new wells may be installed, no residence or business shall install or maintain a new private well after the date of enactment of this ordinance, unless such residence or business has registered such well and obtained a permit for the same from the County as required by State statute. The registration and permit process shall be completed on forms provided by the County.

6-3-29 TERMINATION OF USE OF EXISTING PRIVATE WELLS. The use of any private well not permitted to continue under this Section shall cease and the well shall be plugged and abandoned in accordance with the rules and regulations of the Iowa Department of Natural Resources.

6-3-30 CITY OBLIGATION. For all new residence required to hook up to City water located within 200 feet of the property line, the City shall provide the material from the water line to the shut off box at the property line. The cost of installation from the water line to the house shall be at property owner's expense.

(Ord. 697, Passed 2009)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

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6-4-14	Dumping Within City Limits Prohibited--Penalty		

6-4-1 DEFINITIONS. For use within this chapter, the following terms are defined:

1. "Biodegradable" means degradable through a process in which fungi or bacteria secrete enzymes to convert a complex molecular structure to simple gasses and organic compounds

2. "Container" means a can for the storage of garbage or rubbish which is either:

a. Provided with a handle and tight-fitting cover, watertight, substantially made of galvanized iron or other nonrusting material and of a size that may be conveniently handled by the collector; or

b. Made of watertight, durable plastic and of a size that may be conveniently handled by the collector. ,

3. "Degradable" means capable of decomposing by Bio-degradation, photodegradation or chemical process into harmless component parts after exposure to natural elements for not more than three hundred sixty-five days.

4. "Garbage" means all putrescible waste, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognized industrial

byproducts, and shall include all such substances from all public and private establishments and from all residences.

5. "Person" includes any individual, firm, corporation, trust, or any other organized group, or any government.

6. "Photodegradable" means degradable through a process in which ultraviolet radiation and sunlight causes a chemical change in material.

7. "Refuse" means and includes all garbage and other similar discarded solid or semisolid materials which are degradable, biodegradable or photodegradable.

8. "Rubbish" means ashes, tin cans, bottles, papers and all other refuse, garbage and debris too large to be placed in containers, and includes all large items of solid waste and discarded materials of all kinds and descriptions which are discarded within the City limits, and includes any materials which are restricted from sanitary landfill disposal by the state, including tires, batteries,, white goods, waste oil and yard waste and other similar material and debris.

9. "Solid waste" means garbage, refuse, rubbish and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, domestic activities. "Solid waste" does include, vehicles as defined by Section 321.1, subsection 90 of the 2009 Code of Iowa.

10. "Yard waste" means organic debris such as, but not limited to, grass clippings, leaves, tree limbs, bark, branches, flowers which are produced as part of yard and garden development maintenance.

(Ord. 179, Passed 1961)

(Ord. 421, Passed 1980)

(Ord. 582, Passed 1991)

6-4-2 CONTAINER--REQUIRED. No owner or lessee of any public or private premises shall permit to accumulate upon said premises any garbage or rubbish except in containers. Each said person shall provide containers for the storage of garbage and rubbish accumulated on premises owned or occupied by said person. Such containers shall be kept reasonably clean at all times and shall be kept covered or closed at all times except when garbage or rubbish is being deposited therein or removed therefrom. Such containers shall be placed in a position readily accessible to the collector outside of dwellings but not in the travel portion of alleys or streets.

(Ord. 421, Passed 1980)

6-4-3 STORAGE. All garbage must be drained and that accumulating from dwellings must be wrapped in paper and placed in a container used for garbage and rubbish.

(Ord. 421, Passed 1980)

6-4-4 COLLECTION--REQUIRED.

1. All garbage and rubbish must be taken from dwelling at least once each week and more frequently if the Council requires it and must be taken from business establishments as frequently as the Council may require. All garbage and rubbish must be transported in a covered vehicle or covered containers constructed to prevent spilling, draining, offensive odors, or loss of materials during transit.

2. It is a misdemeanor offense or a municipal infraction for any person to allow garbage, refuse and recyclables to accumulate at such person's dwelling unless properly stored within a garbage can or garbage container designed for that purpose. The penalty for violation of any provision of this subsection shall, upon conviction, be fines pursuant to local ordinances and state statutes currently then in effect and punishable as municipal infractions. As cost, the provisions of Section 6-4-24 apply for City removal of garbage, refuse and recyclables in violation of this subsection.

3. Each owner of residential property or each occupant of each residential property shall only dispose of garbage, refuse and recycling generated by such person in the course of such person's occupancy of such property at his or her residence. It is illegal for any owner or occupant of a residence to place garbage, recyclables and refuse for pickup which is not created or used by such person at such residence. It is the intent of this subsection to make it illegal for any person to place for curbside pick-up the garbage of another person not an occupant or owner of such residence. Anyone violating the provisions of this subsection shall, upon conviction, be subject to fines and relief pursuant to Camanche ordinances and the state code for municipal infractions.

4. It is illegal for any resident of the City of Camanche to place garbage, refuse and recyclables in public places or at other property for pick-up or disposal. It is illegal for any person or party to place garbage, refuse and recyclables in commercial dumpsters without the authorization of the owner or lessee of the dumpster. Any person or party violating any of the provisions of this subsection shall, upon conviction, be subject to fines and relief pursuant to Camanche ordinances and state statutes regarding municipal infractions then in effect.

(Ord. 179, Passed 1961)

(Ord. 657, Passed 2002)

6-4-5 CAN--WEIGHT, SIZE LIMITS. No container in which garbage and rubbish are deposited shall be larger than twenty gallons and shall not be filled to weigh in excess of sixty pounds.

(Ord. 421, Passed 1980)

6-4-6 COLLECTION--OPTIONAL MEANS. It is optional whether the City:

1. Collects garbage and rubbish with its own equipment and employees; or
2. Makes a contract with a person to collect garbage and rubbish; or
3. Issues a permit to a person to collect garbage and rubbish.

(Ord. 179, Passed 1961)

6-4-7 COLLECTION--ELECTION OF METHOD. The City Council, by resolution, elects the method or methods to be used in the collection of garbage and rubbish.
(Ord. 179, Passed 1961)

6-4-8 COLLECTION--COST DEFRAYAL. If the City, by its Council, elects to own the equipment or to contract for the collection of garbage and rubbish, it defrays this cost as provided by state law.
(Ord. 179, Passed 1961)

6-4-9 PERMIT--REQUIRED WHEN. If the City, by its Council, elects to permit the collection of garbage and rubbish other than by contract, the Council may issue permits to applicants upon the payment of such permit fee as may be established by resolution. Each permit shall expire in one year from the date of issuance. The Council may establish 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. 179, Passed 1961)

6-4-10 PERMIT--EXCEPTION. No person shall collect garbage or rubbish except their own unless authorized by contract or permit. No permit or contract authorization shall be necessary for the purpose of disposing of refuse other than garbage and rubbish as set forth in Section 6-4-12.
(Ord. 179, Passed 1961)

6-4-11 REFUSE DISPOSAL--NUISANCE, EXCEPTION, ABATEMENT AND PENALTY.

1. Each person or entity shall dispose of all refuse, rubbish, garbage and solid waste accumulating on any premises he owns or occupies before it becomes a nuisance or a danger to the public health, welfare and safety. In no case shall refuse, rubbish, garbage or solid waste be allowed to accumulate on a property or premises for more than ten days unless contained within a building property zoned and suitable for such storage. Refuse, rubbish, garbage and solid waste specifically includes any waste materials which are restricted from sanitary landfill disposal by the state. Examples of such refuse, garbage and solid waste include tires, batteries, white goods, waste oil and yard waste which are included in this category, and the foregoing list is simply an example and not an all-inclusive list of such materials.

2. Individual composting facilities which comply with state statutes are allowed.

3. If the accumulation and/or failure to dispose of refuse, garbage, rubbish or solid waste becomes a nuisance or a danger to the health, welfare and safety of the citizens of the City, this matter will be dealt with as provided by other applicable ordinances and/or laws pertaining to abatement of nuisances or municipal infractions. Penalty for violations of this section is established pursuant to Section 6-4-16 .

(Ord. 179, Passed 1961)
(Ord. 582, Passed 1991)
(Ord. 609, Passed 1995)
(Ord. 719, Passed 2012)

6-4-12 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other garbage, refuse and rubbish accumulated on a premises and shall be composted on the premises, burned or brought to the City maintenance shop on specific dates.

(Ord. 582, Passed 1991)

6-4-13 PLACING OR DUMPING IN STREET UNLAWFUL. No persons or parties shall place or dump in any street or area within the City any garbage, rubbish, refuse or solid waste.

(Ord. 421, Passed 1980)

(Ord. 582, Passed 1991)

6-4-14 DUMPING WITHIN CITY LIMITS PROHIBITED--PENALTY. Dumping within the City limits is prohibited. The dumping of garbage, rubbish, refuse or solid waste within the City limits shall be prohibited. The criminal provisions of Section 6.24.120 and Section 6.24.160 apply to this section.

(Ord. 421, Passed 1980)

(Ord. 582, Passed 1991)

6-4-15 BURNING WITHIN CITY LIMITS PROHIBITED--PENALTY. Burning within the City limits is prohibited. No persons shall burn any garbage, rubbish, refuse or solid waste on any premises or property located within the City limits.

1. "Yard waste" is defined in subsection 6-4-1(10) of the Camanche code.
2. Yard waste may be burned only between the hours of 10:00 a.m. to 5:00 p.m. Tuesday, Thursday, and Saturday. All burning of yard waste must be in an approved yard waste burner which must be located no less than fifteen feet from any structure and not less than five feet from any property line.
3. It is unlawful to burn on City streets, alleys, or City rights-of-way.
4. Yard waste may be burned in small piles on the ground by the property owner provided that such burning does not create a hazard to nearby buildings or property. Open fires shall be constantly attended by a competent person under the supervision and control of the property owner until such fire is extinguished. The persons shall have a garden hose connected to a water supply or other fire extinguishing equipment available for use.
5. The burning of all refuse, garbage, rubbish, or solid waste is prohibited within the City limits of Camanche, Iowa, at any time.
6. The fire chief may prohibit all burning or fires when atmospheric conditions or local circumstances make such fires hazardous. Upon receipt of a complaint, a police officer or fire fighter may immediately order a fire extinguished if it creates a hazard to nearby buildings, or property.
7. A wood bonfire or campfire for recreational family or group purposes is not prohibited by this section, provided that such bonfires do not pose a danger to buildings or properties.

8. Violation of any of the provisions of this chapter shall, upon conviction, be subject to misdemeanor penalties for simple misdemeanors pursuant to the limitations set forth pursuant to the Code of Iowa. The City may charge such violation pursuant to municipal infractions pursuant to Section 1-3-2 of the Camanche code and impose such penalty as authorized for municipal infractions by the Code of Iowa currently in effect as of the date of the offense.

9. That the fire chief may impose a burning ban for all fires when atmospheric conditions or local circumstances make such fires hazardous, and such burning ban shall be enforceable when posted at the Camanche Fire Station, the Camanche Police Station and Camanche City Hall.

(Ord. 661, Passed 2003)

6-4-16 PENALTY FOR VIOLATIONS. Anyone violating any of the provisions of this chapter shall, be subject to the provisions of Chapter 1-3 of this code.

(Ord. 179, Passed 1961)

(Ord. 719, Passed 2012)

6-4-17 COVERED VEHICLE REQUIRED. Any truck, trailer, or any other vehicle, transporting refuse on the streets or alleys of the City, shall be covered with a tarpaulin or other effective means to prevent the refuse from falling onto the streets or alleys. Any person who operates any truck, trailer, or other vehicle without the tarpaulin or other effective cover shall be guilty of a misdemeanor.

(Ord. 420, Passed 1980)

6-4-18 DROPPING OF REFUSE. No refuse shall be permitted upon the streets or alleys of the City, and any individual who permits refuse to fall upon the streets or alleys of the City shall be guilty of a misdemeanor, unless, immediately after the refuse falling on the streets or alleys, said individual immediately removes the refuse.

(Ord..420, Passed 1980)

6-4-19 CONTAINERS FOR MULTI--RESIDENTIAL BUILDINGS. For all multi-residential buildings consisting of three or more families, the owner of the building and lot shall designate an area for the collection of garbage and rubbish of said residential building and furnish either (A) a container similar to a dumpster for the disposal of plastic containers or (B) several metal containers (not larger than twenty gallons) which shall be enclosed by a fence not less than four feet high. The owner shall provide at least one container per family or its equivalent in each such designated area.

(Ord. 420, Passed 1980)

6-4-20 RECYCLABLES--CURBSIDE PICKUP ESTABLISHED. Commencing March 1, 1992, curbside pickup for recyclables and solid waste shall be instituted within the City.

(Ord. 596, Passed 1992)

6-4-21 RECYCLABLES--DEFINED. Recyclables include glass, plastic, metal cans/aluminum and newspaper.

(Ord. 596, Passed 1992)

6-4-22 RECYCLABLES AND SOLID WASTE CONTAINERS. A. The citizens shall provide their own container for recyclables with a maximum size to be twenty-four inches in length, fifteen inches in width and thirteen inches in height, with no lids allowed.

B. Citizens shall provide their own solid waste bags with a size limit of thirty-three gallons and a forty pound weight limit.
(Ord. 596, Passed 1992)

6-4-23 GARBAGE FEE. The owner of each property occupied as a single residence household within the City of Camanche, regardless of zoning classification, is assessed a straight garbage fee on a combined service account (garbage-sewer-water) bill in the sum of \$13.75 (thirteen dollars and seventy-five cents) per month. Such fee is initially set by ordinance and is based on the actual cost of garbage removal and a pro rata share of the assessment from CCASWA which establishes the true cost of refuse, garbage and recycling per property per month. The assessment for garbage pick-up may from time to time be adjusted by resolution of the City Council. The monthly assessment shall be billed on a combined service account on a monthly basis, and the monthly fees shall be assessed in the same manner and billed as are the water rates pursuant to Section 6-5-03 and the sewer rate pursuant to Section 6-5-03, and the lien for nonpayment shall be filed pursuant to Section 6-24-24 and Section 6-5-03, upon the certification by the clerk to the County auditor for the collection in the same manner as property taxes for the removal cost of all such refuse, garbage and recyclables against the property owned by the persons responsible for such cost, who are the property owners as identified by City and County records.

(Ord. 596, Passed 1992)

(Ord. 657, Passed 2002)

(Ord. 719, Passed 2012)

6-4-24 NONPAYMENT OF REMOVAL COSTS--LIEN. Lien for Nonpayment. The removal costs for solid waste bags is established at ten dollars and the removal of items not included within bags is established at twenty dollars, per item and/or thirty dollars per hour for labor and hauling for the necessary removal of items and such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the clerk to the County auditor for the collection in the same manner as property taxes.

(Ord. 596, Passed 1992)

(Ord. 719, Passed 2012)

6-4-25 NOTICE TO REMOVE SOLID WASTE AND RECYCLABLES--TIME LIMIT FOR COMPLIANCE. That the Chief of Police, or his designee, shall provide the landowner with a written notice that if the solid waste and recyclables are not removed within ten days from the date of the service of said notice, that the City shall thereafter remove said solid waste and recyclable and assess the property owner for the cost, and such cost shall be certified by the clerk to the County Auditor for collection in the same manner as property taxes.

(Ord. 596, Passed 1992)

6-4-26 LIEN FOR GARBAGE FEES. The lien for garbage fees as assessed herein and billed by the City of Camanche shall be assessed against the property owner as identified by City or County records on a monthly basis and billed on a combined service account. If such bills are not timepaid,

such cost shall be certified by the clerk to the County Auditor for collection in the same manner as property taxes.

(Ord. 657, Passed 2002)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - BILLING CHARGES

WATER RATES

- 6-5-1 Purpose
- 6-5-2 Water Rates
- 6-5-3 Payment
- 6-5-4 Enforcement
- 6-5-5 Non-Payment of Water Charges
- 6-5-6 Deposit
- 6-5-7 Lawn Water Meters
- 6-5-8 Right of Entry

SEWER RATES

- 6-5-9 Purpose
- 6-5-10 Sewer District Created
- 6-5-11 Sewer System Defined
- 6-5-12 Who Shall Pay Rent
- 6-5-13 Rental Rate; Served By City Water
- 6-5-14 Rental Rate; Served By Private Water
- 6-5-15 Sewer Service Charges Required
- 6-5-16 Sewer Surcharges
- 6-5-17 Rental Rate; Precedence
- 6-5-18 Payment Method
- 6-5-19 Nonpayment
- 6-5-20 Additional Service Charge

WATER RATES

6-5-1 **PURPOSE.** The purpose of this Chapter is to fix water rates and to provide a method for enforcing their collection.

(Ord. 175, Passed 1961)

6-5-2 **WATER RATES.** The rate for water shall be established by resolution of the City Council

(Ord. 513, Passed 1982)

(Ord. 544, Passed 1986)

(Ord. 564, Passed 1988)

(Ord. 642, Passed 2001)

(Ord. 719, Passed 2012)

6-5-3 **PAYMENT.** Water bills shall be calculated and billed on a quarterly basis. Bills shall be calculated in March, June, September and December of each year and shall be due and payable in the following month. Bills will be calculated and mailed out on the 10th day of the month. Bills are due and payable no later than the 6th day of the month following the month in which the bills were calculated. Effective the 7th day of the month following the month in which the bills were calculated, a utility bill shall be considered past due, and a penalty charge equal to five per cent (5%) of the total unpaid utility bill shall be added to the amount due.

Accounts which are past due shall receive a reminder notice that the account is past due and requires payment. If an account remains unpaid for ten days after the reminder notice is provided, the account holder shall be mailed a final “shut off” notice indicating that unless payment in full is received within five days of the date of the final notice, water service will be discontinued until

payment in full is received.

The City will assist the customer by establishing a “payment agreement” allowing the customer to make payments on the utility account. Customers must meet the terms established in the payment agreement or the City will discontinue water service on the account. The City will not authorize a payment agreement on any account that has been issued a final “shut off” notice

(Ord. 362, Passed 1976)

(Ord. 724, Passed 2012)

6-5-4 ENFORCEMENT. Upon receipt of the final “shut off” notice, the customer must make payment in full within five days of all balances due on the utility account. Accounts which have not been paid in full at the expiration of the five day period will be assessed a twenty five dollar (\$25.00) fee. At this time, the City will generate a “shut off” list and the City will discontinue water service by physically turning off the water service to the property. If the water service is physically turned off, the account will be assessed an additional twenty five dollar (\$25.00) reconnection fee. This fee will be added to the past due balance and all balances due must be paid before the water service will be turned back on.

Should the customer require the water service to be turned back on outside of regular working hours, there shall be a seventy five dollar (\$75.00) additional charge to reimburse the water fund for actual costs incurred.

(Ord. 693, Passed 2008)

(Ord. 655, Passed 2002)

(Ord. 565, Passed 1988)

(Ord. 533, Passed 1987)

(Ord. 460, Passed 1980)

(Ord. 724, Passed 2012)

6-5-5 NONPAYMENT OF WATER CHARGES. Water charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Clerk to the County Auditor for collection in the same manner as property taxes.

(Ord. 578, Passed 1990)

6-5-6 DEPOSIT. A one hundred twenty dollar deposit shall be paid by each water user for a five-eighths inch water meter, and a one hundred twenty dollar deposit shall be paid by each water user for a three-fourths inch water meter. The deposit may be increased by resolution of the City Council upon written request from the Public Works Director as the cost of water meters increase upon future water meter purchases by the City. Upon discontinuance of water service by the consumer, the deposit will be returned by the City Clerk less any unpaid water bills owed to the City, and further conditioned upon the water meter being in operating order at the time of discontinuation of the water service.

(Ord. 364, Passed 1976)

(Ord. 619, Passed 1996)

(Ord. 655, Passed 2002)

(Ord. 686, Passed 2007)

(Ord. 719, Passed 2012)

6-5-7 **LAWN WATER METERS.** The residential owner or occupant may purchase and install a water meter from the City for outside lawn and outside water usage and a remote outside register shall be installed for reading said meter. The user shall pay the City the cost of the meter and the meter shall remain city property. The meter for the outside lawn water usage is exempt from sewer tax. Any person who misuses the outside lawn water connection is subject to penalties as described in Chapter 1-3 of this Code, and in addition, upon a finding of misuse, the outside lawn water meter shall be immediately disconnected at the user's expense and the meter forfeited to the City. Misuse of the lawn water meter includes, but is not limited to, any use of said water for domestic purposes inside the residence. The offense of misuse of the water meter may be filed by civil citation or municipal infraction as described in Chapter 1-3 of this Code

(Ord. 677, Passed 2006)

(Ord. 719, Passed 2012)

6-5-8 **RIGHT OF ENTRY.** The public works department employees shall be permitted to enter the premises of any outside lawn meter customer at any reasonable time to read, remove, or change a meter, or to inspect the plumbing connections to the outside lawn water meter.

(Ord. 677, Passed 2006)

SEWER RATES

6-5-9 **PURPOSE.** The purpose of this chapter is to collect from all users of the City sewer system the costs in whole or in part of constructing, replacing, operating and maintaining the sanitary sewers and sewage treatment plant in proportion to the service provided to each user.

(Ord. 579, Passed 1990)

6-5-10 **SEWER DISTRICT CREATED.** One sewer district is created which includes all of the City.

(Ord. 579, Passed 1990)

6-5-11 **SEWER SYSTEM DEFINED.** For use within this chapter, "sewer system" includes main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers and sewer connections in public streets for private property.

(Ord. 579, Passed 1990)

6-5-12 **WHO SHALL PAY RENT.** Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the City sewer system shall pay rent to the City at the rate and in the manner as provided for in Sections 6-5-13, 6-5-14 and 6-5-15.

(Ord. 579, Passed 1990)

6-5-13 **RENTAL RATE; SERVED BY CITY WATER.** The rate for sewer shall be established by resolution of the City Council.

(Ord. 616, Passed 1996)

(Ord. 612, Passed 2001)

(Ord. 675, Passed 2006)

(Ord. 688, Passed 2008)

(Ord. 719, Passed 2012)

6-5-14 RENTAL RATE; SERVED BY PRIVATE WATER. The rate of rent for those customers who did not use City water shall be set by resolution of the City Council.

(Ord. 616, Passed 1996)

(Ord. 688, Passed 2008)

(Ord. 719, Passed 2012)

6-5-15 SEWER SERVICE CHARGES REQUIRED. Every nonresidential customer shall pay to the City sewer service fees, rates, charges and surcharges, as hereinafter provided: All sewer rental rates for nonresidential users are currently charged at the same base rate as residential users.

(Ord. 664, Passed 2004)

6-5-16 SEWER SURCHARGES. There are hereby imposed upon discharges into the municipal sewer system the following surcharges for the discharges listed, and said surcharges shall be due and payable twenty days from the date of billing thereof:

1. B.O.D. or T.S.S. (whichever is greater in concentration):

a. See Schedule 1 of Exhibit "A"

b. The surcharges specified herein apply to the daily usage for each day of violation from and after the day of occurrence, and shall be imposed daily at the applicable surcharge rate until the discharging party provides satisfactory evidence of compliance with applicable standards. It shall be a specific duty of the discharging party to monitor/test sewer discharges adequately and said discharging party shall be solely responsible for all testing and costs related thereto, and the discharging party shall reimburse the City for their expenses incurred in monitoring/testing discharges. Said surcharges and cost shall all be due and payable twenty days from the date of billing thereof. These rates may be adjusted by resolution of the City Council.

2. Oil and Grease (parts per million):

a. See Schedule 2 of Exhibit "A"

b. The surcharge specified herein applies to the daily usage for each day of violation from and after the day of occurrence and shall be imposed daily at the applicable surcharge rate until the discharging party provides satisfactory evidence of compliance with applicable standards. It shall be the specific duty of a discharging party to monitor/test sewer discharges adequately and said discharging party shall be solely responsible for all testing and costs related thereto, and they shall reimburse the City for all costs incurred in the monitor/testing of sewer discharges by the city. Said surcharges and cost shall be due and payable twenty days from the date of billing thereof. A violation is a municipal infraction. These rates may be adjusted by resolution of the City Council.

3. Municipal Infraction. The repeated violations resulting in sewer surcharges by any nonresidential user more than five days of any given six-month period may in addition be fined and punished pursuant to Chapter 1.13, Penalty, and under Chapter 687 through 747 of the Code of Iowa.

EXHIBIT A

We propose the following surcharges:

1. BOD or TSS (whichever is greater in concentration)

Strength (PPM)	Surcharge per 1,000 Gallons or Part Thereof
Less Than 300	No Surcharge
300-399	\$ 0.70
400-499	1.40
500-599	2.10
600-699	2.80
700-799	3.50
800-899	4.20
900-999	4.90
1000-1099	5.60
1100-1199	6.30
1200-1299	7.00
1300-1399	7.70
1400-1499	8.40
1500-1599	9.10
1600-1699	9.80
1700-1799	10.50
1800-1899	11.20

Strength (PPM)	Surcharge per 1,000 Gallons or Part Thereof
1900-1999	\$11.90
2000-2099	12.60
2100-2199	13.30
2200-2299	14.00
2400-2499	14.70
2500-2599	15.40
2600-2699	16.10
2700-2799	16.80
2800-2899	17.50
2900-2999	18.20
Greater than 3,000	\$ 18.90 per multiple of 1,000 gallons or portion thereof

2. Oil and Grease

Strength (PPM)	Surcharge per 1,000 Gallons
Less than 50	No Surcharge
50-99	\$2.10
100-149	\$4.20
150-199	\$6.30
200-249	\$8.40
250-299	\$10.60
Greater than 300	\$12.70 per multiple of 1,000 gallons or portion thereof

(Ord. 664, passed, 2004)

6-5-17 RENTAL RATE; PRECEDENCE. The rental rates established in this chapter shall take precedence over any terms or conditions of agreements or contracts between the city and sewer system users.

(Ord. 579, Passed 1990)

6-5-18 PAYMENT METHOD.

1. For premises served by the City water system, the rent shall be paid with the water bill at the time payment of the water bill is due and under the same conditions, beginning with the next payment after the enactment of this section, or if connection has not then been made, after the connection to the sewer system is made. Premises served by private water systems will be billed on the same schedule as those served by the City water system and rent shall be paid at the same time and place as provided for premises served by the City water system.

2. Commercial and industrial users may, at their election, pay sewer and water bills monthly rather than quarterly. The user must make this election, in writing, by giving notice to the water department, City Hall, of their express desire to be billed monthly for said sewer and water rates.

(Ord. 579, Passed 1990)

6-5-19 NONPAYMENT. The amount of rent charged shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due.

(Ord. 579, Passed 1990)

6-5-20 ADDITIONAL SERVICE CHARGE. Failure to pay sewer rental charge when due shall result in an additional service charge computed at a rate of five percent of the sewer rental bill submitted.

(Ord. 579, Passed 1990)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 BASIC CABLE RATE REGULATION

6-6-1	City Authority	6-6-4	Change in Service Tier Rates--City to be Notified
6-6-2	Rate Regulation Proceedings	6-6-5	Enforcement Authority
6-6-3	Filing and Notification		

6-6-1 CITY AUTHORITY. The City of Camanche (herein called “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. Section 76.900 et seq., as they currently read and hereafter may be amended, which are herewith incorporated by reference.

(Ord. 599, Passed 1994)

6-6-2 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted under Section 6-6-1 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 Camanche 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:

1. 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.

2. 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.

3. 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 announce 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.

4. 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 Camanche to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents and deposition.

5. Upon termination of the rate regulations 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.

6. 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.

7. Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.

8. 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 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.

(Ord. 599, Passed 1994)

6-6-3 FILING AND NOTIFICATION. The City shall file with the FCC the required certification form (FCC Form 328) on September 1, 1993, or as soon thereafter as appropriate. Thirty days later, or as soon thereafter 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. 599, Passed 1994)

6-6-4 CHANGE IN SERVICE TIER RATES--CITY TO BE NOTIFIED. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and 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 business days after the change becomes effective.

(Ord. 599, Passed 1994)

6-6-5 ENFORCEMENT AUTHORITY. 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. 599, Passed 1994)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SUBDIVISION REGULATIONS

6-7-1 Title, Purpose and Application	6-7-4 Preliminary Plats
6-7-2 Definitions	6-7-5 Final Plats
6-7-3 Platting Required; Council Approval Required	6-7-6 Changes and Amendments

6-7-1 TITLE, PURPOSE AND APPLICATION. This chapter shall be known, referred to and cited as “The Land Subdivision Ordinance of the City of Camanche, Iowa”. This chapter is to provide for the harmonious development of the City and vicinity, for the coordination of streets within subdivisions with other existing or planned streets, or with other features of the City Comprehensive Plan of the City, for adequate open spaces for traffic, recreation, light and air and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity. Under the authority of Section 354.9 of the Code of Iowa, every owner of any tract or parcel who has or shall hereafter subdivide or plat said tract or parcel into three (3) or more parts, for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or within two (2) mile of its corporate limits, shall cause plats of such area to be made in the form and containing the information as hereinafter set forth before selling any lots therein contained or placing the plat on record. Requirements of this chapter also apply to the resubdivision or replating of a recorded plat.

6-7-2 DEFINITIONS. For use in this chapter, the following words and terms are defined:

1. Alley: A permanent serviceway providing a secondary means of access to abutting lands.
2. Arterial streets: Those streets designated in the street plan for large volumes of traffic movement. Certain arterial streets may be classified as business streets to serve congested business sections, and others as limited access highways to which entrances and exits are provided only at controlled intersections, which access is denied to abutting properties.
3. Block: A unit of property lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting and intercepting streets or railroad right of way, waterway or other definite barrier.
4. Block frontage: Property abutting on one side of a street, and lying between the two (2) nearest intersecting or intercepting streets or railroad right of way, waterway or other definite barrier.
5. Building setback line: A line on a plat between which line and a street right of way no building or structure may be erected.

6. Circle drive: A residential street of a closed circular shape, which has one entrance open to traffic and intersects or intercepts no street other than the entrance.
7. Commission: The City Plan Commission.
8. Comprehensive plan: The complete plan, or any of its parts, for the development of the city, prepared by the commission and adopted in accordance with state law.
9. Cul-de-sac, court or dead end street: A residential street having one end open to traffic and being permanently terminated by a vehicle turnaround.
10. Easement: A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, utilities, a corporation or a certain person or persons.
11. Feeder streets: Those designated as important streets to facilitate the collection of traffic from residential streets, to permit circulation within neighborhood areas and to provide convenient ways for traffic to reach arterial streets.
12. Loop: A residential street that begins and ends at two (2) spaced points on the same street and which intersects and intercepts no other street.
13. Lot: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or development.
14. Major arterial streets: Streets which are designed and intended to move large volumes of vehicles between cities or parts of the City.
15. Minor arterial streets: Streets which provide a function similar to the major arterial, but are primarily intra-city in nature, and operate at lower speeds than major arterials.
16. Place or private drive: An open, unoccupied, officially designated, privately owned space, other than a street or alley, permanently reserved for use as the principal means of access to one (1) or more abutting properties as specifically authorized under this chapter. For the purposes of this chapter, a place or private drive shall be subject to the same requirements, conditions, restrictions and connotations as streets. For single-family and two-family dwellings, not more than three (3) lots or three (3) principal structures may be served by a private drive.
17. Plat: A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.
18. Private sanitary sewer system: A sewer owned, controlled and maintained by property owners, a subdivider or a duly constituted homeowner association.
19. Private sewage treatment and disposal system: All equipment and materials needed to

properly treat and dispose of sewage from a single residential, commercial or industrial use.

20. Private water well system: Any excavation that is drilled, bored, driven or dug in the earth to provide a source of water for a single residential, commercial or industrial use.

21. Public sanitary sewer outlet: A public sanitary sewerage system which conveys sewage to a public wastewater treatment facility.

22. Public sanitary sewer system: A sewer owned, controlled, maintained and subject to the jurisdiction of the city.

23. Public water supply: Those water systems owned, controlled and maintained in accordance with the franchise between the provider and the city.

24. Quasi-public sewage treatment and disposal system: All equipment and materials needed to properly treat and dispose of sewage from more than one residential, commercial or industrial user, and other than a public sanitary sewer system.

25. Quasi-public water well system: Any excavation that is drilled, bored, driven or dug in the earth to provide a source of water for more than one residential, commercial or industrial user, and other than a public water supply.

26. Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots of parcels of land. It may include all or any part of a previous subdivision or plat.

27. Residential streets: Streets which are to provide access to individual properties.

28. Street: A right of way, dedicated to and accepted for the public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place or other appropriate name. A street may also be identified according to type of use.

29. Street plan: The part of the comprehensive plan which sets forth the location, alignment, dimensions, identification and classification of existing and proposed public streets, highways and other thoroughfares.

30. Subdividers: Any person, individual, firm partnership, association, corporation, estate, trust or any other group including any agent thereof or combination acting as a unit, engaged in developing or improving a tract of land which complies with the definition of a "subdivision" as defined herein

31. Subdivision: For the purpose of this chapter, a subdivision of land is either:

- a. The division of land into three (3) or more tracts, sites or parcels

b. Establishment or dedication of a road, highway, street, alley, place or private drive through a tract of land regardless of area.

c. Resubdivisions or replats of land heretofore divided or platted into lots, sites or parcels; however, the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, nor place said lots in nonconformance with the provisions of the zoning ordinance or this chapter, shall not be considered as a subdivision of land.

d. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the allocation of land for common use by owners, occupants or leaseholders.

32. 2-year storm: Three and one-tenth (3.1) inches of rain falling in a twenty-four (24) hour period.

33. 5-year storm: Three and nine-tenths (3.9) inches of rain falling in a twenty-four (24) hour period.

34. 10-year storm: Four and five-tenths (4.5) inches of rain falling in a twenty-four (24) hour period.

35. 25-year storm: Five and three-tenths (5.3) inches of rain falling in a twenty-four (24) hour period.

36. 50-year storm: Five and six-tenths (5.6) inches of rain falling in a twenty-four (24) hour period.

37. 100-year storm: Six and four-tenths (6.4) inches of rain falling in a twenty-four (24) hour period.

6-7-3 PLATTING REQUIRED, COUNCIL APPROVAL REQUIRED.

1. Plat Required. It is unlawful for any owner, agent or person having control of any land within the corporate limits of the City or within two (2) miles of its corporate limits to subdivide or lay out such land into blocks, lots, streets, avenues, alleys, public ways and grounds unless by plat in accordance with the laws of the State of Iowa and the provisions of this chapter. A development or subdivision solely for agricultural purposes, i.e., farming, is excluded from this requirement. The Council may, by resolution, waive its right to review subdivisions located within two (2) miles of its corporate limit. In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this chapter. The owner and subdivider of any subdivision shall comply with the requirement for a preliminary plat and the requirements for a final plat.

2. Planning Consultation; Factors for Consideration.

a. In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the commission, the city engineer and other public officials prior to the preparation of the tentative plan of the subdivision. The comprehensive plan should be reviewed to determine how the proposed plan will fit into the comprehensive plan.

b. Requirements of the street plan; school and recreational sites; shopping centers, community facilities; sanitation; water supply, drainage and erosion; and, relationship to other developments, existing and proposed in the vicinity, should be determined in advance of the preparation of the subdivision plan. Consultation should also be held with those familiar with the economic factors affecting the subdivision. A thorough estimate of the situation will result in sound decisions with respect to the form, character and extent of the proposed subdivision.

c. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be considered by the commission to be unsuitable for each such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.

3. Variances; Basis for Consideration; Justification.

a. Where the subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Planning and Zoning, because of topographical or other conditions peculiar to the site or density, a departure may be made without destroying the intent of such provision, then the Planning and Zoning, may authorize a variance. Any variance recommended by the Planning and Zoning, is required to be entered in writing in the minutes of the Planning and Zoning, and the reasoning on which the departure was justified shall be set forth.

4. Failure to Comply with Chapter; Building Permits; Exceptions. The building inspector shall not issue building, repair, temporary occupancy or permanent occupancy permits for any structure located on a lot in any subdivision within the city, the plat of which has not been approved in accordance with the provisions of this chapter, except:

a. Agricultural building improvements to agricultural property zoned A-1 agricultural district.

b. Residential lots zoned R-1 or R-2 single-family residence district, where said lots were

created prior to adoption of Ordinance 150 in 1957 and the original boundaries of said lots have not been changed, except by condemnation.

c. Upon the findings and determination by the city council that none of the public benefits or need intended by this chapter or by Chapter 354 of the 2011 State Code of Iowa would be gained by requiring compliance with the terms of this chapter.

d. The council may authorize the issuance of a building permit for a tract prior to the council's final approval of the plat thereof where the applicant provides a restrictive covenant that the applicant will obtain final council approval of the plat prior to any temporary or final occupancy or use of the building authorized by the permit. Said covenant shall be in a form suitable for recording and be approved by the city attorney.

5. Public Improvements Not to be Made in Nonconforming Subdivisions. The council shall not permit public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided, unless the subdivision or street has been approved in accordance with the provisions of this chapter except as provided for in subsection 6-7-3(4)(b) of this chapter.

6. Acceptance of Street Dedications. No street in any subdivision shall be officially accepted by the council for the improvement and maintenance thereof until the minimum improvements required by this chapter have been made either by the subdivider or by the abutting property owners.

7. Changes and Amendments; Prerequisites; Procedure. Any regulation or provision of this chapter may be changed and amended from time to time by the council. Such changes or amendments shall not become effective until after study and report by the commission and after a public hearing has been held by the council, public notice of which shall be given in such newspaper of general circulation not less than (4) days but not more than twenty (20) days prior to the date set for said hearing. Approval of a change or amendment by council shall be by ordinance.

6-7-4 PRELIMINARY PLATS

1. When Required; Submission Generally.

a. Whenever the owner of any tract or parcel of land within the corporate limits of the city or within two (2) miles of its corporate limits wishes to make a subdivision of the property, he shall cause to be prepared a preliminary plat of the subdivision and shall submit five (5) copies of the preliminary plat along with other information prescribed in this article to the commission for its preliminary study and action.

b. The commission may waive in full or in part the requirements that a preliminary plat be filed under any of the following conditions:

(1) A plat consisting of one lot.

(2) A plat where the subdivider's entire tract is included within a final plat filed with the commission.

(3) A replat.

2. Application for Preliminary Approval; Submission; Contents; Fee.

a. A subdivider desiring preliminary approval of a plat of a subdivision of any land lying within the city, shall submit a written application therefor to the commission. The application form provided by the city shall be accompanied by six (6) copies of the following information and plans: A location map which need not be a special drawing; the date may be shown on available city maps. The location map shall show:

(1) The subdivision name and its location.

(2) Major thoroughfares related to the subdivision.

(3) Public transportation lines.

(4) Main shopping center.

(5) Community or neighborhood stores.

(6) Elementary and high schools.

(7) Parks and playgrounds.

(8) Other community features.

(9) Title, scale, north point and date.

b. A site map showing:

(1) Topographical data in one of the following forms, which shall be determined by the commission during preliminary consideration of the plan:

(a) A contour map with contours at intervals of two (2) feet, if the general slope of the site is less than ten (10) percent, and at vertical intervals of five (5) feet if the general slope is greater than ten (10) percent.

(b) A land inspection sketch showing terrain features, wooded areas, buildings and other natural or artificial features which would effect the plan of the subdivision.

(2) Tract boundary lines, showing dimensions, bearings, angles, and references to section, township and range lines or corners.

(3) Streets and right of way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and width of pavements, curbs, driveways, location of streetlights, sidewalks, tree planting and other pertinent data.

(4) Easements, including locations, widths and purposes.

(5) Utilities, including sanitary and storm sewers, other drainage facilities; water lines; gas mains; electric utilities and other facilities. The size or capacity of each should be shown and the locations of distance to each existing utility indicated.

(6) The location of street light standards.

(7) The zoning of the site and adjoining property.

(8) Existing or proposed platting of adjacent land within three hundred (300) feet of the subdivision.

(9) Other features or conditions which would affect the subdivision favorable or adversely.

(10) Title, scale, north point and date.

(11) Location and elevation of all benchmarks. All vertical datum shall be based on the 1912 Geodetic Survey. Benchmarks are available at the City Engineer's Office. The 1929 Geodetic Survey shall be used to establish elevation certificates.

c. A preliminary plat of the subdivision, drawn to scale of fifty (50) feet to one inch or one hundred (100) feet to one inch; however, if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale as recommended by the city engineer or the commission may be used. The preliminary plan shall show:

(1) The proposed name of the subdivision.

(2) The names and addresses of owner, the subdivider, and the city planner, land planning consultant, engineer or surveyor, who prepared the plan.

(3) A street pattern showing the names, which shall not duplicate names of other streets in the community except in cases of extensions of existing streets, and the widths of rights of way of streets, and widths of crosswalks, easements or alleys.

(4) The layout of the lots, showing dimensions and numbers. The square foot area

of each lot with irregular sides and are not rectangular; the block number, if required and distances, radii and chords.

(5) The parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semipublic or community purposes.

(6) The building setback or front yard lines.

(7) The key plan legend and notes.

(8) The scale, north point and date.

d. The information called for in subsections (b) and (c) of this section may be submitted as one or two (2) maps or plans.

e. Preliminary engineering plans showing:

(1) Profiles, typical cross sections and specifications for proposed street improvements.

(2) Profiles, locations and other explanatory data concerning the installation of storm sewer systems, and public, quasi-public or private sanitary sewerage and/or water distribution systems.

(3) All private sanitary sewer systems shall have the prior approval of the city engineer that said system will be compatible for connection to a public sanitary sewer outlet when available.

f. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.

g. Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. Reference should be made to the comprehensive plan for suggestions as to the general street pattern and design of the neighborhood. Wherever possible all of the property owners within the neighborhood should endeavor to agree upon a general plan for its development, in order that such subdivision may be designed as an integral part of a well considered overall plan.

h. The application shall be accompanied by a Filing Fee (certified check or money order) payable to the city in the amount of three hundred dollars (\$300.00).

3. Preliminary Approval: Action By The Commission And The Council; Time For Action; Effect Of Approval; Filing Of Copies.

a. Within thirty (30) days after the commission meeting next following submission to the clerk of an application for approval of a plat of a subdivision, the commission shall review the application and shall study the preliminary plat to see if it conforms to the minimum standards and requirements outlined in this chapter, and shall approve or reject the plat within sixty (60) days after submission of the application to the commission.

b. If the commission does not act within sixty (60) days after the application for preliminary approval is submitted to the commission, the preliminary plat shall be deemed to be approved. Said sixty (60) day time period shall begin when all required preliminary plats, plans and documents have been received by the city. The subdivider may agree to an extension of time. The commission shall submit its recommendations to the council for its action in writing. The approval of the preliminary plat by the council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat.

c. One copy of the preliminary plat approved by the council and signed by the mayor and the clerk shall be retained in the clerk's office and one copy shall be retained in the office of the commission. One copy shall be authorization for the subdivider to proceed with the preparation of the final plat.

4. Time Limit On Preliminary Approval. Approval of the preliminary plat shall be effective for a period of eighteen (18) months unless, upon request of the applicant, the council grants and extension. The final plat shall be submitted to the clerk and, if it is not received within eighteen (18) months, all previous actions by the council with respect to the plat shall be deemed to be null and void.

5. Conformance Required. The preliminary plat of the subdivision shall conform to the principles and standards of design established in this article, including plats located within two (2) miles of the city corporate limits.

6. Comprehensive Plan. The subdivision plan shall conform to the principles and standards which are generally exhibited in the comprehensive plan.

7. Street And Alleys.

a. Proposed streets should be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

b. The street and alley layout shall conform to the street plan for the development of the neighborhood in which the proposed subdivision is located and shall provide access to all lots and parcels of land within the subdivision. Where streets cross other streets, jogs shall not be created. The minimum distance between centerlines of parallel, or approximately parallel, streets intersecting a cross street should be one hundred twenty-five (125) feet.

c. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

d. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

e. The widths of streets shall conform to the widths specified in this chapter according to type of use. The minimum right-of-way widths of arterial and collector streets being eighty (80) feet. The paved width for arterial and collector streets shall be determined by the city engineer. Residential streets, which have a paved width of thirty-one (31) feet or more approved by the council, shall have a minimum right of way width of fifty (50) feet. Any exceptions will need the approval from the planning and zoning commission and the city council. Cul-de-sacs shall have a minimum right of way radius of fifty (50) feet and shall be paved a minimum of forty (40) feet measured back of curb to center point of the turnaround.

In areas zoned exclusively for single-family residences, cul-de-sacs not more than one thousand (1,000) feet in length and loop streets or circle drives not more than one thousand (1,000) feet in length may be paved a minimum of thirty-one (31) feet in width, measured back of the curb to back of curb, if there is adequate off street parking and the council approves. All measurements shall be made along the centerline of the cul-de-sac, circle drive or loop street right of way. Length shall be determined by measuring from the centerline of an intersecting street to the centerline of the intersecting street for a loop street or circle drive, or from the centerline of the intersecting street to the center of the cul-de-sac.

f. Alleys shall be discouraged in residential districts, but should be included in commercial and industrial areas where needed for loading, unloading or access purposes. Where platted, alley right of way widths shall be at least twenty-five (25) feet.

g. The centerlines of streets should intersect as nearly at right angles as is possible.

h. Where an alley intersects a street property line, corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.

i. At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs. Back of curb radii shall be not less than twenty-five (25) feet.

j. If the smaller angle of intersection of two (2) streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines and back of curb shall be increased as deemed advisable by the commission.

k. Intersections of more than two (2) streets at one point shall be avoided.

l. Whenever the proposed subdivision contains or is adjacent to a highway designated as a controlled access highway by the appropriate highway authorities, provisions shall be made for a marginal access street, a parallel street at a distance acceptable for the appropriate use of the land between the highway and such parallel street, to the limiting of access, where possible and practical, to said street by restrictive covenant. Whenever the proposed subdivision contains or is adjacent to a street designated as a secondary street or as a primary street in the street plan, provisions may be made of limiting access, where possible and practical, to said street by restrictive covenant.

m. The minimum length of vertical curves, expressed in feet, to permit adequate stopping sight distance on all streets shall be established along the centerline of such streets as follows:

(1) On arterial streets: Seventy-six (76) multiplied by the percent algebraic difference of grades.

(2) Feeder or collector streets: Forty (40) multiplied by the percent algebraic difference of grades.

(3) Residential streets: Twenty-nine (29) multiplied by the percent algebraic difference of grades.

n. Curvature measured along the centerline shall have a minimum radius as follows:

(1) Limited access highways: One thousand eight hundred forty-six (1,846) feet.

(2) Arterial streets: Nine hundred thirty (930) feet.

(3) Parkways: seven hundred ten (710) feet.

(4) Feeder streets: five hundred twenty-five (525) feet.

(5) Residential streets: One hundred (100) feet.

o. An option is open to use superelevation with reduced curve radii on curves, subject to the review and approval of the city engineer.

p. Between reversed curves on arterial streets a tangent of not less than two hundred (200) feet shall be provided and on feeder and residential streets such a tangent shall be not less than one hundred (100) feet.

q. Maximum or minimum grades:

(1) Arterial streets, not greater than four (4) percent.

(2) Feeder and residential streets, not greater than eight (8) percent.

(3) The minimum grade of any street gutter and alley inverted crown shall not be less than five-tenths (0.5) percent, unless a lesser grade is specifically authorized in writing by the city engineer.

(4) In approaching intersections, there shall be a suitable leveling of the street at the grade, generally not exceeding four (4) percent and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersecting street. The grade within the intersection shall be as level as possible permitting proper drainage.

r. The design of the intersection shall be such that a clear sight distance will be maintained in accordance with the Iowa Department of Transportation Design Manual, Chapter 6A-4, Horizontal Sight Distance at Intersections.

s. Street Names. Streets that are obviously in alignment with others already existing and named shall bear the name of existing streets. The names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The City Engineer shall determine house numbers.

8. Blocks.

a. Blocks shall not be less than five hundred (500) feet or longer than one thousand (1,000) feet in length.

b. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or arterial street.

9. Lots.

a. All lots shall abut on a street or place.

b. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

c. Double frontage lots should not be platted, except that where desired along arterial, limited access highways or streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip is used for a screen, at least twenty (20) feet in width shall be provided along the back of the lot.

d. Prior to the approval of a preliminary plat of an area where a public sanitary sewer outlet and/or a public water supply are not available, the commission shall receive certification from a professional engineer, registered in accordance with the applicable provisions of the Code of Iowa, that lot size, soil conditions, area and topography within said subdivision are suitable for the installation of private or quasi-public sewage treatment and disposal systems and/or water well

systems in accordance with the applicable State of Iowa and Clinton County Board of Health laws, rules and regulations governing the installation of such systems. Said certification shall provide proof that the Clinton County Board of Health has reviewed and approved the methods and determination of the certification. Where a public sanitary sewer outlet and a public water supply are available to the entire subdivision, the widths and areas of lots shall be not less than provided in the zoning regulations of the city for the district in which the subdivision is located.

e. The depth-to-width ratio of the usable area of a lot shall be at a maximum of 3.0:1.0.

f. Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

g. Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for unrestricted commercial use.

h. No strip of land shall be reserved by the subdivider unless the tract is of sufficient size and shape to be of some practical use or service as determined by the commission and council.

i. The land contour of all lots shall contain a building site with an elevation of sufficient height to permit construction of the lowest habitable floor of a building one foot above a 100-year flood level.

10. Easements.

a. Where alleys are not provided, easements for utilities shall be provided. The easements shall have minimum widths of fifteen (15) feet, and where located along lot lines, one-half (1/2) the width shall be taken from each lot. Before determining the location of easements, the plan shall be approved by the local public utility companies to assure the proper placement of the easements for the installation of such services.

b. Easements along Streams and Watercourses. Whenever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City an easement along said streams and watercourses meeting the approval of the Plan Commission.

11. Building Setback Lines. Building setback lines shall be established as required by the zoning ordinance of the city.

12. Land For Public Purposes. Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the comprehensive plan, or where such sites appear to be desirable, the commission may request their dedication for such purposes, or their reservation for a period of one year following the date of the approval of the plat.

13. Areas Subject To 100-Year Flood Frequency. All subdivisions located or partially located below the 100-year flood frequency elevation which contain three (3) acres or two (2) lots, whichever is less, shall note the location of the 100-year flood frequency area and the elevation.

14. Watercourses. Flood-carrying capacity within an altered or relocated portion of any watercourses shall be maintained. The applicant will notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse.

15. Maintenance of Improvements Outside Corporate Limits. Maintenance of Improvements Outside Corporate Limits. Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the City does not desire to or cannot maintain, provision shall be made by trust agreements, made a part of the deed restrictions acceptable to the Council for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

6-7-5 FINAL PLATS

1. Requirements.

a. Extent Of Plat: The final plat may include all or only a part of the approved preliminary plat.

b. Format: The original drawing of the final plat of the subdivision shall be drawn to a scale of fifty (50) feet to one inch; however, if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one inch may be used. Ten (10) black or blue line prints shall be submitted with the original final plat.

c. Engineering Plans: Detailed engineering drawings and construction plans, prepared by and certified to by a registered professional engineer, in accordance with the provisions of the latest revision of the city's standard specifications and standard drawings for construction and including the standards of improvements contained herein, shall be submitted to the city for review. Said engineering plans shall be approved by the director of public works or the director's designee. Such approval must be obtained prior to construction of the improvements.

d. Data On Plat: The following basic information shall be shown on the final plat:

(1) Accurate exterior boundary lines of the subdivision and the lots, with dimensions and bearings which provide a survey of the same closing with and error of not more than one foot in ten thousand (10,000) feet for the subdivision and one foot in five thousand (5,000) feet for any lot.

(2) Accurate distances and bearings from the subdivision to some corner of the congressional division of which the addition is a part. Reference corners shall be accurately described on the plat.

(3) Accurate distances and bearings of all existing, recorded or proposed streets and alleys intersecting or within the boundaries of the subdivision.

(4) Identification of all adjoining properties by subdivision name or name of property owner.

(5) Signature blocks for the approval signature of the mayor and city clerk, the chairman of the planning and zoning commission and the utility companies.

(6) Street names.

(7) Complete curve notes for all curves in the subdivision including radius, central angle, tangent, length of curve, length of chord and chord bearing information.

(8) Street and alley lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.

(9) Lot numbers, dimensions and areas (in acres).

(10) The purpose of, accurate location of, and any limitation on easements for utilities including streetlights.

(11) The application shall be accompanied by a Filing Fee (certified check or money order) payable to the city in the amount of two hundred dollars (\$200.00).

(12) Building setback lines and dimensions.

(13) Location, type, material and size of all monuments and markers.

(14) The subdivision name and number designated in bold letters at the top of each plat.

(15) The name and address of the owner and subdivider.

(16) The north point, scale (illustrated by a bar scale), date and acreage of the tract.

(17) Certification by an Iowa registered land surveyor that the plat is a true and correct representation of the lands surveyed, said certification being accompanied by the surveyor's signature, seal and registration number.

(18) Private restrictive covenants and their period of existence, which may be attached thereto and by reference be made a part thereof.

(19) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

2. Documents To Be Submitted With Final Plat.

a. When the final plat is submitted to the council, it shall be accompanied by the following instruments, which will be current within thirty (30) days prior to the date of the council's approval:

(1) An attorney's legal opinion placing the fee title, free from unbonded encumbrances, in the owner. The attorney shall also identify the name or holder of any mortgage lien, judgment, or other encumbrances on the land being platted. No dedication of public way shall be accepted by the city until the persons identified in the attorney's certificate to the city has either agreed to release any encumbrance on the land to be dedicated, or the owner submits an irrevocable bond payable to the city in an amount equal to twice the value of the encumbrance, to guarantee the release of the encumbrance at the time the city chooses. Utility easements shall not be construed to be encumbrances for the purpose of this section. In the event the subdivision plat contains no land for public use other than utility easements, the treasurer's certificate listed in section 6-7-5(2)(a)(4) need not include a statement on special assessments.

(2) A statement from the mortgage holders and lien holders, if any, that the plat is prepared with their free consent and in accordance with their desires, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. In lieu of such consent, the owner may provide an affidavit and bond as provided in Chapter 354.12 of the 2011 State Code of Iowa. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City of Clinton or dedicated to the public.

(3) A certificate by the owner of the property and spouse, if any, that the subdivision as it appears on the plat is with free consent, and is in accord with the desire of said owner and spouse, dedicating the streets and other public ways shown on the plat, agreeing to abide by the setbacks required in the city code at the time any building permit is obtained, declaring the limitation on easements and providing for and restrictive covenants needed of requested.

(4) A certificate from the county treasurer that the land is free from certified taxes and that the certified special assessments are secured by a bond in compliance with Section 354.12 of the 2011 State Code of Iowa.

(5) One of the following:

(a) A certificate bearing the approval of the city engineer, stating that all improvements and installations to the subdivision required by this article have been made or installed in accordance with specifications.

(b) Bonds

1) A performance bond or bonds with the city, which will insure to the city that the subdivision improvements will be completed by the subdivider within two (2) years after council acceptance of the plat and a maintenance bond or bonds, from all the subdivider's contractors, with the city which will insure to the city that said improvements will be maintained in good and suitable condition for a period of two (2) years after council acceptance of the construction.

2) The term "maintain" or "maintained" shall be defined as pertaining to the repairs which shall become necessary because of defective or faulty workmanship or materials in the improvement completed by the subdivider and/or his contractors.

3) The form and type of a performance bond or bonds shall be approved by the city attorney and the finance committee of the city, and the amount of any bond shall not be less than the estimated cost of the improvements, and the amount of any performance or maintenance bond shall be approved by the city engineer. If the improvements are not completed or maintained within the specified times, the council may use the bond or bonds or any necessary portion thereof to complete or maintain the improvements.

(c) A waiver to the council to provide the subdivision improvements required with the final plat and to assess the cost thereof against the subdivided property in accordance with the law regarding special assessments. However, the subdivider or property owners shall be responsible for any difference between the cost of the improvements and the amount that can be legally assessed by the city against the subdivided property, and they shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement. Notwithstanding the assessment waiver, the subdivider or property owner may elect to construct the subdivision improvements, in which case all their contractors shall file with the city a maintenance bond as set forth in section 6-7-5(2)(a)(5)(b) above.

(6) A certificate from a registered land surveyor, including an accurate metes and bounds description of the addition.

(7) A resolution and certificate for approval by the council.

(8) The application shall be accompanied by a Filing Fee (certified check or money order) payable to the city in the amount of two hundred dollars (\$200.00).

(9) The application shall be made with an appropriate application form provided by the city.

3. Referral To Commission; Action By Commission; Council Action. Upon the receipt of the final plat by the clerk, it shall be referred to the commission for its review and recommendations. Said recommendation shall then be referred, in writing, to the council. If the commission does not approve the final plat of the subdivision, the council may approve the plat only by a three-fourths

(3/4) vote of the entire membership of the council. Council approval of the final plat shall be by resolution. The council shall direct the mayor and the clerk to certify the resolution and affix it to the final plat. If the council rejects the final plat, it shall state, in the council minutes, wherein said final plat is objectionable. The council shall act on a final plat within sixty (60) days of the filing of all required final plat, engineering plans and legal instruments with the clerk.

4. Record Plat. Within sixty (60) days following the approval of the final plat by the city council, the applicant must record the final plat with the Clinton County Recorder. A filing fee of two hundred fifty dollars (\$250.00) will be required for any final plat that is not recorded within the sixty (60) day requirement that needs reapproval by the city council

5. Filing Copy of Recorded Plat. Within sixty (60) days following the approval of the final plat by the city council, applicant shall file with the city a copy of the recorded final plat and also file one original size reproducible mylar copy or the final plat.

6. Replats; Notification of Adjacent Property Owners. Whenever an existing platted lot or lots on ground zoned residential is replatted into two (2) or more lots, the property owner shall post a minimum of two (2) signs at least ten (10) days before the planning and zoning commission meeting date in such manner as directed by the zoning enforcement officer. In those cases where the director shall determine that by virtue of parcel size or configuration, two (2) signs would provide the public with insufficient notice of the proposal, additional signs may be directed to be posted.

Additionally, the City Clerk's Office shall provide mailed notice to each person owning property adjacent to or within two hundred (200) feet of the ground subject to replat, such notice to be mailed at least five (5) days prior to the meeting of the planning and zoning commission wherein such application for replat will be considered. The cost of any signs and mailed notice shall be charged in addition to the application fee, pursuant to guidelines established by resolution of council. If the signs are not posted as required above, the planning and zoning commission may delay action on the plat until the requirement is met. The signs shall be removed within seventy-two (72) hours after the planning and zoning commission meeting.

7. Conformance Required. The final plat of a subdivision shall conform to the standards of improvements established in this division.

8. Definition of the Phrase "The Subdivider Shall Provide".

a. In this division, the phrase "the subdivider shall provide" means that the subdivider shall install the facility referred to or, whenever a private sewage treatment and disposal system and/or private water well system is to be provided on a lot or parcel, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in this article shall be installed by the developer of the lot in accordance with these regulations.

b. All public, quasi-public or private sanitary sewer systems and/or water systems shall be installed in accordance with these regulations prior to occupancy of the buildings connected to said systems.

c. All other facilities referred to must be installed in accordance with these regulations prior to occupancy of the buildings.

d. Notwithstanding the provisions of subsection (c) of this section, occupancy permits may be granted where a cash bond is filed with the city clerk for incomplete subdivision improvements. The cash bond shall be on a form approved by the city attorney and shall be in the amount of one hundred fifty (150) percent of the cost of completing the remaining improvements. The exact amount of the cash bond and the date the bond may be called by the city if improvements are not completed shall be determined by the city engineer at his sole discretion. In addition, a waiver of liability shall be executed by the developer which shall hold the city and the public harmless for any damages that may be caused to yet unaccepted improvements by their use of incomplete facilities and shall be filed with the city clerk along with the cost of recording said waiver. No occupancy permit shall be granted where the total estimated cost of the incomplete subdivision improvements necessary to serve the lot exceeds twenty thousand dollars (\$20,000.00) or when, at the determination of the city engineer, the streets are inadequate to allow city services to be provided to the lot.

9. Standard Specifications Adopted. The type of materials and construction for improvements within subdivisions shall be in accordance with the city's standard specifications and standard drawings for construction in effect at the time of construction. Said specifications and standard drawings shall be revised at such time as the city deems appropriate and become effective on the following January first and remain in effect until revised. All revisions to the city's standard specifications and standard drawings shall be approved by the council on or before November first of each year and shall take effect the following January. Subdivisions receiving final approval of the council after November first, but before January first, may elect to use the new approved standard specifications and standard drawings.

10. Improvements: Compliance With Standard Plans; Supervision of Construction; Inspection; Cost of Inspection.

a. The public improvements, place or private drive improvements, and private sanitary sewer system improvements required in all subdivisions shall be designed, constructed and inspected in accordance with this section, and with the city's standard specifications and standard drawings in effect at the time of construction or the newly approved standard drawings as stated in section **6-7-5(9)**.

(1) Construction, supervision, inspection and testing of improvements mentioned in subsection (a) of this section shall all be performed under the direction of the city engineer or by the qualified engineer or inspection and testing laboratory as selected by the city engineer. The city engineer may consult with the soil conservation district on erosion control.

(2) The inspecting agency shall submit daily reports to the city engineer, on forms approved or furnished by him, certifying compliance of all construction performed with the city's standard plans and specifications.

(3) The city shall pay the expenses of inspections, and the subdivider or property owner shall reimburse the city for the expenses within sixty (60) days after the final bill therefore is submitted; payment shall be made to the city treasurer. Interest charges, of the maximum allowed by law, will be levied on all unpaid balances after the sixty (60) day time period has elapsed.

b. The private or quasi-public sewage treatment and disposal systems and water well systems required in any subdivision shall be designed and constructed in accordance with standard State of Iowa and Clinton County Board of Health laws, rules and regulations.

(1) Construction, inspection and testing of improvements mentioned in (b) of this section shall be performed under the direction of the Clinton County Board of Health.

11. Improvement Credit; Procedure Established. Upon the installation of improvements required by this article, which may provide benefits to other properties in the vicinity of the land to be subdivided, which cross or adjoin other properties and can be used by such properties, the subdivider and the city may, by contract, agree that upon the connection or use of the installations made by the subdivider by others, within a period of ten (10) years following their installation, the new user or users shall pay to the city a fee in an amount agreed upon by the subdivider and the city, the amount of such fee to be credited to and paid to the subdivider.

12. Monuments and Markers.

a. The subdivider shall provide monuments and markers placed so that the cap shall coincide exactly with the intersection or lines to be marked, and they shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

b. Monuments shall be set:

(1) At the intersection of all lines forming angles in the boundary of the subdivision.

(2) At every point of intersection of the outer boundary of the subdivision with an existing or created street, railroad or other right-of-way line.

c. Markers shall be set:

(1) At the beginning and end of all curves along street property lines.

(2) At all points where lot lines intersect curves along street property lines.

(3) At all angles in property lines of lots.

(4) At all other lot corners not established by a monument.

d. Monuments shall be of concrete or stone, with a minimum diameter of six (6) inches and a minimum of three (3) feet. Markers shall consist of iron pipes or iron or steel bars at least three (3) feet long, and not less than five-eighths (5/8) inch in diameter. Both monuments and markers shall have a cap affixed to the top of the same that is capable of being detected by magnetic or electronic equipment and is made of a reasonably inert material, bearing an embossed or stencil-cut marking of the Iowa registration number of the registered land surveyor that prepared the survey.

e. Where any point requiring a monument or marker has been previously established by and existing monument or marker, the existence and accuracy of the same shall be confirmed by the registered land survey surveyor and properly shown and described on the final plat for use in lieu of setting a new monument or marker.

13. Sewers and Sewage Disposal.

a. The subdivider shall provide the subdivision with a complete public sanitary sewer system adjacent to each lot in his subdivision, which shall connect with a public sanitary sewer outlet.

b. In areas where a public sanitary sewer outlet is not available, the subdivider shall provide a private sanitary sewer system adjacent to each lot in his subdivision and a private or quasi-public sewage treatment and disposal system to serve each lot.

(1) Maintenance and repair of private sanitary sewer systems constructed in accordance with the provisions of this article shall be the responsibility of the subdivider or a duly constituted homeowners' association until such time as it is connected to a public sanitary sewer outlet. At the time of connection, said private sanitary sewer system shall be dedicated to the city and become a public sanitary sewer system. Said private or quasi-public sewage treatment disposal systems shall not be dedicated to or maintained by the city and shall remain the responsibility of the property owner, subdivider or duly constituted homeowners' association to properly abandon in accordance with the applicable standard state of Iowa and Clinton County board of health laws, rules and regulations.

(2) Persons making connection to said private sanitary sewer system mentioned in this article shall pay all sewer connection fees and conform with all requirements of this code dealing with public sanitary sewer connections.

c. The option is available for the subdivider to use a temporary public lift station and force main in conjunction with a public sanitary sewer system to connect to a public sanitary sewer outlet if it can be established, to the satisfaction of the city engineer, that both the existing and proposed sewerage systems are adequate and feasible through the engineering considerations of construction, maintenance and operation.

d. Sanitary sewers whether part of a public or private system, shall be laid in an easement and located approximately seven and one-half (7 ½) feet inside the property line. Sewers shall be located on the east and south sides of the street, or the opposite side of the street from water mains, if already in place.

e. The plans for the installation of either a public or private sanitary sewer system shall be prepared by the subdivider and approved by the city engineer and the Iowa department of water, air and waste shall be filed with the city engineer.

14. Water.

a. The subdivider shall provide the subdivision with a complete public water supply. When a public water supply is not available, the subdivider shall provide a private or quasi-public water well system on or to each lot in the subdivision.

b. Water mains provided by a private enterprise shall be laid in an easement and located approximately seven and one-half (7 ½) feet inside the property line. Water mains shall be located on the west and north sides of the street, or the opposite side of the street from sanitary sewer lines, if already in place.

c. Fire hydrants in residential area shall not exceed a spacing of four hundred (400) feet. Fire hydrants should be installed at intersections of streets where possible. There shall be a minimum of one fire hydrant in a cul-de-sac. If two (2) or more hydrants are required due to the length of the cul-de-sac or the fire flow requirements as required by the fire code, one shall be placed at the end of the cul-de-sac and one shall be placed near the entrance of the cul-de-sac. Any other required hydrants, if any, shall be evenly spaced between the two (2) aforementioned hydrants.

15. Storm Drainage.

a. The subdivider shall provide the subdivision with an adequate storm water sewer system when the evidence available to the commission and council indicates that the natural surface drainage is inadequate.

(1) Storm sewers shall, if practicable, be placed in either parkway between the curb and water main or sanitary sewer main, or in an easement.

(2) Storm drainage easements shall be provided where necessary.

(3) No person shall place or allow to be placed an accumulation of material, including, but not limited to, wood, concrete, stone, brush, grass clippings, or other debris that might block the flow of storm water in a storm drainage easement or could reasonably be expected to be carried downstream by such storm water to the detriment of either upstream or downstream property owners.

b. The plans for the installation of a storm drainage system shall be prepared by the subdivider and approved by the city engineer. Upon the completion of said storm sewer system, the plans for same, as built, shall be filed with the city engineer.

16. Curbs and Gutters. Curbs and gutters shall be constructed by the subdivider on both sides of all streets; however, the requirements of curbs and gutters may be waived at the discretion of the council.

17. Sidewalks. The subdivider shall provide sidewalks on both sides of all streets, places and cul-de-sacs.

18. Utilities Generally.

a. All gas, water, electrical, cable television, telephone or communication service or the use or maintenance of any associated structure such as poles, tower, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances provided as new installations to any area subdivided for residential and commercial purposes shall be placed underground except those services and associated structures listed hereunder as exceptions. The aforementioned services and associated structures provided as new installations to any area subdivided for industrial purposes shall be placed underground within any portion of the subdivision lying within one hundred (100) feet of an undeveloped residentially zoned area, or within one hundred (100) feet of a residentially zoned and developed area that is already served by said underground services, except those services and associated structures listed hereunder as exceptions. The subdivider shall be responsible for making arrangements with the appropriate utility company(ies) for the proper installation of said underground services in accordance with the utility company's rules and regulation.

b. The following instances, with the conditions listed for each of them, may be considered exceptions to this section:

(1) Any of the aforementioned services which is considered by the utility company providing said service to be unfeasible in undergrounding due to inordinately high and unjustified cost, high voltage or topographic or soil conditions, can be provided overhead, upon approval by the city council.

(2) In the instance that a subdivision is developed adjacent to or abutting an existing development, and in such a way as the new development would normally share the primary feeder lines that have already been installed, and when those feeder lines have been installed overhead, the new development can use those feeder lines which do exist, providing that the service lines to the structures in the new development are installed underground, and providing that all additional necessary feeders are installed underground or in accordance with the provisions of this section.

c. The following specific facilities shall not be subject to the requirements of this section.

(1) Poles used exclusively for street lighting (not including wiring).

(2) When authorized by the city council, poles and overhead lines and associated overhead structures crossing or entering any portion of a district from which overhead wires have been prohibited and originating in an area in which these structures are allowed.

(3) Overhead lines attached to the exterior of a building by means of bracket or similar device and extending from one location on the building to another location on the same building.

(4) Radio antenna and associated structures and equipment used for furnishing communications service.

(5) Service terminals and necessary pad mounted electric equipment installed aboveground used to distribute telephone, cable television, gas, water, communication and electric service in underground systems.

(6) Transmission lines carrying a voltage of sixty-nine thousand (69,000) volts or above.

(7) All underground electric distribution circuits installed by the utility company for the purpose of distributing electrical current within the city shall be installed in accordance with the safety rules for the installation and maintenance of electric supply and communications lines, U.S. department of commerce, national bureau of standard.

19. Street Improvements.

a. Conformance Required:

Street improvements shall be made in accordance with the provisions of this division after the approval of a final plat or prior to said approval if provided for in accordance with the provisions of the chapter. Place or private drive improvements shall be made in accordance with the provisions of this section and such improvements shall extend, as a minimum, from the street being constructed, re-constructed or repaired to the City right-of-way. Multi-family, shopping center, and industrial areas may have common vehicular use areas (accessways, service areas, driveways, loading areas, and parking spaces) if the parcel containing the vehicular use area is under one ownership. If the parcel has more than one owner or if the owners are adjacent to one another, agreements for cross easements and maintenance of vehicular use areas are required and must be provided at the time of final platting. The city will not maintain or repair vehicular use areas that are privately owned, even when such areas are generally available for public use.

b. Public Improvements Generally:

(1) All public or private improvements, including, but not limited to, public and private sanitary sewers, storm sewers, streets, alleys, and private drives or places, shall be constructed as set

forth on the approved final subdivision plans and in accord with the city's standard specifications and drawings for construction in effect at the time of construction, and shall further conform to the provisions of section 6-7-5 of this Chapter.

(2) All platted rights of way which are not opened to traffic shall, prior to opening, follow the following procedure:

(a) Council by resolution shall authorize the opening of the right of way.

(b) Improvements necessary for public use shall be in place within a date certain as established in resolution authorizing the opening of the right of way.

(c) Improvement shall be constructed according to the standards as established in **subsection (1)** of this section.

c. **Paving Requirements By Street Classification:** The general street, private drive, and alley classifications with their respective minimum dimensions and characteristics shall be as follows:

(1) **Arterial Streets Including Major Arterials And Primary Thoroughfares:**

(a) **Width Of Pavement:** Forty (40) feet, measured back of curb to back of curb.

(b) **Surfacing:** Portland cement concrete paving. Asphalt cement concrete paving shall not be used.

(c) **Pavement Thickness:** Nine (9) inches of Portland cement concrete paving. Said requirement may be increased where the city engineer has determined that design analysis justifies additional thickness.

(2) **Feeder Streets, Including Secondary Thoroughfares, Collector Streets, And Minor Arterials:**

(a) **Width Of Pavement:** Thirty-six (36) feet, measured back of curb to back of curb.

(b) **Surfacing:** Portland cement concrete paving. Asphalt cement concrete paving shall not be used.

(c) **Pavement Thickness:** Eight (8) inches of Portland cement concrete unless in a commercial or industrial district, in which case the thickness shall be increased to nine (9) inches of Portland cement concrete. If, in the determination of the city engineer, a street near a commercial or industrial district could be reasonably expected to bear commercial or industrial

traffic as a result of its proximity to that commercial or industrial district, its pavement thickness shall be increased to nine (9) inches of Portland cement concrete. Said requirement in or near a commercial or industrial district may be reduced to eight (8) inches of Portland cement concrete where the city engineer has determined that design analysis justifies less thickness.

(3) Residential Streets, Including Border Parkways, Private Drives, And Local Commercial Or Industrial Streets:

(a) Width Of Pavement: Thirty-one (31) feet, measured back of curb to back of curb, except as provided in subsection 6-7-4(7)(e) of this chapter. Cul-de-sac turnarounds shall have a paving radius of forty (40) feet, measured back of curb to center point of the turnaround.

(b) Surfacing:

1) Portland cement concrete paving.

2) Asphalt cement concrete paving with Portland cement concrete curb and gutter two and one-half (2 ½) feet wide and eight (8) inch thick apron. Asphalt cement concrete paving shall not be used in a commercial or industrial district. If, in the determination of the city engineer, the street near a commercial or industrial district could be reasonably expected to bear commercial or industrial traffic as a result of its proximity to that commercial or industrial district, its surfacing shall not be asphalt cement concrete paving.

(c) Pavement Thickness:

1) Seven (7) inches of Portland cement concrete unless in a commercial or industrial district, in which case the thickness shall be increased to (9) inches of Portland cement concrete. If, in the determination of the city engineer, a street near a commercial or industrial district could be reasonably expected to bear commercial or industrial traffic as a result of its proximity to that commercial or industrial district, its pavement thickness of Portland cement concrete shall be increased to nine (9) inches of Portland cement concrete. Said requirement in or near a commercial or industrial district may be reduced to seven (7) inches of Portland cement concrete where the city engineer has determined that design analysis justifies less thickness.

2) Asphalt cement concrete base course thickness of six (6) inches with an asphalt cement concrete surface course thickness of two (2) inches.

(4) Alleys:

(a) Width Of Pavement: Twenty (20) feet.

(b) Surfacing:

1) Portland cement concrete paving.

2) Asphalt cement concrete paving. Asphalt cement concrete paving shall not be used in a commercial or industrial district. If, in the determination of the city engineer, and alley near a commercial or industrial district could be reasonably expected to bear commercial or industrial traffic as a result of its proximity to that commercial or industrial district, its surfacing shall not be asphalt cement concrete paving.

(c) Pavement Thickness:

1) Seven (7) inches of Portland cement concrete unless in a commercial or industrial district, in which case the thickness shall be increased to nine (9) inches of Portland cement concrete. If, in the determination of the city engineer, an alley near a commercial district could be reasonably expected to bear commercial traffic as a result of its proximity that commercial district, its pavement thickness of Portland cement concrete shall be increased to nine (9) inches of Portland cement concrete. Said requirement in or near a commercial district may be reduced to seven (7) inches of Portland cement concrete where the city engineer has determined that design analysis justifies less thickness.

2) Asphalt cement concrete base course thickness of six (6) inches with an asphalt cement concrete surface course thickness of two (2) inches.

d. Minimum Pavement Width And Thickness Costs To Be Paid By Subdivider; When City Will Share Costs:

(1) The subdivider shall provide the full width of pavement on all streets, private drives or alleys within the subdivision, or the cost equivalent thereof, in accordance with the minimum requirements as specified in section 6-7-5. The subdivider on each side of a street, private drive or alley shall provide one-half ($\frac{1}{2}$) the width of the pavement on all streets, private drives or alleys, both existing and proposed, immediately adjacent to the subdivision, or the cost equivalent thereof, in accordance with the minimum requirements as specified in section 6-7-5. In the city's sole option, the developer may be required to pay an amount equal to the cost of paving as provided by current assessment policy, which shall hold such funds until the adjacent street, private drive, or alley is paved. All costs held pursuant to this section shall be the total cost required of any developer or subsequent purchaser of the development for such paving. The cost of such paving shall be determined by averaging three (3) legitimate bids. If a side of a street, private drive or alley is zoned as a single-family residence district exclusively, and circumstances require the width of pavement for the street, private drive or alley to be in excess of thirty-one (31) feet, the city shall pay for the extra width of pavement on one-half ($\frac{1}{2}$) the width of pavement for the street, private drive or alley immediately adjacent to that single-family residence district, or the equivalent cost thereof, in accordance with the minimum requirements as specified in section 6-7-5.

(2) The subdivider on each side of a street, private drive or alley shall provide the full pavement thickness on all streets, private drives or alleys in or immediately adjacent to the subdivision, or the equivalent cost thereof, in accordance with the minimum requirements as specified in section 6-7-5. If a side of a street, private drive or alley is zoned as a residential district

and circumstances require the pavement thickness for the street, private drive or alley to be in excess of seven (7) inches of Portland cement concrete or eight (8) inches of asphalt cement concrete, the city shall pay for the extra pavement thickness on one-half (½) the width of pavement for the street, private drive or alley immediately adjacent to that residential district, or the cost equivalent thereof, in accordance with the minimum requirements as specified in section 6-7-5.

(3) All final plats approved by the council after the effective date of subsection 6-7-5(19)(d)(1) shall be subject to the requirements of that subsection. All final plats approved by the council prior to the effective date of subsection 6-7-5(19)(d)(1) shall be subject to the requirements of the section in effect prior to the effective date of that subsection. All final plats approved by the council prior to or after the effective date of subsection 6-7-5(19)(d)(2) shall be subject to the requirements of that subsection.

(4) Notwithstanding the above, when a property owner plats ground as required pursuant to section 6-7-3 this code, and no property division into lots results from the platting, the council shall not require compliance with subsection 6-7-5(19)(d)(1).

(5) Developers shall provide an approved drainable base material under the following typical local streets:

(a) Seven (7) inch Portland cement concrete or eight (8) inch asphaltic cement concrete paving.

(b) Six (6) inch drainable base (without engineering fabric) with four (4) inch drainage tile along both sides in accordance with city specifications.

(c) Developers may choose to employ a parabolic crown or straight crown on local streets.

20. Forms.

a. Generally: The forms set out in this division shall be used are required in conjunction with final plats.

b. Council Resolution: The council resolutions shall be as follows:

We, (name), Mayor, and (name), City Clerk of the City of Camanche, Iowa, do hereby certify that the following resolution was adopted by the City Council of the City of Camanche, Iowa, at a regular meeting held on (month, day), (year) :

“RESOLVED by the City Council of Camanche, Iowa, that the final plat of (name of subdivision) , an addition to the City of Camanche, Iowa, as filed with the City Clerk by (name of owner and/or subdivider) , be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and

confirmed and the Mayor and City Clerk of said City be and they hereby are authorized and directed to certify the adoption of this resolution on said plat as required by law.”

DATED at Camanche, Iowa, this (date) day of (month) , (year) .

Mayor of the City of Camanche, Iowa

(SEAL)

ATTEST:

(name)

City Clerk

c. Final Plat Certificate:

Each final plat submitted to the council for approval shall carry a certificate signed by a registered land surveyor in substantially the following form:

I, (name) , hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Iowa; that this plat of (name of addition) an addition to the City of Camanche, Iowa, correctly represents a survey completed by me on (date) ; that all of the monuments and pins shown thereon (will exist by (date) as required by the Code of Iowa) (do exist) and that their location, size, type and material accurately shown; and that the correct metes and bounds description of said addition is as follows:

(SEAL)

(signature)

(registration number)

d. Certificate of Owner:

Each final plat submitted to the commission and the council for approval shall carry a certificate of owner in substantially the following form:

We the undersigned (name) , owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

This subdivision shall be known and designated as (name of subdivision) , an addition to the City of Camanche, Iowa. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front yard building setback lines shall be in conformance with the City Code requirements

on setbacks as they do or may exist at the time any building permit is received. Within the area between the building setback line and the property line of the street, no building or structure shall be erected or maintained. A perpetual easement is hereby granted to any local public utility or municipal department, their successors and assigns, within the area shown on the plat and marked as an easement, to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires with all necessary braces, guys, anchors, manholes and other equipment for the purpose of serving the subdivision and other property with the underground telephone, storm sewer, cable television, electric, gas, sanitary sewer, water or other service as a part of the respective utility systems; (further, an overhead easement is hereby granted for those overhead utilities in existence at the time of this platting); also is granted, subject to the prior rights of the public therein, the right to use the streets and lots with underground service lines to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent buildings or trees shall be placed on said area as shown on the plat and marked "easement," but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or the rights herein granted.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the commission or council, important provisions are those specifying the use to be made of the property, the minimum habitable floor area of a residence, any limitation on access to streets, minimum basement floor elevations or first floor elevations where basements are not provided in areas subject to flooding, or minimum number of off-street parking spaces.)

The foregoing covenants or restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, (year) (a 25-year period is suggested), at which time said covenants or restrictions shall be automatically extended for successive periods of ten (10) years unless changed by a vote of a majority of the then owners of the building sites covered by these covenants or restrictions.

The right to enforce these Restrictive Covenants by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is reserved to the several owners of the several lots in this subdivision and to their heirs and assigns and to the City of Camanche if specifically noted as a provision of a Covenant.

Witness our Hands (and Seals) this (date) day of (month) , (year) .

(husband)

(wife)

Or

(office)

(SEAL)

(office)
State of Iowa)
) ss:
County of Clinton)

(SEAL)

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name), (name), (name) and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed. Witness my hand and notarial seal this (date) day of (month), (year).

(SEAL)

Notary Public

Or

State of Iowa)
) ss:
County of Clinton)

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name) and (name) to me personally known, who being by me duly sworn did say that they are the (office) and (office) respectively of said corporation executing the within and foregoing instrument, (no seal has been procured by the said) (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors and that the said (name) and (name) as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

(SEAL)

Notary Public

e. Tax Certificate

The certificate on taxes shall be in the following form:

I, (name), Treasurer of the County of Clinton, State of Iowa, hereby certify that I have examined the records of said County, and find that the following described real estate, to wit:

(name of addition)

is free from certified taxes and certified special assessments, or that the land is free from certified taxes and that the certified special assessments are secured by land in compliance with Section 354.12 of the 2011 State Code of Iowa.

Date and Treasurer
Clinton County, Iowa

(SEAL)

f. Mortgage Holder's Consent And Affidavit In Lieu Thereof:

(1) The certificate reflecting the mortgage holder's consent to plat, or the affidavit of the owner in lieu thereof shall be in the following form:

I, (name) hereby certify that I am employed by hereinafter Mortgage holder in the capacity of _____, that I have authority on behalf of the mortgage holder to make the following representations:

(a) That the plat attached hereto is prepared with my free consent and in accordance with my design.

(b) That the mortgage lien on such property is hereby released on all land in the plat dedicated to the public for its use, whether such dedication is for streets, alleys, easements, parks, or other public use.

Date and Signature of Authorized Individual

Before me, the undersigned, a Notary Public in and for the County and State, personally appeared _____, who being duly sworn did say that he is authorized on behalf of _____, to bind such organization to the statement above, and trust the same was executed as a free and voluntary act.

Notary Public

(SEAL)

(2) The certificate for lien holders consent shall be the same as above, except that the word "lien holder" shall be substituted for the words "mortgage holders."

(3) In lieu of the required consent, the owner may submit a bond in an amount double the amount of the lien and the following affidavit:

I, hereby certify that a consent of the lien holder is not attached to the plat for the

following reason: (strike the reason not appropriate)

(a) The lien holder cannot be found.

(b) The lien holder will not accept payment or cannot, because of the nature of the lien, accept payment in full. Payment in full was tendered and refused.

Date and Owner

Sworn and subscribed before me by the above signed individual on the day of (month and day) , (year) .

Notary Public

(SEAL)

g. Attorney's Certificate:

The attorney's certificate shall be in the following form:

I, (name) , certify that I have examined the records of Clinton County, Iowa, and the records of the United States District Court for the Southern District of Iowa, Davenport Division, and from such examination find title in fee simple to the real estate identified as (name of subdivision), an Addition to the City of Camanche, Iowa, free and clear of all liens and unbonded encumbrances as of this date, to be vested in (name of owner).

DATED, this (date) day of (month) , (year) .

By (name)

Attorney-At-Law

h. Assessment Waiver:

The assessment waiver shall be in the following form:

The undersigned, (owner of subdivision) , has this date filed with the Clerk for the City of Camanche, Iowa, a plat of (name of addition) , an Addition of the City of Camanche, Iowa.

It is agreed by the undersigned, their successors, heirs and assigns that at such time as street improvements, sanitary sewers, storm drainage facilities, sidewalks (sidewalks shall be placed in a separate waiver) or other conventional type of subdivision improvements are needed, the City of Camanche shall put in said improvements and assess the total cost of same in the prescribed manner against the subdivided property comprising said (name of subdivision) in accordance with the laws regarding special assessments. Said assessment shall be paid in one installment payment.

In accordance with the provisions of the Municipal Ordinances of the City of Camanche, the undersigned subdivider and owner of all lots in said (name of addition) , an addition to the City of Camanche, Iowa, for themselves, their heirs, grantees, representative successors, assignees and all subsequent owners of any part of said addition do hereby waive all formalities, rights of protest and rights of appeal to the ordering of said improvements and assessing the cost thereof against the subdivided property even though the cost thereof may exceed the amount that can legally be assessed by the City of Camanche against the subdivided property and agrees to be responsible for such differences and agrees to permit the assessment of the entire cost of all of said improvements against the subdivided property. This waiver shall become null and void at such time as the original required subdivision improvements herein referred to are completed by the undersigned at no cost to the City and accepted by the City of Camanche, Iowa, and a release of Waiver is signed by the City Engineer and duly recorded.

DATED this (date) day of (month) , (year) .

By
(husband)

By
(wife)

or

(SEAL)

State of Iowa)
) ss:
County of Clinton)

By
(office)

By
(office)

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name) , (name) , (name) , and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act an deed, for the purpose therein expressed. Witness my hand and notarial seal this (date) day of (month) , (year) .

(SEAL)

OR

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name), and (name) to me personally known, who being by me duly sworn did say that they are the (office) and (office) respectively of said corporation executing the within and foregoing instrument, (no seal has been procured by the said) (the seal affixed thereto is the seal of the said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors and that the said (name) and (name) as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

(SEAL)

Notary Public

- i. Maintenance Bond: The maintenance bond shall be in the following form:

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS THAT WE, (contractor's name), as PRINCIPAL, and (Surety), a company duly authorized to transact business in the State of Iowa, as surety, are held and firmly bound unto the City of Camanche, Iowa, as obligee, in the sum of (\$) for payment whereof well and truly to be made, the principal and the surety bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally firmly by these presents.

SIGNED and sealed and dated this day of (month) (year).

WHEREAS, the principal has entered into contract for the construction of

(improvement to an addition)

to the City of Camanche, Iowa.

WHEREAS, the obligee has required said principal to furnish a bond guaranteeing remedy of any defect in material or workmanship within a period of two (2) years from the date of official acceptance of the improvements by the City Council of the City of Camanche, Iowa.

NOW, THEREFORE, the condition of this obligation is such that if the said principal does and shall at his own cost and expense remedy any and all defects that may develop in said work, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

By
Principal

By
Surety

By
Agent & Attorney-in-Fact

STATE OF IOWA)
) ss:
COUNTY OF CLINTON)

On this day of (month) (day) , (year) , A.D., before me the undersigned, a Notary Public, personally appeared the above named Principal (Agent or Attorney for Principal) , and/or Surety (Agent or Attorney for Surety) , to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that he (they) executed the same as his (their) voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

(SEAL)

Notary Public in and for

Clinton County, State of Iowa

Name of Local Insurance Agent

Address

6-7-6 CHANGES AND ADMENDMENTS. Any regulation or provision of this chapter may be changed and amended from time to time by the Council; provided, however, that such change or amendment shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen (15) days prior to such hearing.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 SIDEWALK REGULATIONS

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

6-8-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-8-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
- b. horizontal separations equal to three-fourths (3/4) inch or more.
- c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
- f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-8-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. Whenever a sidewalk is not cleared of the accumulation of snow or ice within 24 hours following the completion of a winter weather event, the Public Works Director is hereby authorize to clear the sidewalk of the accumulation of snow or ice. This may be accomplished by employees of the City or by individuals contracted by the City to clear sidewalks. In the event the City takes steps to clear a sidewalk, the cost to clear the sidewalk will be assessed against the property. The amount to be assessed for clearing of a sidewalk will be established by the Camanche City Council by resolution.

(Ord. 713, Passed 2010)

(Code of Iowa, Sec. 364.14(2b) and (2e))

6-8-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

(Code of Iowa, Sec. 364.14(2c))

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

6-8-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-8-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.14 of the Code of Iowa.

(Code of Iowa, Sec. 364.14(e))

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Public Works Director .
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established with assistance from the Public Works Director on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Public Works Director, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-8-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the Public Works Director. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the

course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-8-12 INSPECTION AND APPROVAL. Upon final completion, the Public Works Director shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Public Works Director shall indicate this on both copies of the permit.

6-8-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-8-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

6-8-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-8-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-8-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 MOVING BUILDINGS

6-9-1 Permit Required

6-9-2 Liability

6-9-1 PERMIT REQUIRED. Any person moving any house or building over sixteen (16) feet wide or twenty-two (22) feet long upon the streets of the City shall obtain a permit for the use of the street for such purpose by application to the City Clerk. Upon evidence that the mover has suitable equipment for the expeditious accomplishment of the move contemplated and the specific building involved, the City Clerk shall issue a permit upon receipt of a fee for each day that the streets are to be occupied. The daily fee shall be as established from time to time by resolution of the City Council.

(Ord. 511, Passed 1982)

6-9-2 LIABILITY.

1. The applicant shall indicate the desired route of the move, and agree to such protective measures, including adequate liability insurance. In addition, the applicant shall show evidence that all utilities have been contacted where wires will obstruct the passage of the building. The applicant shall agree to notify the City of the time of moving into the public ways sufficiently in advance to permit the Police Chief or other City official to attend the move for the safety of the public. The mover shall supply barricades and safety lights at night as necessary for public safety.

2. The applicant shall hold the City harmless from any damages incurred due to carelessness or negligence of the applicant, the applicant's agents or employees due to the moving of any house or building upon the streets of the City.

(Ord. 511, Passed 1982)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 ELECTRICAL CODE

6-10-1 Electrical Code Adopted

6-10-2 Electrical License

6-10-1 **ELECTRICAL CODE ADOPTED.** All electrical installations within the incorporated City limits of Camanche, Iowa shall comply with the latest edition of the National Electrical Code (NEC) as amended and adopted by the Iowa Electrical Examination Board. This State Code includes an amendment retaining the 2005 NEC language as it pertains to Article 210.8(A), which addresses the use of Ground-Fault Circuit-Interrupter (GFCI) protection in dwelling units.

(Ord. 719, Passed 2012)

6-10-2 **ELECTRICAL LICENSE.** Any person doing electrical installations in the City shall possess the appropriate electrical license as issued by the Iowa Electrical Examination Board.

(Ord. 719, Passed 2012)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 BUILDING CODE

6-11-1	District Established	6-11-15	Walls--Party and Fire
6-11-2	Enforcement Authority	6-11-16	Walls--Beams
6-11-3	Building Permit Required	6-11-17	Fire Stops
6-11-4	Building Permit Fees	6-11-18	Walls--Exterior Openings
6-11-5	Building--Design	6-11-19	Walls--Interior Openings
6-11-6	Stairways	6-11-20	Fire Doors and Windows
6-11-7	Doors	6-11-21	Roof Coverings
6-11-8	Swimming Pools	6-11-22	Roof Openings
6-11-9	Frame Buildings--Defined	6-11-23	Shafts--New Buildings
6-11-10	Frame Buildings--Distance Between	6-11-24	Shafts--Doors and Windows
6-11-11	Building--Height	6-11-25	Chimneys
6-11-12	Foundation--Required	6-11-26	Concrete/Asphalt Pads
6-11-13	Foundation--Walls	6-11-27	Rights of entry into Inspect
6-11-14	Walls-Public Buildings	6-11-28	Appeals

6-11-1 DISTRICT ESTABLISHED. For the purpose of this Chapter the entire City is districted into one district.

(Ord. 118, Passed 1948)

(Ord. 328, Passed 1974)

6-11-2 ENFORCEMENT AUTHORITY. It shall be the duty of the Building Inspector to enforce the provisions of this Chapter, but any or all of the powers and duties conferred on the Building Inspector by this Chapter may be delegated or transferred to any other officer or employee of the City, by resolution passed by a majority vote of all the members of the City Council.

(Ord. 118, Passed 1948)

6-11-3 BUILDING PERMIT REQUIRED. A building permit is required for all new construction and remodeling work which changes the size, outline, area, location on lot, height of structure, yard requirements or use and occupancy of any building or structure and for any cement slab or permanent fixture of any kind. No permit shall be required for usual maintenance and repair. A permit shall be issued if the work as proposed in the application for a permit meets all of the requirements of this title and the Zoning Ordinance Chapter 18.80. If plans and specifications of the proposed work are requested or required, the plans and specifications must also meet the requirements of this chapter. No action will be taken by the city on plans and specifications for industrial buildings until a fire protection plan has been filed with the fire chief by the owner and the fire chief has reported to the Planning and Zoning Commission regarding plans and specifications.

(Ord. 509, Passed 1982)

6-11-4 BUILDING PERMIT FEES. The fees for each permit shall be as established from time to time by resolution of the City Council and shall be paid at the time the building permit is issued.
(Ord. 509, Passed 1982)

6-11-5 BUILDING--DESIGN. All parts of every building shall be designed to safely carry the loads to be imposed thereon, and shall in all other respects conform to good engineering and building practice.
(Ord. 118, Passed 1948)

6-11-6 STAIRWAYS. Every school, church, hospital, theater and other place of public assemblage, over one story high, shall have at least two stairways constructed entirely of incombustible material located as far apart from each other as the plan of the building will permit and continuous from the grade line to the topmost story.
(Ord. 118, Passed 1948)

6-11-7 DOORS.

1. All doors in schools, churches, hospitals, theaters, and other places of public assemblage, and in all stairways, shall open outward, or in the direction of travel in leaving the building, and shall be at least thirty-six inches wide. All exterior doors shall be at least forty-two inches wide and open outward with a panic bar.

2. Multiple-family dwellings, serving two or more dwelling units with a common exit, shall have a door of at least forty-two inches in width and open outward with panic bars.
(Ord. 509, Passed 1982)

6-11-8 SWIMMING POOLS. The regulations set forth in this section shall regulate all swimming pools.

1. A swimming pool is a water-filled enclosure, permanently constructed or portable, having a depth of two feet or more, which is outdoors or has access from the outdoors if partially enclosed. A pool is an outdoor structure for containing water with an interior depth of two feet above or below grade. A pool is a body of standing water in a structure, basin or depression above or below grade, having an interior depth of two feet or more.

2. All present or hereinafter constructed outdoor swimming pools shall be enclosed by a four-foot fence and a building permit must be obtained for both the swimming pool and the fence. Such fencing shall be of material and sufficient strength and anchoring so as to support two hundred fifty pounds of side pressure weight per ten feet of length without collapsing. This section shall be construed as applying to artificially constructed swimming pools above or below ground level even though they might not be in use. All persons constructing a swimming pool shall so enclose the same before commencing to fill the pool. A building permit once obtained for a pool at an address identified on the building permit is valid for so long as enclosed by a fence as required in the Zoning Ordinance Sec. 18.18.40, whether annually dismantled and assembled each year.

3. If a fence is attached to the swimming pool, the outside walls of the swimming pool can be used to meet the four-foot fence requirement.

4. This section shall also apply to a spa or spa pool regardless of size, but shall not apply to natural swimming areas or agricultural land of waters.

5. Exception. Wading pools are excepted from this regulation. A wading pool is a portable structure for holding water, or a body of standing water, basin or depression constructed for holding water with an interior depth of less than two feet.

(Ord. 620, Passed 1996)

(Ord. 719, Passed 2012)

6-11-9 FRAME BUILDINGS--DEFINED. Buildings with wooden framework, clad with sheet metal, or stucco or veneered with brick, shall be classed as frame buildings.

(Ord. 118, Passed 1948)

6-11-10 FRAME BUILDINGS--DISTANCE BETWEEN. In no case shall a frame building be erected within five feet of the side or rear lot line nor within ten feet of another building, unless the space between the studs, on such side next to the lot line or adjacent building, be filled solidly with not less than two and one-half inches of brickwork or other equivalent incombustible material.

(Ord. 118, Passed 1948)

6-11-11 BUILDING--HEIGHT. It is unlawful to erect or alter a frame building exceeding two stories or thirty feet in height, except that a private dwelling may be three stories or forty feet in height.

(Ord. 118, Passed 1948)

6-11-12 FOUNDATION--REQUIRED. It is unlawful to build, enlarge, or alter or move from the outside to within the city, or from one part of the city to another part of the City, any wall, structure, building or part thereof, unless such wall, structure, building or part thereof shall have or be placed upon a foundation of the type set out in this chapter.

(Ord. 118, Passed 1948)

6-11-13 FOUNDATION--WALLS. Foundation walls shall be constructed of any suitable material other than wood, but a hollow or concrete block construction shall not be allowed in the foundation wall of any building exceeding three stories in height. All foundations shall be of such thickness, and constructed in such a manner, as to be able to carry the load imposed thereon. If a permit is desired for the purpose of adding additional stories to any building, the Planning and Zoning Commission must first determine that the foundation walls are sufficient to carry the additional load.

(Ord. 509, Passed 1982)

6-11-14 WALLS--PUBLIC BUILDINGS. All walls and partitions in schools, churches, hospitals and other places of public assemblage, over one story high, and all walls and partitions in theaters, shall be built of stone, brick, concrete, hollow or solid concrete or clay blocks, or metal lath and Portland

cement plaster on metal studding, or other equivalent incombustible material and construction recommended by the National Board of Fire Underwriters.

(Ord. 118, Passed 1948)

6-11-15 WALLS--PARTY AND FIRE. In all buildings, except dwellings, or frame or skeleton construction buildings, solid brick or reinforced concrete party walls and firewalls, which serve as bearing walls on both sides of the wall, shall be not less than twelve inches thick in the upper two stories, or upper thirty feet, increasing four inches in thickness for each two stories or fraction thereof below. Such party or fire walls, when constructed of other permissible materials, shall be four inches thicker than a solid brick or reinforced concrete wall. All party or fire walls shall be continuous from the foundation to a point at least two feet above the roof level and shall be properly coped.

(Ord. 118, Passed 1948)

6-11-16 WALLS--BEAMS. The ends of all floor, ceiling, or roof beams, entering a party or fire wall from opposite sides, shall be separated by at least six inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, but no wall shall be corbeled more than two inches for this purpose. The ends of all wooden beams that enter a party or fire wall shall be cut to a bevel to make them self-releasing.

(Ord. 118, Passed 1948)

6-11-17 FIRE STOPS. In all buildings erected, except dwellings or frame or skeleton construction buildings, all stud walls, partitions, furrings, and spaces between joists, where they rest on division walls or partitions, at each floor level, shall be fire stopped with incombustible material in a manner to completely cut off communication by fire through concealed spaces. Such fire stopping shall extend the full depth of the joists and at least four inches above each floor level.

(Ord. 118, Passed 1948)

6-11-18 WALLS--EXTERIOR OPENINGS. No openings in an exterior masonry wall shall exceed eight by ten feet, except when fronting on a street or alley at least thirty feet wide or where there is no other building within thirty feet of such opening.

(Ord. 118, Passed 1948)

6-11-19 WALLS--INTERIOR OPENINGS. No opening in an interior masonry wall shall exceed eight feet by ten feet. All such openings in any fire or party wall shall have a suitable standard automatic fire door on at least one side of the wall. If any opening in a fire wall is made so as to serve as an emergency exit, it shall not exceed forty- eight square feet in area and a self-closing, swinging fire door shall be substituted for the automatic fire door. The particular type of fire door to be installed shall be the type approved by the Underwriter's Laboratories for the particular purpose intended. The total openings in a fire wall shall not exceed twenty-five percent of the linear length of the wall.

(Ord. 118, Passed 1948).

6-11-20 FIRE DOORS AND WINDOWS. Every building within the fire limits, except churches, dwellings, tenement houses, dormitories, and lodging houses, shall have standard fire doors, shutters or windows of wired glass in incombustible frames and sashes on every exterior opening above the first

story, except when fronting on a street at least thirty feet wide, or where there is no other building within thirty feet of such opening.

(Ord. 118, Passed 1948)

6-11-21 ROOF COVERINGS. It is unlawful to erect a building of any kind without a fire-resistive roof covering, approved by the Underwriter's Laboratories, and no existing wooden shingle roof, if damaged more than twenty-five percent shall be renewed or repaired with other than an approved fire-resistive roof covering.

(Ord. 118, Passed 1948)

6-11-22 ROOF OPENINGS. All openings in roofs, for the admission of light or air, shall have incombustible frames and sashes, glazed with wired glass, or ordinary glass may be used if protected above and below by galvanized steel wire screens, with a mesh not exceeding one inch and the wire not smaller than number twelve gauge.

(Ord. 118, Passed 1948)

6-11-23 SHAFTS--NEW BUILDINGS. In buildings erected, except private dwellings, which are used above the first floor for business purposes, or for public assemblages, or for any purposes whatever if over three stories high, the stair, elevator and hoistway shafts shall be separately and continuously enclosed by incombustible partitions. The partitions shall be constructed of brick or other fire resistive material approved by the planning and zoning commission, and all mortar used in the construction shall be cement mortar. No such partition shall be less than four inches thick. The enclosure walls for elevator shafts shall extend at least three feet above the roof. At least three-fourths of the top area shall be covered with a skylight constructed as provided for openings in roofs.

(Ord. 509, Passed 1982)

6-11-24 SHAFTS--DOORS AND WINDOWS. All door openings in stair and elevator enclosures, shall be protected by suitable fire doors, mounted with wrought iron or steel hardware, and shall be securely attached to the wall or partition, or to substantial or incombustible frames attached thereto. If glass panels be used in such doors, they shall be wired glass, but in no case exceeding seven hundred and twenty square inches in area. Interior shaft windows shall not be permitted.

(Ord. 118, Passed 1948).

6-11-25 CHIMNEYS. All chimneys erected, except for high-pressure boilers or corresponding temperatures, shall rest on the ground or foundation and shall not be used to support any part of the building. The chimney shall be constructed of brick, reinforced concrete, or any other material, or may be of any type of material or construction which is approved by the National Board of Fire Underwriters. The wall of a brick chimney shall be eight inches thick unless the flue is lined continuously with flue lining, in which case the wall may be four inches thick.

(Ord. 118, Passed 1948)

(Ord. 119, Passed 1948)

6-11-26 CONCRETE/ASPHALT PADS. It is unlawful to build, enlarge or alter, or construct any concrete or asphalt pad, except a driveway or sidewalk on private property, without a building permit. The concrete or asphalt pad shall conform to setbacks as required by garages or accessory buildings and

provided in this title or Title 18 (Zoning Ordinance).

(Ord. 509, Passed 1982).

6-11-27 **RIGHT OF ENTRY TO INSPECT.** The building inspector, fire chief or other authorized representative of the City may enter any premises upon presentation of proper credentials for the purpose of inspecting for compliance with this chapter and title, at such times as may be reasonably necessary to protect the public health, safety and welfare and may after entry perform any duties imposed upon the official. Prior to such entry, the owner and/or occupant shall, if the owner and/or occupant can be located after reasonable effort, be given twenty-four hours written notice of the authorized official's intention to inspect and the general purpose of the inspection. The notice shall state that the property owner and/or occupant has the right to refuse entry and in the event such entry is refused, inspection may be made only upon issuance of a search warrant issued by a duly authorized magistrate or other court of competent jurisdiction. Whenever entry is refused, the city representative may seek assistance from any magistrate or court of competent jurisdiction in order to obtain the entry. Notwithstanding the foregoing, in the event of an emergency situation or when consent of the owner and/or occupant to the inspection and entry cannot be otherwise obtained, the city representative may enter and inspect only upon issuance of a search warrant issued by a duly authorized magistrate or court of competent jurisdiction. If the provisions of this section shall conflict with any other provision of this code, then the more specific section shall govern.

(Ord. 509, Passed 1982)

6-11-28 **APPEALS.** Any person or persons aggrieved by any decision of the Building Inspector shall have a right of appeal to the City Administrator. If aggrieved by any decision of the City Administrator that person shall have a right of appeal to the City Council provided, that a notice of appeal is filed in writing with the City Administrator within ten days from the date of such decision. Filing the notice of appeal with the City Clerk shall be deemed full compliance with the above filing requirements, except that the notice of appeal shall specify the grounds thereof.

(Ord. 719, Passed 2012)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 DANGEROUS BUILDING CODE

6-12-1	Unsafe Building Defined	6-12-6	Action by City Upon Owner's Failure to Abate
6-12-2	Nuisance Declared	6-12-7	Costs of Abatement
6-12-3	Right of Entry to Inspect	6-12-8	Enforcement Authority
6-12-4	Notice to Abate		
6-12-5	Posting of Signs		

6-12-1 UNSAFE BUILDING DEFINED. "Unsafe building" means any structure or mobile home meeting any or all the following criteria:

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
2. Whenever any portion of a building or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of twenty pounds per square foot;
3. Whenever any portion thereof was wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
4. Whenever the building or structure or any portion thereof is likely to partially or completely collapse because of the following:
 - a. Dilapidation, deterioration, or decay,
 - b. Faulty construction,
 - c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building,
 - d. The deterioration, decay, or inadequacy of its foundation, or
 - e. Any other cause;
5. Whenever, for any reason, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used;

6. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

7. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

8. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become:

- a. An attractive nuisance to children;
- b. A harbor for vagrants, criminals, or immoral persons; or
- c. So as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

9. Whenever a building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage; faulty construction or arrangement; inadequate light, air, or sanitation facilities; or otherwise is determined by the City Council to unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease;

10. Whenever a building or structure, because of obsolescence, dilapidated condition, deterioration, damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections, or heating apparatus; or other cause is determined by the Fire Marshall or Fire Chief to be a fire hazard;

11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;

12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(Ord. 514, Passed 1982)

6-12-2 NUISANCE DECLARED. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in Chapter 6-11, or any other Ordinance, are, for the purpose of this Chapter, unsafe buildings. All such unsafe buildings are declared to be public nuisances and shall be abated by

repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Sections 6-12-4 through 6-12-8.

(Ord. 514, Passed 1982)

6-12-3 RIGHT OF ENTRY TO INSPECT. The City Administrator, Building Inspector, Fire Chief, or other authorized representative of the City may enter any premises in accordance with the provisions of Chapter 1-2 of this City Code.

(Ord. 719, Passed 2012)

6-12-4 NOTICE TO ABATE.

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

2. Such notice shall be served in the manner provided for service of original notice of the Iowa Rules of Civil Procedure upon the owner of record, if such owner shall be found within the City limits. If such owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designed period within which the owner or person in charge is required to comply with the order of the building official shall begin as of the date the owner receives such notice.

(Ord. 514, Passed 1982)

6-12-5 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Camanche, Iowa." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

(Ord. 514, Passed 1982)

6-12-6 ACTION BY CITY UPON OWNER'S FAILURE TO ABATE. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of the Chapter and may order the building official to

proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council.

(Ord. 514, Passed 1982)

6-12-7 COSTS OF ABATEMENT. Costs incurred under Section 6-12-6 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be collected in the same manner as property taxes.

(Ord. 514, Passed 1982)

6-12-8 ENFORCEMENT AUTHORITY. It shall be the duty of the City Administrator to enforce the provisions of this Chapter, but any or all of the powers and duties conferred on the City Administrator by this Chapter may be delegated or transferred to any other officer or employee of the City, by resolution passed by a majority vote of all the members of the City Council.

(Ord. 514, Passed 1982)

(Ord. 719, Passed 2012)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 FLOOD PLAIN MANAGEMENT

6-13-1	Statutory Authority, Findings of Fact and Purpose	6-13-5	Nonconforming Uses
6-13-2	General Provisions	6-13-6	Penalties for Violation
6-13-3	Flood Plain Management Standards	6-13-7	Amendments
6-13-4	Administration	6-13-8	Definitions

6-13-1 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

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

2. Findings of Fact

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

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

3. Statement of Purpose

It is the purpose of this ordinance to protect and preserve the rights, privileges and property of the City of Camanche and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB1 with provisions designed to:

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

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

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

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

(Ord. 719, Passed 2012)

6-13-2 GENERAL PROVISIONS

1. **Lands to Which Ordinance Apply.** The provisions of this ordinance shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Clinton County and Incorporated Areas, City of Camanche, Panel 19045C0483D, 0484D, 0487D, 0489, 0491D, 0492D, 0493D, 049D, 0511D, 0513D, dated July 18, 2011, which were prepared as part of the Clinton County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Flood Insurance Study for Clinton County is hereby adopted by reference and is made a part of this Ordinance for the purpose of administering floodplain management regulations.

2. **Rules for Interpretation of Flood Hazard Boundaries.** The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Building Inspector shall make the necessary interpretation.

3. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.

4. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

5. **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability. The standards required by this ordinance are considered reasonable for regulatory purposes. This ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Camanche or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

7. Severability. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

(Ord. 719, Passed 2012)

6-13-3 FLOOD PLAIN MANAGEMENT STANDARDS

1. General Flood Plain Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Development which involves the placement of structures, factory built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Iowa Department of Natural Resources to determine whether the land involved is either wholly or partly within the floodway or floodway fringe. Where 100-year flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

a. All development within the areas of significant flood hazard shall:

(1) Be consistent with the need to minimize flood damage.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

(4) Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

b. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

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

c. Non-residential buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Building Inspector.

d. All new and substantially improved structures:

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

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

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

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

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

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

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

e. Factory-built homes:

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

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

f. Utility and Sanitary Systems:

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

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

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

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

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

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

i. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

j. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the area of significant flood hazard.

k. Accessory Structures

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

(a) The structure shall not be used for human habitation.

(b) The structure shall be designed to have low flood damage potential.

(c) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(d) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(e) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

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

l. Recreational Vehicles

(1) Recreational vehicles are exempt from the requirements of Section III A5 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

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

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

(2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section III A5 of this Ordinance regarding anchoring and elevation of factory-built homes.

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

2. Special Floodway Provisions. In addition to the General Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

a. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

b. All uses within the floodway shall:

(1) Be consistent with the need to minimize flood damage.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

c. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

d. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

e. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

f. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

g. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

h. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

i. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

(Ord. 719, Passed 2012)

6-13-4 ADMINISTRATION

1. Appointment, Duties and Responsibilities of Flood Plain Administrator

a. The Building Inspector is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.

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

(1) Review all flood plain development permit applications to assure that the provisions of this ordinance will be satisfied.

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

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

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

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

(6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.

2. Flood Plain Development Permit

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

b. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

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

(3) Indication of the use or occupancy for which the proposed work is intended.

(4) Elevation of the 100-year flood.

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

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

(7) Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.

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

d. Construction and Use to be as Provided in Application and Plans - Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the

finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

3. Variance

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

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

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

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

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

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

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

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

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

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

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a flood plain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(12) Such other factors which are relevant to the purpose of this ordinance.

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

(1) Modification of waste disposal and water supply facilities.

(2) Limitation of periods of use and operation.

(3) Imposition of operational controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this ordinance.

(5) Floodproofing measures.

(Ord. 719, Passed 2012)

6-13-5 NONCONFORMING USES

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

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

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

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

(Ord. 719, Passed 2012)

6-13-6 PENALTIES FOR VIOLATION. Violations of the provisions of this ordinance or failure to comply with any of the requirements shall be enforced under the Title I, Chapter 3 PENALTY of this Code.

(Ord. 719, Passed 2012)

6-13-7 AMENDMENTS. The regulations and standards set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

(Ord. 719, Passed 2012)

6-13-8 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

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

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

3. Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

4. Existing Construction. Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as an "existing structure".

5. Existing Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.

6. Expansion of Existing Factory-Built Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

8. Factory-Built Home Park. A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

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

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

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

12. Flood Plain. Any land area susceptible to being inundated by water as a result of a flood.
13. Flood Plain Management. An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
14. Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
15. Floodway. The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
16. Floodway Fringe. Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. Historic Structure. Any structure that is:
 - a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
18. Lowest Floor. The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
 - a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IIIA4a of this Ordinance and

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

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

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

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

19. Minor Projects. Small development activities (except for filling, grading and excavating) valued at less than \$500.

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

21. New Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.

22. One Hundred (100) Year Flood. A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

23. Recreational Vehicle. A vehicle which is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. Routine Maintenance of Existing Buildings and Facilities. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding,
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work
- c. Basement sealing
- d. Repairing or replacing damaged or broken window panes
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems

25. Special Flood Hazard Area. The land within a community subject to the "100-year flood". This land is identified as Zone A, AE, A1-A30, AO and AH on the community's Flood Insurance Rate Map.

26. Start of Construction. Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

27. Structure. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

28. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

29. Substantial Improvement. Any improvement to a structure which satisfies either of the following criteria:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of

construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

30. Variance. A grant of relief by a community from the terms of the flood plain management regulations.

31. Violation. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

(Ord. 719, Passed 2012)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 DEMOLITION AND RENOVATION PERMITS

6-14-1	Definitions	6-14-4	Demolition by Burning-- Requirements
6-14-2	Enforcement of Chapter Provisions	6-14-5	Permit Issuance
6-14-3	Demolition and Renovation Permit--Notification Requirements	6-14-6	Inspection for Compliance Allowed When
		6-14-7	Violation--Penalties

6-14-1 DEFINITIONS. As used in this chapter:

1. "Category I nonfriable asbestos-containing material (ACM)" means asbestos-containing packings, gaskets, resilient floor coverings and asphalt roofing products containing more than two percent asbestos as determined using the method specified in Appendix A, subpart F, 40 CFR part 763, Section 1, Polarized Light Microscopy.

2. "Category II nonfriable ACM" means any material, excluding Category I nonfriable ACM, containing more than one percent asbestos as determined using the methods specified in Appendix A, subpart F, 40 CFR part 763, Section 1, crumbled, pulverized or reduced to powder by hand pressure.

3. "Demolition" means the wrecking or razing of a facility or any portion thereof, the destroying of the fabrication of a facility, together with the related handling of the debris and wreckage and its removal from the demolition site.

4. "Facility" means any institutional, commercial, public, industrial or residential structure, installation or building, including any structure, installation or building containing condominiums or individual dwelling units operated as a residential cooperative, any ship, and any active or inactive waste disposal site.

5. "Hazardous substances and hazardous emissions" means and includes asbestos and similar substances as defined or enumerated in 40 CFR 61 as amended.

6. "Regulated asbestos-containing material (RACM)" means

(a) Friable asbestos material,

(b) Category I nonfriable ACM that has become friable,

(c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or

(d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

(Ord. 594, Passed 1992)

6-14-2 ENFORCEMENT OF CHAPTER PROVISIONS. The Fire Chief is designated as the City official for enforcement of this chapter, and all notifications and applications shall be directed to the Fire Chief, who shall when all of the requirements of this chapter are met, issue the appropriate permits.

(Ord. 594, Passed 1992)

6-14-3 DEMOLITION AND RENOVATION PERMIT--NOTIFICATION REQUIREMENTS.

1. No demolition, renovation or burning of a facility shall commence until a demolition and renovation permit has been issued to the owner of the premises. The owner must provide the designated City official with written notice of his intention to demolish or renovate a facility on forms approved by the designated city officer. Updated notice is necessary including when the amount of asbestos or other such similarly hazardous substance changes by at least twenty percent. Such notification must be given to the designated city official at least ten working days before demolition or renovation is scheduled to commence. No stripping or removal work or any other activity begins that would break up, dislodge or similarly disturb asbestos materials or other hazardous substances without the issuance of the demolition and renovation permit. The owner is solely responsible for obtaining all state and federal demolition and renovation permits from the necessary agencies.

2. Effective after the promulgation of this chapter, no RACM shall be stripped, removed or otherwise handled or disturbed during demolition, renovation or burning at a facility regulated by this section unless at least one on-site representative, such as a foreman or management level person or other authorized representative, trained in the provisions of 40 CFR 61 and the means of complying with said CFR is present. The required training material identification; control and procedures for removals including, at least wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and high efficiency particulate air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be made available for inspection by the designated officer at the demolition or renovation site.

(Ord. 594, Passed 1992)

6-14-4 DEMOLITION BY BURNING--REQUIREMENTS. If a facility is to be demolished by intentional burning, all RACM including Category I and Category II nonfriable ACM must be removed in accordance with the NESHAP before burning.

(Ord. 594, Passed 1992)

6-14-5 PERMIT ISSUANCE. A permit shall be issued if the demolition and/or renovation work, as proposed in the application and notice for permit, meets all of the requirements of this chapter and

40 CFR 61, and if all federal and state permits have been properly issued.
(Ord. 594, Passed 1992)

6-14-6 INSPECTION FOR COMPLIANCE ALLOWED WHEN. The designated officer of the City may enter any premises upon presentation of proper credentials for the purpose of inspecting for compliance with this chapter and title at such times as may be reasonably necessary to perform any duties imposed upon said official. Whenever entry is refused, the city designated official may seek assistance from any magistrate or court of competent jurisdiction in order to obtain the entry. The designated officer shall be entitled to enter any premises accompanied by a trained ACM expert to inspect the premises.

(Ord. 594, Passed 1992)

6-14-7 VIOLATIONS--PENALTIES. Violation of this Chapter is subject to the provisions of Title I, Chapter 3 of this Code of Ordinances.

(Ord. 719, Passed 2012)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 HAZARDOUS MATERIALS CLEANUP COST RECOVERY

6-15-1	Purpose	6-15-3	Cleanup Required
6-15-2	Definitions	6-15-4	Notification

6-15-1 PURPOSE. In order to reduce the danger to public health, safety and welfare from the spills of hazardous substances, these regulations are promulgated to establish responsibility for the removal and cleanup of spills within the City limits.

(Ord. 583, Passed 1991)

6-15-2 DEFINITIONS. For the purpose of this Chapter these words have the following meanings:

1. "Cleanup" means 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 therefore, 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 with noticeable odor as far as practicable.

2. "Hazardous condition" means any substance as defined in Section 455B.381(4), Code of Iowa 2009.

3. "Hazardous substance" means any substance as defined in Section 455B.381(5), Code of Iowa 2009.

4. Hazardous waste" means those wastes which are included by the definition in Section 455B.411(3)(a), Code of Iowa 2009 and the rules of the Iowa Department of Natural Resources.

5. "Responsible person" means the party, whether the owner, agent, lessor, or tenant, 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 would cause danger to the public or to any person or to the environment. Nothing in this Chapter shall mean or be construed to mean that the City of Camanche, Iowa, is a "responsible party" as defined herein for liability purposes for assessing cleanup costs or determining who is in charge of or in control of hazardous substances or hazardous waste or supervising cleanup or treatment of an emergency spill.

6. "Treatment" means a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous waste or substance so as to neutralize it or to render the substance nonhazardous, safer for transport, amenable 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 waste or substances to render it non-hazardous.

(Ord. 583, Passed 1991)

6-15-3 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 waste or substance or constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the City or an authorized officer or authorized agency may 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 the cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that in the event the responsible party fails to comply with said deadline, the City may proceed to procure cleanup services and bill the responsible person for all personal equipment and disposal costs associated with the cleanup. If the bill for those services is not paid within thirty days of billing date, the City may proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance, the Fire Chief, or the Fire Chief's designated appointee, shall report to the City Council and may seek any State or Federal funds available for said cleanup.

(Ord. 583, Passed 1991)

6-15-4 NOTIFICATIONS. The first City officer or employee who arrives at the scene of an incident involving hazardous substances shall notify the Clinton Law Center, which shall notify the proper State department or appropriate agency and the Camanche Fire Department.

(Ord. 583, Passed 1991)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 STREET OPENING AND NAMES

6-16-1	Ferry, Fayette, and Marion Streets	6-16-4	Route U.S. No. 67
6-16-2	Street Adjoining Lot 3 Block 13	6-16-5	Street Name Changes
6-16-3	Highway Adjoining Benning's Land	6-16-6	Thoroughfares Named
		6-16-7	Middle Road

6-16-1 FERRY, FAYETTE, AND MARION STREETS. Ferry Street and Fayette Street in the City are extended, laid out and platted on the Plat of Martin Dunning's Subdivision of Lot 6 and 7 and part of Lot 8 of Block 1 of the original plat of the City, is extended, laid out and opened on a straight line running northwesterly and parallel to each other, until they intersect Franklin Street in Philip P. Mudgett's Addition to the City. Said Ferry and Fayette Streets, extended are of the same width as in the subdivision, sixty feet. Marion Street in the City, as extended, laid out and platted in said subdivision, is extended, laid out and opened on a straight line running northwesterly and parallel to Fayette Street when extended, until it intersects the street running east and west along the first range of blocks in Hiram A. Hart's Addition, to the City, on the south side thereof, said Marion Street extended to be sixty feet in width.

(Ord. 452, Passed 1980)

6-16-2 STREET ADJOINING LOT 3 BLOCK 13. The street in front of and south of an adjoining lot No. 3 in Block 13 of Philip P. Mudgett's Addition is extended, laid out and opened on a straight line running westerly and parallel to Dunning Street in Dunning's Subdivision until it intersects Ferry Street extended, and of the width of sixty feet.

(Ord. 452, Passed 1980)

6-16-3 HIGHWAY ADJOINING BENNING'S LAND. A highway is established, described as follows: Commencing at a point on the Davenport Road, about $120 \frac{2}{3}$ rods eastward of the center of Section 32-81-6, at the east line of Benning's land, thence running southward along and adjoining said east line of said Benning's land, 120 rods, said road to be fifty feet wide.

(Ord. 61, Passed 1901)

16-6-4 ROUTE U.S. NO. 67. The following described route through the City is established and designated as the City route for Primary Road No. 67:

Commencing on Primary Road No. 67 at the intersection of Washington and Marion Streets, running thence southeast on Marion Street to Eagle Street; thence southwest and west on Eagle Street to a junction with Primary Road No. 67. The described route is properly marked with regular highway Markers designated; "City Route U.S. No. 67."

(Ord. 97, Passed 1940)

6-16-5 STREET NAME CHANGES. The names of the following streets and avenues are changed and shall be known and designated as follows, to wit:

Water St.	shall	hereafter	be	known	and	designated	as	1st St.
Front St	“	“	“	“	“	“	“	2 nd St.
Eagle St.	“	“	“	“	“	“	“	3 rd St.
Dunning St.	“	“	“	“	“	“	“	4 th St.
Church St.	“	“	“	“	“	“	“	4 th St.
Martha St.	“	“	“	“	“	“	“	4 th St.
Muscatine St.	“	“	“	“	“	“	“	5 th St.
Washington St.	“	“	“	“	“	“	“	5 th St.
Franklin St.	“	“	“	“	“	“	“	6 th St.
Lyons St.	“	“	“	“	“	“	“	6 th St.
Smith St.	“	“	“	“	“	“	“	6 th St.
Mudgett St.	“	“	“	“	“	“	“	7 th St.
Clinton St.	“	“	“	“	“	“	“	7 th St.
High St.	“	“	“	“	“	“	“	7 th St.
Washington St.	“	“	“	“	“	“	“	Washington Blvd.
Camanche St.	“	“	“	“	“	“	“	8 th St.
Morris St.	“	“	“	“	“	“	“	8 th St.
Territorial Rd.	“	“	“	“	“	“	“	9 th St.
Anthony St.	“	“	“	“	“	“	“	Anthony Pl.
Wiley St.	“	“	“	“	“	“	“	10 th Pl.
Wood St.	“	“	“	“	“	“	“	1 st Ave.
Prospect St.	“	“	“	“	“	“	“	2 nd Ave.
Slough St.	“	“	“	“	“	“	“	3 rd Ave.
Lum St.	“	“	“	“	“	“	“	3 rd Ave.
Marion St.	“	“	“	“	“	“	“	4 th Ave.
Fayette St.	“	“	“	“	“	“	“	5 th Ave.
Ferry St.	“	“	“	“	“	“	“	6 th Ave.
Maxan St.	“	“	“	“	“	“	“	7 th Ave.
Yazoo St.	“	“	“	“	“	“	“	8 th Ave.
Chicago St.	“	“	“	“	“	“	“	9 th Ave.
Missouri St.	“	“	“	“	“	“	“	10 th Ave.
Main St.	“	“	“	“	“	“	“	11 th Ave.
Far West St.	“	“	“	“	“	“	“	12 th Ave.
Park St.	“	“	“	“	“	“	“	12 th Ave.
Buffalo St.	“	“	“	“	“	“	“	13 th Ave.
Eden St.	“	“	“	“	“	“	“	13 th Ave.
DeWitt St.	“	“	“	“	“	“	“	14 th Ave.
Walnut St.	“	“	“	“	“	“	“	16 th Ave.
Chestnut St.	“	“	“	“	“	“	“	17 th Ave.
DePue St.	“	“	“	“	“	“	“	21 st St.

Ninth Ave. from
 its intersection
 with Dunn Rd.
 to the west
 corporate limit
 of Camanche “ “ “ “ “ “ “ 21st St.

Pacific Ave. “ “ “ “ “ “ “ 31st Ave.
 Fair Acre Dr. “ “ “ “ “ “ “ 37th Ave.

The extension
 of Seventh Ave.
 North from U.S.
 Highway 67 to
 U.S. Highway 30“ “ “ “ “ “ “ 7th Ave.

The road which
 Begins at its
 W. 3rd St. intersection
 with U.S. Highway 67
 and extends north-
 westerly to the east-
 west centerline of
 Section 31, Town-
 ship 81 north, Range 6
 east and then along
 said centerline to the
 west corporate limits
 of Camanche “ “ “ “ “ “ “ W. 3rd St.

The road that runs
 Along the west line
 Of Sections 30 and
 31, Township 81
 North, Range 6 east
 From the south
 Corporate limits
 To the north Corporate
 Limits of Camanche“ “ “ “ “ “ “ “49th Ave.

(Ord. 124, Passed 1952)
 (Ord. 587, Passed 1991)

6-16-6 THOROUGHFARES NAMED. The following described unnamed thoroughfares in the City are named and designated as follows:

1. The present U.S. Highway No. 67 as now located and constructed from its intersection with Tenth Place and in a northerly direction shall be named North Washington Boulevard and the present U.S. Highway No. 67 as now located and constructed lying southerly of its intersection with Tenth Place shall be named South Washington Boulevard.

2. The public thoroughfare lying north of Blocks 1 to 10 and south of Blocks 11 to 20 Hiram Hart's First Addition shall be known as 11th Place.

3. The thoroughfare lying north of Blocks 11 to 20 and south of Blocks 21 to 30 Hiram Hart's First Addition shall be known as 12th Place.

4. The thoroughfare lying north of Blocks 21 to 30 Hiram Hart's First Addition shall be known as 13th Place.

5. The thoroughfare east of Blocks 9-12 and 29 and west of Blocks 10-11 and 30 shall be known as 1st Avenue.

6. The thoroughfare east of Blocks 7 and 14 and west of Blocks 8 and 13 Hiram Hart's First Addition shall be known as 2nd Avenue.

7. The thoroughfare east of subdivision of Block 6 and west of Blocks 7 and 14 Hiram Hart's First Addition shall be known as 3rd Avenue.

8. The thoroughfare east of Blocks 4-14 and 24 and west of Blocks 5-16 Hiram Hart's 1st Add. and west of Rose Hill Cemetery shall be known as 4th Ave.

9. The thoroughfare lying east of Blocks 2-19 and 22 and west of Blocks 3-18 and 23 in Hiram Hart's 1st Add. shall be known as 5th Ave.

10. The thoroughfare lying east of Blocks 1-20 and 21 and west of Blocks 2-19 and 22 Hiram Hart's 1st Add. shall be known as 6th Ave.

11. The thoroughfare extending northwesterly from Maxan St. and the thoroughfare lying west of Blocks 1-20 and 21 Hiram Hart's 1st Add. shall be known and designated as 7th Ave.

12. The thoroughfare lying east of Blocks 10-11 and 30 Hiram Hart's 1st Add. shall be Peck Ave.

13. The thoroughfare lying east of Blocks 8-13 and 28 Hiram Hart's 1st Add. shall be Pearl Ave.

14. The thoroughfare lying east of Blocks 5 and 16 Hiram Hart's 1st Add. shall be Rose Hill Ave.

15. The thoroughfare lying east of Blocks 8-13 and 28 Hiram Hart's 1st Add. shall be Harts Ave.

16. The thoroughfare lying south of the school shall be known as Dunnburr St.

17. The thoroughfare extending westerly from Washington Boulevard to 7th Avenue near the north section line of Section 27, Township 81 North, Range 6, east of the 5th P.M. shall be known and designated as Depue Boulevard.

(Ord. 124, Passed 1952)

(Ord. 194, Passed 1962)

(Ord. 464, Passed 1980)

6-16-7 MIDDLE ROAD. The name of 15th Place as now platted in Borup's Subdivision in the City, is the designated name for the street further north, since said street is closer in proximity to 15th Place in Harold Reter's Subdivision. 15th Place is now changed to the name of "Middle Road" in Borup's Subdivision in the City.

(Ord. 254, Passed 1969)

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 STREET GRADES

7-1-1	Marion Street	7-1-6	First Street
7-1-2	Base Point Benchmark Established	7-1-7	Ninth and Thirteenth Avenues
7-1-3	Grade Point Defined	7-1-8	Ninth Avenue and Westfield Subdivision No. 1
7-1-4	Intersections	7-1-9	Seventh Avenue
7-1-5	Sidewalks		

7-1-1 **MARION STREET.** A grade on Marion Street from the centerline of Muscatine Street to the south property line of U.S. Highway No. 67 is established and adopted as shown by the profile of said street and grade prepared by the City Engineer being Profile No. 1 B.M. on door sill of W.V. Lum's Lumber Office. Elevation--596.91. Said grade begins at the center of Muscatine Street, which is Station 0+00, centerline grade elevation 593.00, thence to station 3+06 centerline of Franklin Street, east and west curb elevation 593.5, thence to Station 5+06, east and west curb elevation, 593.8, thence to Station 7+74 centerline of Mudgett Street, east and west curb elevation 594.5, thence to Station 11+27 which is the south property line of U.S. Highway No. 67, east and west curb elevation 597.00.

(Ord. 92, Passed 1940)

7-1-2 **BASE POINT BENCHMARK ESTABLISHED.** For the purpose of establishing grades in the streets, avenues, roads, places, highways, alleys and block intersections in the city, the following point shall be taken for the base or starting point, to wit:

B.M. No. 159/4, established by the U.S. Engineer Department, described on page #69 of Bench Mark Publication of 1934 by the War Department, Corps of Engineers, U.S. Army, Rock Island, Illinois, which elevation of cap and tile is based on Mean Sea Level, 4th G.A., the cap elevation: 609.42 and title elevation: 605.41, and is described as follows:

Tile and pipe on east side of Iowa Highway No. 67, 276 feet north of north fence of cemetery on westerly line of sand pit.

From a closed level loop, a benchmark was established at the northeast corner of Third Street and Ninth Avenue, being the top of a fire hydrant the elevation being: 598.17.

(Ord. 126, Passed 1952)

7-1-3 **GRADE POINT DEFINED.** Whenever a point is given by numbers as a grade point, it shall mean such number of feet and one-hundredths of a foot above mean sea level and shall bear a direct relation to the base point described in Section 7-1-2; and the grade of any street, avenue, court, road, place, highway, alley or block intersection in the City,

between grade points as established, shall be on a plane between such points, from intersection to intersection; excepting other streets, avenues, roads, places, highways, alleys and block intersections where no grade points are given.

(Ord. 126, Passed 1952)

7-1-4 INTERSECTIONS.

1. The grade of First Street, at the centers of the intersections, as named, shall be as follows:

At intersection of Sixth Avenue	588.00
At intersection of Seventh Avenue	590.00
At intersection of Eighth Avenue	589.00
At intersection of Ninth Avenue	591.00
At intersection of Tenth Avenue	593.00
At intersection of Eleventh Avenue.....	593.00

2. The grade of Second Street, at the centers of the intersections, as named, shall be as follows:

At the intersection of Fourth Avenue	580.00
At intersection of Fifth Avenue	586.00
At intersection of Sixth Avenue	591.00

3. The grade of Seventh Street, at the centers of the intersections, as named, shall be as follows:

At intersection of First Avenue	590.00
At intersection of Second Avenue	590.00
At intersection of Third Avenue	592.00
At intersection of Fourth Avenue	594.00
At intersection of Fifth Avenue	595.00
At intersection of Sixth Avenue	596.00
At intersection of Seventh Avenue	594.00
At intersection of Eighth Avenue. . . .	595.00
At intersection of Ninth Avenue	596.00
At intersection of Thirteenth Avenue.....	595.00
At intersection of Fourteenth Avenue. . .	594.00

4. The grade of Eighth Street, at the centers of the intersections, as named, shall be as follows:

At intersection of Thirteenth Avenue.	596.00
At intersection of Fourteenth Avenue	597.00

5. The grade of Washington Boulevard, at the centers of the intersections, as named, shall be as follows:

At intersection of Twelfth Place.....	595.00
At intersection of Tenth Place	595.00
At intersection of Fifth Avenue	597.40
At intersection of Seventh Avenue	597.00
At intersection of Ninth Avenue	597.00

6. The grade of Tenth Place, at the centers of the intersections, as named, shall be as follows:

At intersection of Second Avenue	592.00
At intersection of Rose Hill Avenue. . .	596.00
At intersection of Fourth Avenue	595.00
At intersection of Harts Avenue	597.00
At intersection of Fifth Avenue	599.00
At intersection of Sixth Avenue	600.00
At intersection of Seventh Avenue	597.00

7. The grade of Ninth Street, at the centers of the intersections, as named, shall be as follows:

At intersection of Fifth Avenue	596.00
At intersection of Sixth Avenue	594.00
At intersection of Seventh Avenue	595.00
At intersection of Eighth Avenue	596.00
At intersection of Ninth Avenue	597.35
At intersection of Sixteenth Avenue. . .	605.30
At intersection of Seventeenth Avenue. . .	607.70

8. The grade of Eleventh Place, at the centers of the intersections, as named, shall be as follows:

At intersection of Third Avenue	595.00
At intersection of Rose Hill Place . . .	597.00
At intersection of Fourth Avenue . . .	599.00
At intersection of Harts Avenue	604.00
At intersection of Fifth Avenue	602.00
At intersection of Sixth Avenue	598.00
At intersection of Seventh Avenue	593.00

9. The grade of Twelfth Place, at the centers of the intersections, as named, shall be as follows:

At intersection of Third Avenue	597.00
At intersection of Rose Hill Avenue	610.00
At intersection of Fourth Avenue	607.00
At intersection of Harts Avenue	602.00
At intersection of Fifth Avenue	597.00
At intersection of Sixth Avenue	596.00
At intersection of Seventh Avenue	593.00

10. The grade of Anthony Place, at the centers of the intersections, as named, shall be as follows:

At intersection of Seventh Avenue	592.00
At intersection of Eighty Avenue	590.00
At intersection of Ninth Avenue	594.00
At intersection of Tenth Avenue	595.00
At intersection of Eleventh Avenue	594.00
At intersection of Twelfth Avenue	593.00
At intersection of Thirteenth Avenue	590.00

11. The grade of Third Street, at the centers of the intersections, as named, shall be as follows:

At intersection of Third Avenue	586.00
At intersection of Fourth Avenue	587.00
At intersection of Fifth Avenue	592.00
At intersection of Sixth Avenue	593.00
At intersection of Seventh Avenue	591.00
At intersection of Eighth Avenue	595.00
At intersection of Ninth Avenue	597.00
At intersection of Tenth Avenue	596.00
At intersection of Eleventh Avenue	595.00
At intersection of Twelfth Avenue	594.00
At intersection of Thirteenth Avenue	592.61
At intersection of Fifteenth Avenue	589.71
At southeast corner of Lot 6, Block 3	592.36

12. The grade of Fourth Street, at the centers of the intersections, as named, shall be as follows:

At intersection of Fourth Avenue	592.00
At intersection of Fifth Avenue	594.00
At intersection of Sixth Avenue	591.00

(Intersection nearest Third Street)	
At intersection of Sixth Avenue	592.00
(Intersection nearest Fifth Avenue)	
At intersection of Seventh Avenue	597.00
At intersection of Eighth Avenue	598.00
At intersection of Ninth Avenue	595.00
At intersection of Tenth Avenue	594.00
At intersection of Twelfth Avenue	595.00
At intersection of Thirteenth Avenue	594.00

13. The grade of Fifth Street, at the centers of the intersections, as named, shall be as follows:

At intersection of Fourth Avenue	593.00
At intersection of Fifth Avenue	592.00
At intersection of Sixth Avenue	594.00
At intersection of Seventh Avenue	595.00
At intersection of Eighth Avenue	596.00
At intersection of Ninth Avenue	597.00
At intersection of Twelfth Avenue	596.00
At intersection of Thirteenth Avenue	594.00
At intersection of Fourteenth Avenue	592.00
At intersection of Sixteenth Avenue	588.00
At intersection of Iowa Hwy. No. 67	608.00

14. The grade of Sixth Street, at the centers of the intersections, as named, shall be as follows:

At intersection of First Avenue	586.00
At intersection of Second Avenue	588.00
At intersection of Third Avenue	590.00
At intersection of Fourth Avenue	593.00
At intersection of Fifth Avenue	594.00
At intersection of Sixth Avenue	595.00
At intersection of Seventh Avenue	596.00
At intersection of Eighth Avenue	597.00
At intersection of Ninth Avenue	599.00
At intersection of Thirteenth Avenue	596.00
At intersection of Fourteenth Avenue	593.00

15. The grade of Seventh Avenue, at the centers of the intersections, as named, shall be as follows:

At intersection of 9 th Street --	595.85
At centerline of 10 th Place --	597.95
At centerline of 11 th Place --	596.85
At centerline of 13 th Place --	595.99

16. The grade of 13th Avenue, at the centers of the intersections, as named, shall be as follows:

At intersection of 3rd Street	El. = 592.61
At centerline of Anthony Place	El. = 594.53
At centerline of 4 th Street	El. = 594.30

17. The grade of 15th Avenue, at the centers of the intersections, as named, shall be as follows:

At intersection of 3rd Street	El. = 589.71
At centerline of Anthony Place	El. = 599.99
At centerline of 4 th Street	El. = 589.88
	(Ord. 126, Passed 1952)
	(Ord. 262, Passed 1971)
	(Ord. 263, Passed 1971)
	(Ord. 264, Passed 1971)

7-1-5 SIDEWALKS. Commencing at the distance as set forth westerly of the westerly line of 16th Avenue on the southerly sidewalk line and five feet from the property line on the southerly side of Washington Boulevard the grades shall be:

At 20 feet –	601.64
At 70 feet –	602.60
At 120 feet –	603.49
At 170 feet –	604.32
At 220 feet –	605.19

As said points are established in Sections 7-1-2 and 7-1-3.

(Ord. 234, Passed 1966)

7-1-6 FIRST STREET. The grade of the centerline of 1st Street between the centerline of 6th Avenue and the centerline from 7th Avenue and the top of the curb grade on each side twenty feet from the centerline of 1st Street are established as follows:

STATION	GRADE
0+00 (1 st & 6 th Ave.)	587.36
+50	587.56
1+00	587.76
+50	587.96

2+00	588.16
2+50	588.36
Vertical curve to next stake	
3+14	589.00
3+64.21 (1 st & 7 th Ave.)	589.50

(3+64.21 is the centerline of 7th Avenue.)

The curb will swing off and not go through the avenue.

(Ord. 241, Passed 1967)

7-1-7 NINTH AND THIRTEENTH AVENUES. The grade of the centerline of 9TH Avenue from 5th Street to Washington Boulevard and the top of the curb on each side of 13th Avenue and 9th Avenue at the respected intersections are established as follows:

1. At intersection of 9th Avenue and each street as set forth hereunder:

STREET	GRADE
Fifth Street	596.8
Dunburr Street	596.2
Sixth Street	595.4
Seventh Street	596.2
Washington Blvd.	596.8

2. At intersection of 13th Avenue and each street as set forth hereunder:

Fifth Street	595.6
Dunburr Street	595.8
Sixth Street	596.1
Seventh Street	595.7
Eighth Street	596.0
Washington Blvd.	596.8

(Ord. 247, Passed 1968)

7-1-8 NINTH AVENUE AND WESTFIELD SUBDIVISION NO. 1 The grade for 9th Avenue in the City of Camanche, Clinton County, Iowa, where it abuts upon Westfield Subdivision No. 1 is hereby established as set forth on the following Exhibit "A":

NORTHERLY IN 9 TH AVE. CAMANCHE, IOWA		EAST CURB		
STATION	ALT.	GRD.	STAKE GRADE	CUT FILL
0+00 south line Westfield First Sub.			591.43 592.77	1.34
0+50			592.40 592.94	0.54

0+99.86 P.C. south curb 16 th Ave.		592.98	593.10	0.12	
1+59.86 P.C. north curb 16 th Ave.		593.39	593.30	0.09	
2+00		593.34	593.44	0.10	
2+50		593.70	593.61	0.09	
3+00		594.14	593.78	0.36	
3+50		594.61	593.95	0.66	
4+00		594.60	594.13	0.47	
4+50		594.71	594.30	0.41	
5+00		595.30	594.47	0.83	
5+08.86 high point		595.17	954.50	0.67	
5+50		594.93	594.34	0.59	
6+00		595.09	594.15	0.94	
6+50		594.96	593.96	1.00	
7+00		594.72	593.77	0.95	
7+50		593.97	953.59	0.38	
7+98.86 P.C. south curb Middle Road		593.23	593.40	0.17	
8+58.86 P.C. north curb Middle Road		593.24	593.12	0.12	
9+00	C-0.81	593.26	594.07	592.93	1.14
9+50	C-0.49	593.43	593.92	592.70	1.22
10+00	F-0.38	593.59	593.21	592.46	0.75
10+50	C-0.35	593.43	593.78	592.23	1.55
11+00	C-0.20	593.26	593.46	591.99	1.47
11+50	C-0.38	593.10	593.48	591.76	1.72
12+00 BEG. V.C.	C-0.17	592.93	593.10	591.52	1.58
12+50	F-0.12	592.61	592.49	591.29	1.20
12+68.86 north line Westfield First Sub.	C-0.02	592.30	592.32	591.20	1.12
13+00 END V.C.				592.00	

HUBS 6.0 FEET OFFSET

15 feet RADIUS

(Ord. 313, Passed 1974)

7-1-9 SEVENTH AVENUE. The centerline of pavement grades for the street listed below is established in accordance with the following elevations. Grade elevation are referenced to City of Camanche datum and are designated at the stations indicated:

Seventh Avenue—From the north line of Thirteenth Place to the south line of U.S. 67 bypass.

STATION	CENTERLINE ELEVATION
4 + 00	595.87

4 + 50	596.51
5 + 00	596.76
5 + 50	597.01
6 + 00	597.02
6 + 50	596.77
7 + 00	596.52
7 + 50	596.77
8 + 00	597.02
8 + 50	597.03
9 + 00	596.78
9 + 50	596.53
10 + 00	596.28
10 + 50	596.28
11 + 00	596.53
11 + 50	596.78
12 + 00	597.11
12 + 50	597.43
13 + 00	597.75
13 + 50	598.08
14 + 00	598.12
14 + 50	597.87
15 + 00	597.67
15 + 50	597.37
16 + 00	597.62
16 + 50	597.87
17 + 00	598.12
17 + 50	597.87
18 + 00	597.62
18 + 50	597.66
19 + 00	597.97
19 + 50	598.28
19 + 63.3	598.36

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 VACATED STREETS AND ALLEYS

7-2-1	Ordinance No 23	7-2-23	Ordinance No 259
7-2-2	Ordinance No 27	7-2-24	Ordinance No 265
7-2-3	Ordinance No 99	7-2-25	Ordinance No 292
7-2-4	Ordinance No 103	7-2-26	Ordinance No 367
7-2-5	Ordinance No 104	7-2-27	Ordinance No 387
7-2-6	Ordinance No 122	7-2-28	Ordinance No 391
7-2-7	Ordinance No 155	7-2-29	Ordinance No 498
7-2-8	Ordinance No 156	7-2-30	Ordinance No 526
7-2-9	Ordinance No 161	7-2-31	Ordinance No 528
7-2-10	Ordinance No 169	7-2-32	Ordinance No 533
7-2-11	Ordinance No 181	7-2-33	Ordinance No 536
7-2-12	Ordinance No 185	7-2-34	Ordinance No 584
7-2-13	Ordinance No 190	7-2-35	Ordinance No 586
7-2-14	Ordinance No 195	7-2-36	Ordinance No 597
7-2-15	Ordinance No 197	7-2-37	Ordinance No 608
7-2-16	Ordinance No 205	7-2-38	Ordinance No 644
7-2-17	Ordinance No 221	7-2-39	Ordinance No 651
7-2-18	Ordinance No 224	7-2-40	Ordinance No 672
7-2-19	Ordinance No 235	7-2-41	Ordinance No 690
7-2-20	Ordinance No 237	7-2-42	Ordinance No 698
7-2-21	Ordinance No 238	7-2-43	Ordinance No 711
7-2-22	Ordinance No 248	7-2-44	Ordinance No 712

7-2-1 ORDINANCE NO 23. So much of the street running on the north line of the third range of blocks of H. A. Hart's Addition to Camanche City as lies between the present city cemetery and Blocks 27 and 26 of said addition and the street between said Blocks 27 and 26.

7-2-2 ORDINANCE NO 27. Beginning on the section line between Sections 33 and 34 at the southwest corner of Lot 1 in Block 1 of the city and running eastwardly on a curvilinear line to a point seven feet south of the south boundary line of said Lot 1; thence parallel with said east named line northeastwardly until it intersects Missouri Street; thence north with said street seven feet to the south boundary line of said Lot 1; thence southwestwardly with said east mentioned line to the place of beginning.

7-2-3 ORDINANCE NO 99. All that portion of the alley lying between and abutting on Lots 1, 17, 18, 19 and 20, in Block 1, in Wallace V. Lum's 1st Addition to Camanche, being a strip of land 19.5 feet in width and 130 feet in length and extending northeasterly from Marion Street in the city.

7-2-4 ORDINANCE NO 103. All that portion of the alley lying between and abutting on Lots 1, 2, 3 and 4 in Block 1, Horace Anthony's subdivision of Lot 15 in Block 1, in the city, being a strip of land 20 feet in width and 302 feet in length and extending northeasterly from Chicago Street in the city.

7-2-5 ORDINANCE NO 104. All that property of Water Street lying between Lots 44 and 45 in Block 4 and the water lots opposite Lots 44 and 45 in Block 4, be granted to C. M. Zerrien, owner of Lots 44 and 45 in Block 4, city of Camanche.

7-2-6 ORDINANCE NO 122. That part of the north and south public street not included in Highway 67, adjacent to and abutting upon the west side of the south half of Block 7, Range 1, Hart's Addition to the city. That part of the public street running north and south and abutting upon and adjacent to the west side of the north half of Block 7, Range 1, Hart's Addition to the city. Said street is not included in Highway 67.

7-2-7 ORDINANCE NO 155. A certain alley in the city running east and west, which lies between 16th Avenue and 17th Avenue in the town, as now platted, and which lies south of Lots 6 through 10 and north of Lots 1 through 5 in Block 1 in John Smith's Subdivision of Lot 13 in Block 3 in the city.

7-2-8 ORDINANCE NO 156. A certain alley in the city which lies between 13th Avenue and 12th Avenue, south of Lots 18, 19, 20 and 21, and north of Lots 22, 23, 24 and 25, in Block 1, in Horace Anthony's Subdivision of Lot 1, Block 3, of the original plat in the city.

7-2-9 ORDINANCE NO 161. The east half of a certain alley in the city which lies between 9th Avenue and 8th Avenue in said city, and lying south or southeasterly of Lots 3 and 4, and north or northwesterly of Lots 1 and 2 in Horace Anthony's Subdivision of Lot 15 in Block 1 of the city.

7-2-10 ORDINANCE NO 169. That portion of First Street lying adjacent to and between the following described real estate and the Mississippi River: Lots 38, 39, 40 and 41 in Block 4 east of Ferry Street, now Sixth Avenue, in the town, located upon and a part of the northwest quarter of the northwest quarter of Section 34, Township 81 North, Range 6, east of the 5th P.M. limiting the inclusion of First Street lying between Lot 41 and the Mississippi River to the easterly 66 feet from the westerly boundary of Lot 40.

7-2-11 ORDINANCE NO 181. That part of Third Avenue which extends from the northerly line of 11th Place to the southerly line of 12th Place in the city.

7-2-12 ORDINANCE NO 185. The westerly 16 feet of 5th Avenue from the southerly boundary of 2nd Street to the northerly boundary of 1st Street . abutting and lying adjacent to Lots 34 and 42, in Block 4, east of Ferry Street, now 6th Avenue, in the city, located upon and a part of the northwest quarter of the northwest quarter of Section 34, Township 81 North, Range 6, east of the 5th P.M.

The easterly 16 feet of 5th Avenue from the southerly boundary of 2nd Street to the northerly boundary of 1st Street in the city, abutting and lying adjacent to the following described real estate: Lots 33 and 41 in Block 4 east of Ferry Street, now 6th Avenue, in the city, located upon and a part of the northwest quarter of the northwest quarter of Section 34, Township 81 North, Range 6, east of the 5th P.M.

7-2-13 ORDINANCE NO 190. The part of 6th Street in the city described as commencing at the northeast corner of Lot 10 in Block 1 in John Smith's Subdivision of Lot 13 in Block 3 in the city; thence west along the north line of said Block 1 to the southeasterly right-of-way line of U.S. Highway 67; thence northeasterly along said right-of-way line to its point of intersection with Block 2 in said John Smith's Subdivision of Lot 13 in Block 3; thence east along the southerly line of said Block 2 to the southeast corner of said Block 2; thence south to the point of beginning.

7-2-14 ORDINANCE NO 195. All that part of 3rd Street lying northeasterly of a line parallel to the centerline of 4th Avenue and a distance of 101 feet northeasterly of the centerline of said 4th Avenue; all that part of 2nd Street lying northeasterly of the southwesterly line of 4th Avenue; all that part of 4th Avenue lying southeasterly of a line parallel to and a distance of 182 feet southeasterly of the centerline of 3rd Street; all that part of 3rd Avenue lying southeasterly. of 3rd Street; in the city.

7-2-15 ORDINANCE NO 197. That part of 5th Avenue from the northerly line of 11th Place to the southerly line of 13th Place and vacating 12th Place from the easterly line of 6th Avenue to the westerly line of Hart's Avenue in the city.

7-2-16 ORDINANCE NO 205. All that part of 17th Avenue lying between the northerly line of 5th Street and the southerly line of U.S. Highway 67, in the city.

7-2-17 ORDINANCE NO 221. All of Peck Avenue; all of 1st Avenue lying northerly of 10th Place; all of Pearl Avenue north of 11th Place; all of 11th Place east of Pearl Avenue; all of 12th Place east of Washington Boulevard; all of 13th Place east of Washington Boulevard; all of 10th Place lying easterly of the northeasterly line of 1st Avenue, being the street which was platted in Wallace V. Lum's Addition to the city and as later widened to a width of 60 feet by conveyance of adjoining property owners.

7-2-18 ORDINANCE NO. 224. All streets, alleys and easements for road purposes lying within the perimeter of the following described property:

A tract of land situated in the west one-half of Section 27, Township 81 North, Range 6, east of the 5th P.M. described as commencing as a point of reference at the west quarter corner of said Section 27; thence south 89° 43' east on the east-west centerline of said Section 27 a distance of 519.75 feet to the point of beginning of the land herein intended to be described; thence north 00° 18' east parallel with the west line of the northwest quarter of said Section 27 a distance of 445.43 feet; thence south 89° 43' east parallel with the said east-west centerline of Section 27 a distance of 511.45 feet to the west line of the land conveyed to the city; thence south 00° 18' west on the said west line of the land conveyed to the said city and parallel with the said west line of the northwest

quarter of Section 27 a distance of 445.43 feet to the said east-west centerline of Section 27; thence south 00° 21' west on the west line of 4th Avenue in the said city and parallel with the west line of the southwest quarter of said Section 27 a distance of 365.65 feet to the north line of 13th Place in the said city; thence north 89° 33' west on the north line of said 13th Place a distance of 511.45 feet to a point 519.75 feet east of the said west line of the southwest quarter of Section 27; thence north 00° 21' east parallel with the said west line of the southwest quarter of Section 27 a distance of 364.15 feet to the point of beginning.

7-2-19 ORDINANCE NO 235. All that part of 5th Street in the city lying between the southeasterly right-of-way line of the Davenport, Rock Island and North Western Railway Company and a point 30 feet east of the east line of 13th Avenue as now platted in the city.

7-2-20 ORDINANCE NO 237. The northwesterly 17 feet of that part of the alley which adjoins Lot 6 in John Piersol's Subdivision of Lot 3 in Block 1 in the city, and which runs in an easterly-westerly direction, parallel with 3rd Street in John Piersol's Subdivision of Lot 3 in Block 1, in the city; the said alley being a 20 foot wide platted alley in the southerly line thereof, lying parallel with and 155 feet northerly of the northwesterly line of 3rd Street, in the city.

7-2-21 ORDINANCE NO 238. That part of the street, being that part of 12th Place which extends from the easterly line of Rose Hill Avenue to the westerly line of Washington Boulevard in the city.

7-2-22 ORDINANCE NO 248. All that part of 13th Avenue lying southeasterly of the southeasterly line of 2nd Street and all that part of 7th Avenue lying southeasterly of the southeasterly line of 1st Street; in the city.

7-2-23 ORDINANCE NO 259. All that part of 12th Place which lies between the easterly line of 7th Avenue and the westerly line of 6th Avenue in the city.

7-2-24 ORDINANCE NO 265. All those parts of 7th Avenue and of 9th Avenue lying southerly of the southerly line of First Street and that part of Thirteenth Avenue lying southerly of the southerly line of Second Street in the city.

7-2-25 ORDINANCE NO 292. The easterly 1 foot of 9th Avenue-commencing with the northerly line of 3rd Street and extending northerly 138 feet and which abuts the westerly line of Lot 5, except the northwesterly 17 feet thereof, in John Piersol's Subdivision of Lot 3, in Block 1, in the city.

7-2-26 ORDINANCE NO 367. The northerly or northwesterly 205 feet of a north-south alley lying south of the south curblineline of Fifth Street in the city, as the same lies between Ninth and Tenth Avenue in said city.

7-2-27 ORDINANCE NO 387. That portion of Tenth Avenue (original name Missouri Street) lying southeasterly of the southeasterly line of First Street; that portion of Eleventh Avenue (original name Main Street) lying southeasterly of the southeasterly line of First Street; that portion of Twelfth Avenue (original name Far West Street) lying southeasterly of the southeasterly line of First Street in the city.

7-2-28 ORDINANCE NO 391. All that part of the tracts of land designated as streets as hereinafter set forth: Sixth Avenue and Eighth Avenue in the city, which constitute a railroad right-of-way line of the Davenport, Rock Island and Northwestern Railway Company as now platted in the city.

7-2-29 ORDINANCE NO 498. That portion of Fifth Avenue (original name Fayette Street) laying southeasterly of the northwesterly line of First Street (original name Water Street) extended which is 264 feet southeasterly of the southeasterly line of Second Street (original name Front Street) in the city.

7-2-30 ORDINANCE NO 526. All that part of 2nd Street right-of-way in the city, more particularly described as follows: Beginning at the northeast corner of Lot 30 in Block 4 of the original town (now city) of Camanche, Iowa; thence south $55^{\circ} 00'$ west 132.2 feet along the southerly right-of-way line of Second Street; thence north $34^{\circ} 21'$ west 17.00 feet; thence north $55^{\circ} 00'$ east 132.20 feet.; thence south $34^{\circ} 21'$ east 17.00 feet to the point of beginning. The area of this described parcel is 2,247 square feet, more or less, in the city.

7-2-31 ORDINANCE NO. 528. All that part of the right-of-way of Second Street in the city, more particularly described as follows: Commencing as a point of reference at the southeast corner of Lot 19 in Block 4 of the original town (now city) of Camanche, Iowa; thence south $55^{\circ} 00'$ west 30.36 feet along the northerly right-of-way line of Second Street to the point of beginning; thence south $00^{\circ} 58'$ east 20.50 feet; thence south $55^{\circ} 00'$ west 90.35 feet; thence north $34^{\circ} 21'$ west 17.00 feet to a point on the northerly right-of-way line of Second Street; thence north $55^{\circ} 00'$ east 101.64 feet along said northerly right-of-way line to the point of beginning. The area of this described parcel is 1,630 square feet, more or less.

7-2-32 ORDINANCE NO 533. All of that port of Oak Vista Lane lying west of the west line of 22nd Avenue to and including the west line of said subdivision in the city of Camanche, Iowa, subject to an easement for water and sewer.

7-2-33 ORDINANCE NO 536. All that part of 8th Street (originally platted as Camanche Street) located between the west line of 13th Avenue (originally platted as Eden Street) and a line connecting the southwest corner of Lot 32 with the northwest corner of Lot 29 in Martin Dunning's Subdivision of Lot Ten (10), Block Three (3), or the original .plat of the town, now city, of Camanche, Iowa, being 0.2 acres, more or less,

7-2-34 ORDINANCE NO 584. All that part of Eighth Avenue abutting the southerly 116 feet of the east 56 feet of Lot 1, in Block 3, in Range 1, in the town of Camanche, Iowa, northeasterly of the property line a distance of 5 feet, parallel to said property line consisting of 580 feet, more or less.

7-2-35 ORDINANCE NO 586. All that part of First Street and Sixth Avenue contained in the legal description attached to Ordinance No. 586 and marked Exhibit A, which is incorporated herein by this reference.

7-2-36 ORDINANCE NO 597. All that part of First Street and Sixth Avenue contained in the legal description attached hereto and marked Exhibit "A", which is incorporated herein by this reference.

7-2-37 ORDINANCE NO 608. The tract of land designated as that portion of Twelfth Place from the intersection of Twelfth Place and the West boundary line of Rose Hill Avenue and the intersection of Twelfth Place and the East Boundary line of Fourth Avenue in the city.

7-2-38 ORDINANCE NO 644. That all that part of the east west alley lying west of Washington Boulevard and intersection of 16th Avenue and east of 17th Avenue between Washington Street and 7th Street, as described on the attached survey which is incorporated herein as though fully set forth, in the City of Camanche, Iowa, be and the same is declared vacated.

7-2-39 ORDINANCE NO 651. All that part of 8th Street, originally platted as Camanche Street, located west of a line connecting the southwest corner of lot thirty-two, with the northwest corner of lot twenty-nine, in Martin Dunning's subdivision of lot ten, block three, of the original plat of the town, now city of Camanche.

7-2-40 ORDINANCE NO 672. That all that part of the alley extending between 6th Avenue and 7th Avenue in the block of said subdivision between 4th Street and 5th Street, as shown on the attached plat which is incorporated herein, as though fully set forth, in the City of Camanche, Iowa, be and the same is hereby declared vacated.

7-2-41 ORDINANCE NO 690. That all that part of the northwesterly - southeasterly alley lying south of 4th Street and north of the east west alley between 7th Avenue and 6th Avenue, as more fully described on the attached Exhibit "A" which is incorporated herein as though fully set forth, in the City of Camanche, Iowa, be and the same is hereby declared vacated.

7-2-42 ORDINANCE NO 698. All that part of the public right-of- way known and platted as Anthony Place between 13th Avenue and 12th Avenue be and the same is hereby declared vacated. That all that part of the public right-of-way between Anthony Place southerly to the northerly line of 3rd Street is hereby declared vacated. The above described real estate is more particularly described on the attached Exhibit "A" which is incorporated herein as though fully set forth, and said property is hereafter owned by the City of Camanche, Iowa, for public purposes as a City park except only that portion occupied by the pump house operated by the Public Works Department of the City of Camanche, Iowa, and that parcel of real estate to be sold by the City of Camanche, Iowa, to Roland and Phyllis VonThun.

7-2-43 ORDINANCE NO 711. The tract of land previously designated as an alley as described in the attached Exhibit "A" located between lots 2, 3, 4, and 5, in block 2, Wallace V. Lum's 1st Addition, in the City of Camanche, Iowa, be and the same is hereby declared vacated.

7-2-44 ORDINANCE NO 712. The tract of land previously designated as an alley as described in the attached Exhibit "A" located between lots 9 and 16 within Dunning Subdivision of lots 6, 7, and 8, in the City of Camanche, Iowa, be and the same is hereby declared vacated.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 ELECTRIC FRANCHISE

7-3-1	Grant of Franchise	7-3-10	City Held Harmless
7-3-2	Rights and Privileges	7-3-11	Company to Provide Information
7-3-3	Authority to Erect Poles and Wires	7-3-12	Company to Maintain Facilities
7-3-4	Authority to Prune and Remove Trees	7-3-13	Company to Furnish Electricity
7-3-5	Use of Streets and Alleys	7-3-14	Franchise Fee
7-3-6	Excavations	7-3-15	Termination of Franchise
7-3-7	Vacation of Street	7-3-16	Severability
7-3-8	Relocation of Company Facilities	7-3-17	Effective Date of Ordinance
7-3-9	Reimbursement for Relocation of Facilities	7-3-18	Repeal of Prior Franchises

7-3-1 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the "Company," and its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City of Camanche, Iowa, hereinafter called the "City," a system for the transmission and distribution of electricity along, under, over and upon the public, streets, avenues, and alleys to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. In addition, the Company may with express permission of the City Council utilize other public places for purposes consistent with the grants contained herein. For the term of this franchise the Company is granted the right of eminent domain. This franchise shall be effective for a 25 (Twenty-five) year period from and after the effective date of this ordinance.

7-3-2 RIGHTS AND PRIVILEGES. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2009 or as subsequently amended or changed.

7-3-3 AUTHORITY TO ERECT POLES AND WIRES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy in and through the City, but all said conduits and poles shall be placed as not to unreasonably interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City.

7-3-4 AUTHORITY TO PRUNE AND REMOVE TREES. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning and

removal of trees shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations.

7-3-5 USE OF STREETS AND ALLEYS. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company's tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended ("Tariff"), at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley of such street or alley. The City and the Company shall work together to develop a suitable alternative route or Construction method so as to eliminate or minimize the cost and expense to the Company of relocation of Company installations. The City shall be responsible for surveying and staking the right- of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and the Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees or reimburse the Company for the expenses incurred to remove said trees.

7-3-6 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for the installation, maintenance or repair of conductor, conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the condition as existed prior to the Company excavation. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition required for the City to comply with city, state or federal rules, regulations or law. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition.

7-3-7 VACATION OF STREET. Vacating a street, avenue, alley, public ground or public right-of-way or selling the same shall not deprive the Company of its right to operate, maintain, reconstruct and replace facilities on, below, above, or beneath the vacated or sold property. Prior to the City selling, abandoning or vacating any street, avenue, alley or public ground whether or not the Company has electric facilities in the vicinity, the City shall upon request of the Company, grant a utility easement covering existing and future facilities and activities.

7-3-8 RELOCATION OF COMPANY FACILITIES. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at the direction of the City as part of a public improvement project of the City in the previous five years.

7-3-9 REIMBURSEMENT FOR RELOCATION OF FACILITIES. Pursuant to relocation of Company facilities as may be required by sections 3, 5, 6, 7, and 8, if the City orders or requests the

Company to relocate its existing facilities or equipment in order to facilitate the project of a commercial or private developer or other non-public entity, the City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required at its expense to relocate in order to facilitate such private project,

7-3-10 CITY HELD HARMLESS. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

7-3-11 COMPANY TO PROVIDE INFORMATION. Upon reasonable request the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in city right of way. The Company and City recognize the information provided will, under current Iowa law, constitute public records, but that nonetheless, some information provided will be confidential under state or federal law or both. Therefore, the City shall not release any information with respect to the location or type of equipment which the Company owns or controls in the right of way if the Company has clearly designated that such information is a trade secret or has been clearly designated by the Company as otherwise protected from public disclosure by state or federal law. The City agrees that no documents, maps or information provided to the City by the Company shall be made available to the public or other entities if such documents or information have been designated as exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, and Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time. In the event any action at law, in equity or administrative is brought against the City regarding disclosure of any document the Company has designated as a trade secret or as otherwise protected from disclosure, the Company shall assume, upon request of the City, the defense of said action and reimburse the City any and all cost, including attorneys fees and penalties to the extent allowed by law.

7-3-12 COMPANY TO MAINTAIN FACILITIES. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

7-3-13 COMPANY TO FURNISH ELECTRICITY. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

7-3-14 FRANCHISE FEE. The City reserves the right to impose a franchise fee in a manner and amount consistent with state law.

7-3-15 TERMINATION OF FRANCHISE. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A Party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

7-3-16 SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

7-3-17 EFFECTIVE DATE OF ORDINANCE. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within 10-days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of posting in three public places in the City of Camanche which have been permanently designated by ordinance. In the event that MidAmerican Energy Company does not file its written acceptance of this ordinance within 30 days after its approval by the City Council this ordinance shall be void and of no effect.

7-3-18 REPEAL OF PRIOR FRANCHISES. Upon the effective date of this ordinance, all prior electric franchises granted to the Company to furnish electric service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

(Ord. 707, Passed 2010)

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 CABLE FRANCHISE

Ordinance 670, Passed 2005 is included in the City Code of Ordinances by Reference

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 GAS FRANCHISE

Ordinance 718, Passed 2011 is included in the City Code of Ordinances by Reference