

CITY OF SCRANTON

2025 CODE OF ORDINANCES

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REGION XII
COUNCIL OF GOVERNMENTS

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

- 1-1-1 Definitions
- 1-1-2 Grammatical Interpretation
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- 1-1-4 Construction
- 1-1-5 Amendment
- 1-1-6 Severability
- 1-1-7 Catchlines, Titles, Headings, and Notes
- 1-1-8 Amendments to Code, Effect of New Ordinances, Amendatory Language

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

1. “Building” means any man-made structure permanently affixed to the ground;
2. “City” means the City of Scranton, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. “Clerk” means Clerk-Treasurer;
4. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. “Council” means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. “County” means the County of Greene, Iowa;
7. “Delegation of Authority” means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise;

(Amended in 2010)

8. “Fiscal Year” means July 1 to June 30;

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

10. “May” confers a power;

11. “Month” means a calendar month;

12. “Must” states a requirement;

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

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

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

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

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

18. “Personal property” includes money, goods, chattels, things in action and evidences of debt;

19. “Preceding” and “following” mean next before and next after, respectively;

20. “Property” includes real and personal property;

21. “Real property” includes any interest in land;

22. “Shall” imposes a duty;

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

24. “State” means the State of Iowa;

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

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

27. “Title of Office”. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;

28. “Writing” and “Written” include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;

29. “Year” means a calendar year;

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

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

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

1. Gender. Any gender includes the other gender;

2. Singular and Plural. The singular number includes the plural, and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

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

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

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Scranton Municipal Code of 2025 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

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

1-1-7 CATCHLINES, TITLES, HEADINGS, AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(Amended in 2010)

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

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

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

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of Ordinances, City of Scranton, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ..." The new section shall then be set out in full as desired.

(Amended in 2010)

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

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

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

Code of Iowa, Sec. 903.1(1)(a)
(Amended in 2008)
(Amended in 2009)
(Amended in 2010)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.

(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 Scranton, 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 Scranton, 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 Scranton.

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

2. Violations, Penalties, and Alternative Relief.

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

Schedule of Civil Penalties

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

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

(Amended during 2010)

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

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

3. Civil Citations

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

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

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

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

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

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

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-4-1 PURPOSE AND INTENT.

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

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

1-4-2 GENERAL.

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

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

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

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

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

1-4-3 FORM OF NOTICE OF HEARING.

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

“You are hereby notified that an evidentiary hearing will be held before the Scranton City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk.”

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

1-4-5 CONDUCT OF HEARING.

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

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

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

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

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

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

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called the witness to testify;
- e. To rebut the evidence against the party; and
- f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official notice.

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

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

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

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

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

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

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

1-4-6 METHOD AND FORM OF DECISION.

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

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

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

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

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

(Code of Iowa, Sec. 372.4)

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

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large, elected for terms of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

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

(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 charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk, Attorney, Director of Public Works, Fire Chief and Assistant Fire Chief.

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

The Fire Chief and the Assistant Fire Chief shall be elected for terms of two (2) years by the members of the volunteer Fire Department, with the approval of the City Council.

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS.

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

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

- 2-3-1 General Duties
- 2-3-2 Books and Records
- 2-3-3 Deposits of Municipal Funds
- 2-3-4 Transfer of Records and Property to Successor
- 2-3-5 Powers and Duties of the Mayor
- 2-3-6 Powers and Duties of the Clerk
- 2-3-7 Powers and Duties of the City Attorney
- 2-3-8 Powers and Duties of the Director of Public Works
- 2-3-9 Powers and Duties of the Fire Chief

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents, and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-5 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.

(Code of Iowa, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by an affirmative vote of not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an Ordinance or amendment becomes a law when the Ordinance or a summary of the Ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

If the Mayor takes no action on an Ordinance, amendment, or resolution, a resolution becomes effective fourteen days after the date of passage and an Ordinance or amendment becomes a law when the ordinance or a summary of the Ordinance is published, but not sooner than fourteen days after the date of passage, unless a subsequent effective date is provided within the Ordinance or amendment.

(Code of Iowa. Sec. 380.6)
(Amended during 2008)

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.

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

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

7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.

8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

(Code of Iowa, Sec. 372.14(3))

9. The Mayor shall appoint the following officials, with City Council approval:

- a. City Attorney;
- b. Library Board of Trustees;
- c. Parks and Recreation Commission;
- d. Zoning Board of Adjustment;
- e. Community Center Board;
- f. Water and Sewer Committee;
- g. Streets Committee;
- h. Finance Committee;
- i. Personnel Committee.

10. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council, the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

11. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer or building permit inspector.

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

13. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Greene County Sheriff.

2-3-6 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows:

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

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

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

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

3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the

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

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

6. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

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

8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year by sending the detailed budget as adopted, and of the tax certificate to the County Auditor and the County Board of Supervisors.

(Code of Iowa, Sec. 384.16(5))

10. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.

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

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

(Code of Iowa, Sec. 384.22)

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

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

14. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.

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

15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper or public document under the control of the Clerk, which is not a "confidential record" as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

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

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

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

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

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

number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.

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

20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.

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

21. The Clerk shall preserve a complete record of every City election, regular or special, and perform duties required by law or Ordinance of the City Clerk in regard to elections.

(Code of Iowa, Sec. 376.4)

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

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

23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

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

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

25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services and give a receipt therefor.

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

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

(Code of Iowa, Sec. 384.16)

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

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

28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds and retain the duplicate.

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

30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.

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

31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

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

2-3-7 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

2-3-8 POWERS AND DUTIES OF THE DIRECTOR OF PUBLIC WORKS. The duties of the director of public works shall be as follows:

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

1. The Director shall be responsible for the management, operation and maintenance of all streets, alleys, public grounds, water system, wastewater system, and storm sewer system.

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

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

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

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

6. The Director shall compile and maintain written records of purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory and activities contemplated by the street department. The Director shall make monthly oral and written reports of the activities of the department to the Mayor.

7. The Director shall supervise the installation of private sewers and their connections with public sewers in the city and enforce all regulation pertaining thereto in accordance with Chapter 2 of Title 6 of the Code of Ordinances. This shall apply to all replacements of existing sewers as well as to new sewers. The Director may make such regulations as are necessary and that do not conflict with Chapter 2 of Title 6.

9. The Director shall keep an account, in a book proved for that purpose, of each day's work as done on the streets by him or her or under his or her supervision, showing the streets, alley or public ground on which the work was performed and the name of each laborer.

10. The Director shall not be interested, directly or indirectly, in any contract or job of work or material or the profits thereof or services to be performed for the town.

11. The Director shall enforce all ordinances and resolutions of the council in reference to the water works system, and see that all contracts in relation to the water works are faithfully complied with.

12. The Director shall have supervision of all buildings, machinery, pipes, meters, hydrants, and everything connected with the water works system, shall attend to the running and operation of the pumps and the machinery connected therewith, and superintend and direct all work of extending the water works system and keeping the same in repair.

13. The Director shall flush all hydrants and mains at regular intervals and immediately after any fire shall inspect all hydrants used to see that the same are in good working order.

14. The Director shall make regular inspections of the entire water works system, inspect and see that all new service lines, taps, and all other connections with the water works system comply with all laws or ordinances.

15. The Director shall receive notice from the clerk-treasurer of all permits issued for connection with the water mains and such connections shall be made by him or her or under his or her direction and subject to his or her written approval.

16. The Director shall read all water meters and aid the clerk-treasurer in the billing and collection of water rates as provided by Chapter 9 of Title 6 of this code of ordinances.

17. The Director shall place or supervise the setting of all meters, test the same when required by the Council or whenever he or she has reason to believe a meter is not registering properly and when necessary replace old meters.

18. The Director shall have such other powers and perform such other duties as may be provided by the council, the ordinances of the town or the laws of the state, and shall transmit to his or her successor in office all books, papers, records, documents and property together with an invoice of the same, in his or her custody and appertaining to his or her office.

2-3-9 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

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

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

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

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

5. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

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

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

7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

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

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$20.00 for each meeting of the City Council.

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

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$300.00 per year plus \$20.00 per meeting.

(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
- 2-5-2 Budget Amendment
- 2-5-3 Accounts and Programs
- 2-5-4 Annual Report
- 2-5-5 Council Transfers
- 2-5-6 Administrative Transfers
- 2-5-7 Budget Officer
- 2-5-8 Expenditures
- 2-5-9 Authorizations to Expend
- 2-5-10 Accounting
- 2-5-11 Budget Accounts
- 2-5-12 Contingency Accounts

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes in accordance with Section 384.16.

(Code of Iowa, Sec. 384.16)

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

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

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

2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have such copies of the budget available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

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

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

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

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

2-5-2 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 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)

2-5-4 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)

2-5-5 COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein, the City Clerk shall inform the City Council, or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(IAC, Sec. 545.2.4(384,388))

2-5-6 ADMINISTRATIVE TRANSFERS. The City Clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Clerk shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed 10% at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

IAC, Sec 545.2.4(384,388))

2-5-7 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-5-8 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 invoices shall be accepted unless authorized by such order. Purchases not exceeding two hundred dollars (\$200.00) 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.

2-5-9 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.

2-5-10 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by two of the following: City Clerk, Mayor, or other authorized signatures.

(Code of Iowa, Sec. 384.20)

2-5-11 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-12 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account, the Clerk shall set up in the accounting records, but the Clerk shall not charge

any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 MEETINGS

2-6-1 Meetings

2-6-1 Meetings. All meetings of the City Council, any board or commission, or any multi-membered body formally and directly created by and of the foregoing bodies shall be held in accordance with the following:

1. **Schedule of Meetings.** All meetings times and dates of the boards and commissions shall be established no less frequently than once a calendar year and shall be submitted to the City Clerk before the beginning of each calendar year so that they can be distributed to the City Council. Any changes to that schedule will then be changed after notification to the Council.

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

(Code of Iowa, Sec 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY COUNCIL

2-7-1 Powers and Duties

2-7-2 Exercise of Power

2-7-3 Meetings

2-7-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-7-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

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

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

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

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

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

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

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

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

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

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

c. If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.

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

2-7-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council are on the second Tuesdays of each month at 6:00 p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve the meeting will be held on such different day or time as determined by the City Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place, and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

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

3. Quorum. A majority of all City Council members is a quorum.

(Code of Iowa, Sec. 372.13(1))

4. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.

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

5. Compelling Attendance. Any three (3) members of the City Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 CITY ELECTIONS

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

2-8-1 PURPOSE. The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-8-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

2-8-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

2-8-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

2-8-5 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

(Code of Iowa, Sec. 45.5)

2-8-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

2-8-7 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

- 3-1-1 Violations of Chapter
- 3-1-2 Public Peace
- 3-1-3 Public Morals
- 3-1-4 Streets
- 3-1-5 Public Safety and Health
- 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 provoke another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

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

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

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

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

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

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

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

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

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

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

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

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

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

3-1-3 PUBLIC MORALS.

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

(Code of Iowa, Sec. 709.9)

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

3-1-4 STREETS.

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

(Code of Iowa, Sec. 716.5)

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

(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. 364.12(2)(b and e))

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

3-1-5 PUBLIC SAFETY AND HEALTH.

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

(Code of Iowa, Sec. 364.1)

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

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

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

5. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

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

b. In the interest of public health and safety and at such times as approved by the Greene County Sheriff 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.

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

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

8. 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.

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

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

10. 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)

11. Playing in streets. No person shall coast, sled, or play games on streets or highways except in areas blocked off by the Greene County Sheriff for such purposes.

(Code of Iowa, Sec. 364.12)

12. Littering Prohibited.

a. As used in this Code, “discard” means to place, cause to be placed, throw, deposit or drop, and “litter” means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Scranton, except as provided and approved by the City of Scranton, by collecting and discarding such litter in approved areas or approved receptacles.

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

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

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

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

3-1-6 PUBLIC PROPERTY.

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

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

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

(Code of Iowa, 364.12(2))

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

damage, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 727.8)

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

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

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

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

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

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

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

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

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

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

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

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

(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 flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire-resistant construction.

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

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

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

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

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

- m. Trees infected with Dutch elm disease.

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

- n. Effluent from septic tank or drain field running or ponding on the ground or 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)

- q. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk, or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Greene County Public Health Department and junk or salvage materials property stored in accordance with the Scranton Municipal Code;

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

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

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

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

- v. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with

clean fill; an evolved cesspool or septic tank which does not comply with the Greene County Department of Health regulation.

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

x. Abandoned buildings.

y. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

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

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

bb. The open burning of trash, refuse, garbage, junk or salvage materials shall be prohibited within the City limits. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning of yard waste, leaves and tree trimmings is permitted provided the burning is in compliance with guidelines established by the City in consultation with the Fire Department.

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

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

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

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

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

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

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

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

kk. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the disturbance of others.

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

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

nn. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 30 days.

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

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

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

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

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. 384.37(16))

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

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

3. The numbering of buildings.

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

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

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

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

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

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

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

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a twelve (12) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

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

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

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

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

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

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

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

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

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

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

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

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

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

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

(Code of Iowa, Sec. 364.12A)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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- 3-3-2 Definitions
- 3-3-3 Traffic Accident Reports

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- 3-3-4 Authority of Sheriff's Department and Fire Department Officials
- 3-3-5 Required Obedience to Provisions of this Chapter and State Law

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- 3-3-65 Presumption in Reference to Illegal Parking
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- 3-3-68 Definition
- 3-3-69 Riding on Roadways
- 3-3-70 Lamps and Other Equipment on Personal Mobility Scooters, Power Chairs and Motorized Wheelchairs.

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 law enforcement officer or traffic-control sign or signal.

5. “Business districts” means: the territory contiguous to and including a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

6. “Residence districts” means the territory within a city contiguous to and including a highway, not comprising a business, suburban, or school district, where 40% or more of the frontage on such highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.

(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 Sheriff’s Department. All such reports shall be for the confidential use of the Sheriff’s 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)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-4 AUTHORITY OF SHERIFF’S DEPARTMENT 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 Sheriff’s Department. The officers of the Sheriff’s 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 Sheriff’s Department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the Sheriff’s Department in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-5 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 law enforcement officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

- | | | |
|----|---------|---|
| 1. | 321.98 | Operation without registration. |
| 2. | 321.180 | Violations of instruction permit limitations. |
| 3. | 321.193 | Violation of conditions of restricted license. |
| 4. | 321.194 | Violation of conditions of minor’s school license. |
| 5. | 321.216 | Unlawful use of license. |
| 6. | 321.218 | Driving without a valid license (as to simple misdemeanor offenses only). |

7.	321.219	Permitting unauthorized minor to drive.
8.	321.220	Permitting unauthorized person to drive.
9.	321.229	Failure to comply with lawful order of peace officer.
10.	321.231	Failure of driver of emergency vehicle to 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).
20.	321.287	Bus speed limits (highway).
21.	321.288	Failure to maintain control.
22.	321.294	Failure to maintain minimum speed when directed by officer.
23.	321.295	Excessive speed on bridge.
24.	321.297	Driving on wrong side of two-way highway.
25.	321.298	Failure to yield half of roadway upon meeting vehicle.
26.	321.299	Passing on wrong side.
27.	321.303	Unsafe passing.
28.	321.304	Unlawful passing.
29.	321.305	Violating one-way traffic designation.
30.	321.306	Improper use of lanes.
31.	321.307	Following too closely.
32.	321.308	Following too closely (trucks and towing vehicles).
33.	321.309	Failure to use approved drawbar.
34.	321.310	Unlawful towing of four-wheeled trailer.
35.	321.311	Turning from improper lane.
36.	321.312	Making U-turn on curve or hill.
37.	321.313	Unsafe starting of a stopped vehicle.
38.	321.314	Unsafe turn or failure to give signal.
39.	321.315	Failure to give continuous turn signal.
40.	321.316	Failure to signal stop or rapid deceleration.
41.	321.317	Signal light requirements; see equipment violation.
42.	321.318	Incorrect hand signal.
43.	321.319	Failure to yield to vehicle on right.
44.	321.320	Failure to yield upon left turn.
45.	321.321	Failure to yield upon entering through highway.
46.	321.322	Failure to obey stop or yield sign.

47.	321.323	Unsafe backing on highway.
48.	321.324	Failure to yield to emergency vehicle.
49.	321.325	Pedestrian disobeying traffic control signal.
50.	321.326	Pedestrian walking on wrong side of highway.
51.	321.327	Pedestrian right-of-way.
52.	321.328	Pedestrian failing to use crosswalk.
53.	321.329	Vehicle failing to yield to pedestrian.
54.	321.331	Soliciting ride from within roadway.
55.	321.332	Unlawful use of white cane.
56.	321.333	Failure to yield to blind person.
57.	321.340	Driving in or through safety zone.
58.	321.341	Failure to properly stop at railroad crossing.
59.	321.342	Failure to obey stop sign at railroad crossing.
60.	321.343	Failure to stop certain cargo or passenger vehicle at railroad crossing.
61.	321.344	Unlawful movement of construction equipment across railroad track.
62.	321.353	Unsafe entry into sidewalk or roadway.
63.	321.354	Stopping on traveled part of highway.
64.	321.358	Stopping, standing, or parking where prohibited.
65.	321.360	Prohibited parking in front of certain buildings.
66.	321.361	Parking too far from curb/angular parking.
67.	321.362	Parking without stopping engine and setting brake.
68.	321.363	Driving with obstructed view or control.
69.	321.365	Coasting upon downgrade.
70.	321.366	Improper use of median, curb, or controlled access facility.
71.	321.367	Failure to maintain distance from fire-fighting vehicle.
72.	321.368	Crossing unprotected fire hose.
73.	321.369	Putting debris on highway/roadway.
74.	321.370	Removing injurious material.
75.	321.371	Clearing up wrecks.
76.	321.372	School bus provisions.
77.	321.377	Excessive speed of school bus.
78.	321.381	Driving or towing unsafe vehicle.
79.	321.382	Operating underpowered vehicle.
80.	321.383	Failure to display reflective device on slow-moving vehicles.
81.	321.384	Failure to use headlamps when required.
82.	321.385	Insufficient number of headlamps.
83.	321.386	Insufficient number of headlamps-motorcycles and motorized bicycles.
84.	321.387	Improper rear lamp.
85.	321.388	Improper registration plate lamp.
86.	321.389	Improper rear reflector.
87.	321.390	Reflector requirements.
88.	321.391	Improper type of reflector.
89.	321.392	Improper clearance lighting on truck or trailer.

90.	321.393	Lighting device color and mounting.
91.	321.394	No lamp or flag on rear-projecting load.
92.	321.395	Parking on certain roadways without parking lights.
93.	321.397	Improper light on bicycle.
94.	321.398	Improper light on other vehicle.
95.	321.402	Improper use of spotlight.
96.	321.403	Improper use of auxiliary driving lights.
97.	321.404	Improper brake light.
98.	321.408	Back-up lamps.
99.	321.409	Improperly adjusted headlamps.
100.	321.415	Failure to dim.
101.	321.419	Improper headlights when night driving.
102.	321.420	Excessive number of driving lights.
103.	321.422	Lights of improper color-front or rear.
104.	321.423	Special light/signal provision.
105.	321.430	Defective braking equipment.
106.	321.431	Brake performance ability.
107.	321.432	Defective audible warning device.
108.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
109.	321.434	Use of siren or whistle on bicycle.
110.	321.436	Defective or unauthorized muffler system.
111.	321.437	Mirrors.
112.	321.438	Windshields.
113.	321.439	Defective windshield wiper.
114.	321.440	Defective tires.
115.	321.441	Unauthorized use of metal tire or track.
116.	321.442	Unauthorized use of metal projection on wheels.
117.	321.444	Failure to use safety glass.
118.	321.445	Failure to maintain or use safety belts.
119.	321.446	Failure to secure child.
120.	321.449	Special regulations.
121.	321.450	Hazardous materials.
122.	321.454	Width and length violations.
123.	321.455	Excessive side projection of load – passenger vehicle.
124.	321.456	Excessive height.
125.	321.457	Excessive length.
126.	321.458	Excessive projection from front of vehicle.
127.	321.459	Excessive weight – dual axels (each 2000 lb. or over).
128.	321.460	Spilling loads on highways.
129.	321.461	Excessive tow-bar length.
130.	321.462	Failure to use required towing equipment.
131.	321.463	Maximum gross weight.
132.	321.466	Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES

3-3-6 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES. The Mayor or Mayor's designee 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 Mayor or Mayor's designee 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 at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-7 MAYOR TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Mayor or Mayor's designee 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.

SPEED REGULATIONS

3-3-8 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. Speeds not in excess of forty (40) miles per hour are authorized on U.S. Highway 25 and a point nine hundred twenty-five (925) feet north of the center of the intersection of State and Locust Streets.

(Code of Iowa, Sec. 321.290)

2. Speeds not in excess of thirty-five (35) miles per hour are authorized on Elm Street from Highway 25 to Kendrick Street.

3. Speeds not in excess of twenty-five (25) miles per hour are authorized on Main Street from Elm Street to the Union Pacific Railroad crossing.

TURNING MOVEMENTS

3-3-9 TURNING MARKERS, BUTTONS AND SIGNS. The Mayor or Mayor's designee 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)

3-3-10 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Mayor or Mayor's designee 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.

3-3-11 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.

3-3-12 "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.

SPECIAL STOPS REQUIRED

3-3-13 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways.

1. Main Street from and including Elm Street to Locust Street.
2. Kendrick Street from and including State Street to Eleventh Street.
3. State Street from and including Kendrick Street to Pine Street.
4. Iowa Highway 25.

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-14 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Mayor or Mayor's designee

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.

3-3-15 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 hazards exists, the Mayor or Mayor's designee 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.

3-3-16 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.

3-3-17 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten (10) 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

3-3-18 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-19 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, pedestrians walking on or along a roadway, shall walk on the left side of the roadway at all times.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-20 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 (18) inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left hand side of one way streets.

(Code of Iowa, Sec. 321.361)

3-3-21 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Mayor or Mayor's designee, 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)

3-3-22 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, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-23 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of the Sheriff's Department 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 sign located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary, in obedience to traffic regulations or traffic signs, or signals of a law enforcement officer.

13. At any place where official signs or curb markings prohibit stopping, standing, or parking, including but not limited to:

- a. State Street from Linn to Locust.
- b. Locust Street from Madison to Jefferson.

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. Within twenty (20) feet on either side of a mail drop box which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway, from the hours of nine o'clock (9:00) a.m. to twelve (12:00) noon Monday through Saturday; or

17. Within five (5) feet on either side of a driveway when parked on the same or opposite side of the street.

18. In the Right of Way.

3-3-24 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 Mayor or Mayor's designee may cause curbs 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 Mayor or Mayor's designee, 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))

3-3-25 AUTHORITY TO IMPOUND VEHICLES. Members of the Sheriff's 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 Sheriff's 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 (48) 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

3-3-26 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 Mayor 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)

3-3-27 PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley, or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the Mayor is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

3-3-28 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 (30) minutes between the hours of 10:00 p.m. and 5:00 a.m. of any day.

3-3-29 TRUCK PARKING LIMITED. Trucks licensed for five (5) tons or more shall not be parked at the following locations on the streets named:

1. It shall be unlawful for any truck or recreational vehicle to stop, park, or be left standing at any place not designated for parking or place where angle parking is indicated except upon authority and under supervision of the Sheriff's Department.

2. It is unlawful for any truck or recreational vehicle to park on the untraveled or traveled portion of any street located within the residential areas of the city for a period exceeding two hours. If parked during the nighttime hours, parking lights shall be left lighted.

3. Recreational vehicles shall include all RV units, boats, and trailers.

4. Trucks shall be defined as including all truck tractors, semi-trailers, straight trucks, motor truck carriers, van, stock truck, grain truck, or bus, loaded or empty weighing five tons or more, loaded or empty.

5. Truck licensed for five (5) tons or more shall not be parked at the following locations:

a. None.

3-3-30 TRAILERS. Trailers shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the city.

MISCELLANEOUS DRIVING RULES

3-3-31 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-32 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.

3-3-33 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 marketplace 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 (48) hours.

3-3-34 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 law enforcement officers.

3-3-35 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.

3-3-36 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 Sheriff's Department.

3-3-37 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

3-3-38 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 feet (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

BICYCLE REGULATIONS

3-3-39 DEFINITIONS. For the purpose of this Chapter, the following terms are defined:

1. "Bicycles" shall mean either of the following:
 - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - b. A low-speed electric bicycle.

(Code of Iowa, Sec. 321.1)

3-3-40 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians. Motorized bicycles/e-bikes shall obey the laws pertaining to non-motorized bicycles.

3-3-41 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.

3-3-42 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.

3-3-43 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-44 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.

3-3-45 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 handlebars.

3-3-46 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.

3-3-47 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.

3-3-48 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 five hundred feet (500') to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet (50') to three hundred feet (300') 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 five hundred feet (500') 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

3-3-49 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.

3-3-50 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

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.

3-3-51 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 ten o’clock (10:00) 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.

3-3-52 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.

3-3-53 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.

3-3-54 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.

3-3-55 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 law enforcement officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-56 DEFINITIONS. For use in this Chapter the following terms are defined:

1. “All-terrain vehicle” (ATV) means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain. Off-road motorcycles shall be considered all-terrain vehicles for the purposes of registration. All off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling. An operator of an off-road motorcycle is subject to the provisions governing the operation of all-terrain vehicles.

3. “Off highway motorcycle (OHM)” means a two-wheeled motorized vehicle designed for use on natural terrain, equipped with a seat or saddle for straddling and handlebars for steering, and intended for off-road use.

4. “Dirt bike, mini bike, trail bike, and go-cart” shall be defined as motorcycle or other motorized vehicle designed especially to operate and intended for operation off public roads.

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

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

6. “Operate” shall be defined as the exercise of physical control over the speed or direction of or to physically manipulate or activate any of the controls of a “dirt bike, mini bike, trail bike or go-cart” necessary to put it in motion.

7. “Operation” shall be defined as the exercise of physical control over a physically manipulation or activation of any of the controls of a “dirt bike, mini bike, trail bike, or go-cart” necessary to put it in motion.

3-3-57 GENERAL REGULATIONS. Within the City of Scranton, no person shall operate an OHM, go-cart, racecar, or ATV:

1. In a manner that violates the laws of the Code of Iowa, Chapter 321I or the ordinances of the City of Scranton.

2. On any private property without obtaining written permission of the property owner. Immediate members of the owner’s family are exempt from this requirement.

3. On any public place except as otherwise permitted under this ordinance.

4. In any manner so as to create loud, unnecessary or unusual noise so as to disturb or otherwise interfere with the peace and quiet of any other person.

5. On the shoulders or in the drainage ditches of public streets and highways.

6. At a rate of speed greater than reasonable or proper under all surrounding circumstances.

7. In any careless way so as to endanger the operator, any other person, or any property of another.

8. Without a functioning or sufficient muffler.

9. On a public street or highway unless the operator has a valid operator’s license and the vehicle is licensed by and meets the equipment requirements of the State of Iowa. ATVs may

be operated on the streets only in accordance with Section 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 ATVS.

(Code of Iowa, Sec. 321I.10[1 &2A])

10. So as to cause the unnecessary or unusual circulation of dust or dirt particles which annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others, or which results in a loss of the privacy, quietude, and serenity, to which the owners and users of land are rightfully entitled.

11. On a lot or parcel of land less than one (1) acre in size.

12. So as to tow any person or property behind it.

13. On Snowmobile Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[3])

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

(Code of Iowa, Sec. 321I.14[h])

15. On Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other property owned by the City without the express permission of the City.

16. On Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

(Code of Iowa, Sec 321I.13)

17. Without Lights after Darkness. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp.

(Code of Iowa 321I.13)

3-3-58 EXCEPTIONS.

1. Public Events. The provisions herein may be specifically suspended for the limited purpose of special events, attractions, festivals and exhibits (collectively referred to as a “Public Event”), upon written permission from the Mayor. Any person or organization desiring to obtain such permission shall provide a written request to the Mayor detailing information related to the Public Event, including the date, time, duration, description of the use of the OHM, go-cart, or

ATV in the Public Event, the number of such vehicles to be used, and the name, address and telephone number for the primary contact of the individual or organization. Upon demand by the Mayor, the person or organization requesting permission from the Mayor shall provide proof of insurance in a sufficient amount, as determined solely by the Mayor, based upon the propose Public Event.

2. ATVs- Commercial Purpose. The operation of an ATV exclusively for commercial purposes shall be allowed. The plowing or clearing of snow shall be deemed to be a commercial purpose.

3-3-59 RESERVED

3-3-60 RESERVED

GOLF CARTS

3-3-61 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.

3-3-62 OPERATION OF GOLF CARTS. 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.

3-3-63 USE RESTRICTIONS. Golf carts shall not be operated on the following City streets: Elm Street, Kendrick Street, and Locust Street.

PENALTIES AND PROCEDURE

3-3-64 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-65 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.

3-3-66 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

		Penalty After <u>30 Days</u>
1. Overtime parking	\$25.00	\$50.00
2. Prohibited parking	\$25.00	\$50.00
3. No parking zone	\$25.00	\$50.00
4. Blocking alley	\$25.00	\$50.00
5. Illegal parking	\$25.00	\$50.00
6. Street cleaning	\$25.00	\$50.00
7. Snow removal ban	\$25.00	\$50.00
8. Persons with disabilities parking	\$200.00	\$200.00

(Code of Iowa, Sec. 321L.4(2))

3-3-67 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.

The City may enter a 28E agreement for the collection of delinquent parking fines by a county treasurer pursuant to Section 321.40 at the time a person applies for renewal of a motor vehicle registration, for violations that have not been appealed or for which appeal has been denied. The city may pay the treasurer a reasonable fee for the collection of such fines, or may allow the county treasurer to retain a portion of the fines collected, as provided in the agreement.

PERSONAL MOBILITY SCOOTERS, POWER CHAIRS, AND MOTORIZED WHEELCHAIRS

3-3-68 DEFINITION. "Personal mobility scooters, power chairs, and motorized wheelchairs" means a self-balancing, 2-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

3-3-69 RIDING ON ROADWAYS. Every person operating a personal mobility scooter, power chair, or motorized wheelchair upon a roadway shall operate the device 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. Such motorized devices shall also be equipped with a red or orange flag attached to the device warning motorists of their presence.

3-3-70 LAMPS AND OTHER EQUIPMENT ON PERSONAL MOBILITY SCOOTERS, POWER CHAIRS, OR MOTORIZED WHEELCHAIRS. Every personal mobility scooter,

power chair, or motorized wheelchair when in use at nighttime and upon any roadway, street, or alley shall be equipped with a lamp on the front that emits a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 JUNK AND ABANDONED VEHICLES

- 3-4-1 Purpose
- 3-4-2 Definitions
- 3-4-3 Removal of Abandoned Vehicles
- 3-4-4 Notification of Owners and Lienholders
- 3-4-5 Impoundment Fees and Bonds
- 3-4-6 Hearing Procedures
- 3-4-7 Auction or Disposal of Abandoned Vehicles
- 3-4-8 Junk Vehicles Declared a Nuisance
- 3-4-9 Notice to Abate
- 3-4-10 Abatement by Municipality
- 3-4-11 Collection of Cost of Abatement
- 3-4-12 Exceptions
- 3-4-13 Interference with Enforcement
- 3-4-14 Storage of Vehicles

3-4-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 364.1)

3-4-2 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 Mayor or Mayor’s designee and has not been reclaimed for a period of ten days; or
 - e. Any vehicle parked on the street determined by the Mayor or Mayor’s designee 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 which has a missing or broken component or structural part, including but not limited to: windshield or window glass, fender, door, door handle, bumper, hood, steering wheel, driver’s seat, trunk, trunk handle, fuel tank, tail pipe, two or more wheels, engine drive shaft, differential, battery, generator, or alternator or other component part of an electrical stem, or any component or structural part.

b. Any vehicle used for general storage purposes, or for the harboring, keeping, caging or otherwise a dwelling for animals of any kind;

c. 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.

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

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

f. Any vehicle which contains gasoline or any other flammable fuel not contained in the vehicle’s fuel cell as installed by the manufacturer of the vehicle; or

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

h. Any vehicle left unattended on jacks, blocks, or elevated in any way constituting a safety hazard or threat to the public health or welfare.

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

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

3-4-3 REMOVAL OF ABANDONED VEHICLES.

1. The Mayor or Mayor's designee may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-4-2 (1). The Mayor or Mayor's designee may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

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

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Sheriff or Mayor if the Sheriff is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

4. Nothing in this chapter shall govern the procedures of any law enforcement 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.

3-4-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Sheriff or Mayor if the Sheriff is unavailable, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Sheriff, or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

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 Sheriff prior to the expiration of the ten-day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

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

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

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

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

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

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

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

3-4-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the Sheriff's Department or Mayor if the Sheriff's Department is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

- a. an impoundment fee
- b. towing charges
- c. preservation charges
- d. storage charges
- e. notice charges

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

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under Section 3-4-4 (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 3-4-5(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.

3-4-6 HEARING PROCEDURES. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq.

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

3-4-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Sheriff's Department shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-4-8 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 Scranton, 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.

3-4-9 NOTICE TO ABATE.

1. Whenever the Sheriff or Mayor if the Sheriff is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-4-8, the Sheriff's Department 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.

3-4-10 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

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

3-4-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-4-12 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 therefore, 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.

3-4-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

3-4-14 STORAGE OF VEHICLES. In as much as it is found that the storage of vehicles, which are not deemed to be junk vehicles, out of doors can detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

1. No person shall keep, store or display one or more vehicles out of doors on property zoned for residential use, or permit the parking out of doors of a vehicle on residentially zoned property under their ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating vehicle.

2. No person shall store or display one or more vehicles out of doors on property zoned for commercial use, or permit the parking out of doors of a vehicle on commercially zoned property under their ownership, possession or control for more than one year without movement and use of said vehicle as an operating vehicle.

3. The provisions of subsection (2) notwithstanding the keeping, parking or storage, out of doors, of any wrecked or demolished vehicle, or vehicle stripped for parts, at the same commercially zoned site for more than one hundred eighty days is prohibited.

4. The following shall be exempt from the regulations of this section:

a. Vehicles kept in a garage or other enclosed structure.

b. Vehicles kept in commercial automobile salvage yards lawfully established and existing prior to January 1, 2013.

c. A “motor home”, pickup truck with camper top, converted bus or van, or similar recreational vehicle, which is operable and currently licensed for operation on the public highways.

d. A vehicle currently licensed for operation on the public highways and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a resident of this city, is out of the city for more than fifteen (15) days but not more than ninety days.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 RENTAL HOUSING PROVISIONS

- 3-5-1 Purpose
- 3-5-2 Definitions
- 3-5-3 Construction
- 3-5-4 Doors and Windows
- 3-5-5 Wall and Floor Penetrations
- 3-5-6 Roof Drainage
- 3-5-7 Upkeep
- 3-5-8 Plumbing and Heating
- 3-5-9 Electrical
- 3-5-10 Maximum Occupancy
- 3-5-11 Owner's Responsibilities

3-5-1 PURPOSE. The purpose of this chapter is to establish minimum health and safety standards for rental housing in the City of Scranton, Iowa. These standards relate to the condition, maintenance, and occupancy of rental dwellings, and are intended to ensure that rental housing is safe, sanitary, and suitable.

This chapter applies to all rental dwelling units within the City of Scranton. An owner-occupied single-family dwelling is specifically excluded unless there are one or more roomers. Also excluded are hotels, motels, state-licensed health and custodial facilities.

3-5-2 DEFINITIONS. For the purpose of interpreting this article, certain words, terms and expressions are herein defined. The words "dwelling," "dwelling unit," "lodging house," "rooming unit," and "premises" shall be construed as though they were followed by the words "or any part thereof."

1. "Dwelling" shall mean any house, building, or mobile home, or portion thereof intended to be occupied as the place of habitation of human beings, either permanently or transiently.

2. "Dwelling unit" shall mean one or more rooms intended to be occupied by one family for living purposes. If a common area and facilities for cooking and eating are provided in a dwelling for the use of the occupants of a rooming unit(s) therein, such common area and facilities shall constitute a part of each dwelling unit for the purpose of inspection and compliance with this chapter, notwithstanding the fact that cooking is not allowed in rooming units.

3. "Apartment" shall mean a room or group of rooms intended to be occupied for living, sleeping, cooking, and eating.

4. A "rooming unit" is defined as a room or group of rooms intended to be occupied for living and sleeping but not for cooking.

5. “Family” shall mean a person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

a. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;

b. Three unrelated people;

c. Two unrelated people and any children related to either of them;

d. Not more than eight people who are:

(1) Residents of a “Family Home” as defined in Section 414.22 of the Iowa code; or

(2) “Handicapped” as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h).

e. Exceptions - The definition of a “Family” does not include:

(1) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(2) Any group of individuals whose association is temporary or seasonal in nature; and

(3) Any group of individuals who are in a group living arrangement as a result of criminal offenses.

6. “Habitable space” is defined as space in a dwelling for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not habitable spaces.

7. “Occupant” means any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit.

8. “Owner” means any person who alone, jointly, or as tenant in common with others, has legal or equitable title to any dwelling unit with or without accompanying actual possession thereof. For the purposes of this chapter, "owner" includes an agent of the owner empowered by the owner to act on the conditions or under the circumstances in question.

9. “Owner-occupied single-family dwelling” is defined as any townhouse, condominium, or detached dwelling that is occupied as a dwelling by the owner or owner’s relative within the first degree of consanguinity, and may include a nanny, live-in nurse, or live-in exchange student. It is one dwelling unit even if allowed roomers occupy part of the building.

10. “Plumbing” is defined to include the following supplied facilities and equipment:

- a. Gas
- b. Water, and waste pipes;
- c. Sumps, drains, vents;
- d. All supplied facilities and equipment connected to the aforementioned items.

11. "Rent" means payment of money, goods, labor, service or otherwise for use of a dwelling.

12. "Refuse" means all other miscellaneous waste materials except "yard waste" not specifically defined as garbage.

3-5-3 CONSTRUCTION. Each dwelling unit shall be reasonably weather tight. All areas of the building shall be structurally sound.

A dwelling unit which is a mobile home shall be secured to the mobile home stand with tiedowns and ground anchors that conform to any of the authorized standards or methods promulgated by authorized officials of the State of Iowa in the Iowa Administrative Code for mobile home anchoring.

The frame, wheels, crawl space, storage area, and utility connections of all mobile homes shall be concealed from view by skirting which shall be of a durable all-weather construction which is consistent with the exterior of the mobile home.

All building related items that are repaired or replaced shall meet the current municipal building code standards.

3-5-4 DOORS AND WINDOWS. Each entrance door to a dwelling unit shall be supplied with a lock and have a reasonable fit. Glass doors and windows shall be unbroken. Storm doors and windows shall be supplied and installed for exterior doors and windows from fall until spring, except with respect to thermal-pane windows and insulated exterior doors. Screens shall be kept in good repair.

3-5-5 WALL AND FLOOR PENETRATIONS. Wall and floor penetrations, such as for utility lines, shall be enclosed or sealed with a fire-retardant material to reduce spread of fire or passage of vermin.

3-5-6 ROOF DRAINAGE. Roof drainage shall be provided to avoid discharge on steps, walkways, or entrances where possible.

3-5-7 UPKEEP. Dwelling units and premises shall be free of garbage and refuse except that which is placed in receptacles in accordance with the requirements of Title 6, Chapter 5 of this Code.

3-5-8 PLUMBING AND HEATING. Water supply and sanitary sewer systems shall be approved public systems. All plumbing and heating items shall be in working condition. All plumbing and heating items repaired or replaced shall follow current plumbing and mechanical codes.

3-5-9 ELECTRICAL. The electrical system of every dwelling unit shall be installed and maintained so as to be reasonably safe to the occupants and the structure.

3-5-10 MAXIMUM OCCUPANCY. Occupancy must be limited to reasonable number. (Example: A two bedroom home should not house eight people.)

3-5-11 OWNER'S RESPONSIBILITIES.

Owners of rental housing properties shall be responsible for or arrange for the following tasks:

1. Maintaining public areas of the premises in a clean and sanitary condition;
2. Exterminating rodents, insects, and other pests.
3. Removing snow and ice from walks and drives.
4. Lawns, trimming shrubs and trees, and controlling weeds to maintain the premises in a neat condition, comparable to other premises in the neighborhood.
5. If a tenant of a rental property is receiving rental assistance through a federal funding agency, (i.e., U.S. Department of Housing and Urban Development (HUD), United States Department of Agriculture (USDA)), the owner of the building is responsible for ensuring the rental unit meets the requirements of this chapter as well as the minimum requirements set forth by the funding agency.

TITLE III COMMUNITY PROTECTIONS

CHAPTER 6 DANGEROUS BUILDINGS

- 3-6-1 Definitions
- 3-6-2 Unsafe Buildings Declared a Nuisance
- 3-6-3 Notice to Owner
- 3-6-4 Conduct of Hearing
- 3-6-5 Posting of Signs
- 3-6-6 Abatement by Municipality
- 3-6-7 Collection of Cost of Abatement
- 3-6-8 Interference with Enforcement

3-6-1 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Unsafe building" shall mean a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(Code of Iowa, Sec. 657A.7)

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

An unsafe building means any structure, building, or portion thereof meeting any or all of the following criteria:

a. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

b. 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 (20) pounds per square foot.

c. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds and earthquakes than is required in the case of similar new construction.

d. Whenever the building or structure, or any portion thereof, because of

(1) dilapidation, deterioration, or decay;

(2) faulty construction;

(3) the removal, movement or instability or any portion of the ground necessary for the purpose of supporting such building;

(4) the deterioration, decay or inadequacy of its foundation; or

(5) any other cause, is likely to partially or completely collapse.

e. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

f. Whenever, the exterior walls or other vertical structure 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 (1/3) of the base.

g. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

h. 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

(1) an attractive nuisance to children;

(2) a harbor for vagrants, criminals, or immoral persons; or as to

(3) enable persons to resort thereto for the purpose or committing unlawful or immoral acts.

i. 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 any health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

j. Whenever any 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 Marshal or Fire Chief to be a fire hazard.

k. 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.

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

2. “Enforcement officer” means the individual or agency responsible for the enforcement of this chapter. The Mayor is designated as the enforcement officer unless the Mayor appoints an alternate individual.

3. “The City” shall mean the City of Scranton, Iowa.

3-6-2 UNSAFE BUILDINGS DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that unsafe buildings located within the corporate limits of the City of Scranton, Iowa, as defined within this chapter constitute a threat to the health and safety of the citizens and are a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any unsafe building is in violation thereof, the owner of or the person occupying the property upon which the unsafe building is located shall be liable for said violation.

3-6-3 NOTICE TO OWNER. If the enforcement officer examines a building, structure or portion thereof reported to be unsafe and finds it to be unsafe according to the definition given in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the findings thereof. Such notice shall be served by personal service or by certified mail to the owner of record if the owner is found within the City limits, according to Section 364.12(3h) of the Code of Iowa. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin on the date on which the owner receives such notice. The written notice shall include the following:

1. The address of the unsafe building;
2. The date and time in which the property owner or person in charge of the building or structure is required to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. The required actions shall commence within forty-eight (48) hours of the notice being received or such reasonable time as the circumstances require.
3. The date on which all such work is to be completed. This shall be within ninety (90) days from the date of notice, unless otherwise stipulated by the enforcement officer; and
4. If necessary, order the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.
5. Notification to advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

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

3-6-4 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

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

2. At the hearing, the owner or occupant of the property may appeal and show cause why the alleged nuisance shall not be abated.

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

3-6-5 POSTING OF SIGNS. If a building, structure or portion thereof is deemed unsafe for entrance, the enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF SCRANTON, IOWA." Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

3-6-6 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to perform an action required under this subsection as directed, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may perform the required action to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, 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. In the event of an emergency, the City may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

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

3-6-7 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-6-8 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter. Interference with the enforcement of this chapter is punishable as a municipal infraction, with a fine of \$500.00 for the first offense and \$750.00 for each subsequent violation.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

- 3-7-1 Definitions
- 3-7-2 Exemptions
- 3-7-3 Permits
- 3-7-4 Requirements
- 3-7-5 Hours of Solicitation
- 3-7-6 Consumer Protection Law
- 3-7-7 Bond Required
- 3-7-8 Obstruction of Pedestrian or Vehicular Traffic
- 3-7-9 Display of Permit
- 3-7-10 Permit Not Transferable
- 3-7-11 Revocation of Permit
- 3-7-12 Fees
- 3-7-13 Storing

3-7-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. A “peddler” is any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.

2. A “solicitor” is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, “solicitor” does not include a person who contacts another person at such person’s residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A “transient merchant” includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-7-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days.

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

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 of this chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and comply with the other requirements of the law.

3-7-7 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this Ordinance shall post with the Clerk a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-7-9 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-7-3 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-7-10 PERMIT NOT TRANSFERABLE. Permits issued under the provisions of this Chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-7-11 REVOCATION OF PERMIT. The City Council after notice and hearing, may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

3-7-12 FEES. Every licensee shall pay the following fee before a permit shall be issued.

1. "Solicitors." In addition to the investigating fee for each person actually soliciting (Principal or agent), a fee for the principal.... \$10 per year.

2. "Peddlers or transient merchants."

- a. For one day- \$25.00
- b. For one week- \$50.00
- c. For up to six months- \$200.00
- d. For one year or major part thereof-\$400.00

3. For longer than one month all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be the fee charged.

3-7-13 STORING. It shall be unlawful for a transient merchant to use any street, avenue, alley, or public ground for the placing, storing, keeping, or the selling of any goods, wares, or merchandise either at auction or private sale.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CURFEW FOR MINORS

- 3-8-1 Preamble
- 3-8-2 Findings and Purpose
- 3-8-3 Definitions
- 3-8-4 Offenses
- 3-8-5 Defenses
- 3-8-6 Enforcement

3-8-1 PREAMBLE. The City of Scranton 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)

3-8-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Scranton; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Scranton 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.

3-8-3 DEFINITIONS. In this chapter:

1. Curfew hours means 12:01 a.m. until 5:00 a.m.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:
 - a. A person who, under court order, is the guardian of the person of a minor;
or
 - b. A public or private agency with whom a minor has been placed by a court.
5. Minor means any person under age 17 years of age.
6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. Parent means a person who is:
 - a. A biological parent, adoptive parent, or step-parent of another person; or
 - b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. Remain means to:
 - a. Linger or stay; or
 - b. Fail to leave premises when requested to do so by a law enforcement 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.

3-8-4 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.

3-8-5 DEFENSES.

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

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

3-8-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, the Sheriff's Department 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 3-8-5 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 Sheriff's Department.

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

TITLE III COMMUNITY PROTECTION

CHAPTER 9 RAILROAD REGULATION

- 3-9-1 Definitions
- 3-9-2 Warning Signals
- 3-9-3 Street Crossing Signs and Devices
- 3-9-4 Street Crossing Obstructions
- 3-9-5 Maintenance of Crossings
- 3-9-6 Flying Switches

3-9-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

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

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

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

3-9-2 WARNING SIGNALS. Operators shall sound a bell at least 1,000 feet before a street crossing is reached and shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least 1,000 feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the City limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 3-4-5 of this chapter.

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

3-9-3 STREET CROSSING SIGNS AND DEVICES. Operators shall erect and maintain nonmechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the City limits, except where some mechanical sign, signal, device, or gate or flagman is required by resolution of the Council. Such non mechanical signs shall be of a height and size and utilize such lettering as to give adequate warning of such crossing. Whenever the City Council shall deem it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate should be erected and maintained, flagman stationed at any street or other public crossing, the City Council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain such sign, signal, device, or gate or to station a flagman at such crossing at the expense of such company or companies. Any required flagman shall be stationed at such crossing during the periods of time of each day that the City Council shall designate. The resolution shall specify the street or other public crossing at which the sign, signal, device or gate shall be erected, or flagman stationed. After the resolution has been adopted, a copy shall be served the railroad company or companies with a notice of the time limit for compliance. In complying, Chapter 327G of the Code of Iowa shall prevail.

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

3-9-4 STREET CROSSING OBSTRUCTIONS. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances:

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

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

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

3-9-5 MAINTENANCE OF CROSSINGS. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

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

3-9-6 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car's or cars' approach.

TITLE III COMMUNITY PROTECTION

CHAPTER 10 FIRE PROTECTION

3-10-1 Establishment and Purpose

3-10-2 Volunteer Fire Fighters

3-10-3 Fire Fighter's Duties

3-10-4 Worker's Compensation and Hospitalization Insurance

3-10-5 Liability Insurance

3-10-6 Fires Outside City Limits

3-10-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

3-10-2 VOLUNTEER FIRE FIGHTERS. Not more than 25 residents of Scranton, Iowa, or residents within 15 miles from the City of Scranton, at least age eighteen (18) shall be appointed to serve as a volunteer fire fighter. Prior to appointment as a volunteer fire fighter and every four years thereafter a volunteer fire fighter must pass a medical physical examination.

(Code of Iowa, Sec. 362.10)

3-10-3 FIRE FIGHTER'S DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately in the manner directed by the Fire Chief. All fire fighters shall be subject to call at any time. Fire Fighters shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. Fire fighters shall report for training as ordered by the Fire Chief.

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

3-10-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters. All volunteer fire fighters shall be covered by the contract.

3-10-5 LIABILITY INSURANCE. The City Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

3-10-6 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

TITLE III COMMUNITY PROTECTION

CHAPTER 11 ALCOHOLIC BEVERAGES

3-11-1 Purpose

3-11-2 Required Obedience to Provisions of this Chapter and State Law

3-11-3 Action by Council

3-11-4 Transfers

3-11-1 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)

3-11-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test -
Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social
Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles – Drivers.

27. 321.284A Open Containers in Motor Vehicles – Passengers

3-11-3 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))

3-11-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 12 DRUG PARAPHERNALIA

3-12-1 Definitions

3-12-3 Exemption

3-12-2 Prohibition

3-12-1 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)

3-12-2 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)

3-12-3 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 HAZARDOUS SUBSTANCE SPILLS

- 3-13-1 Purpose
- 3-13-2 Definitions
- 3-13-3 Cleanup Required
- 3-13-4 Cleanup Costs
- 3-13-5 Notifications
- 3-13-6 Sheriff's Department Authority

3-13-1 PURPOSE. In order to reduce the danger to the public health, safety and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

3-13-2 DEFINITIONS. For purposes of this Chapter the following terms are defined:

1. "Cleanup" shall mean actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381(1))

2. "Hazardous condition" shall mean any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381(4))

3. "Hazardous substance" shall mean any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381(5))

4. "Responsible person" shall mean a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance

or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381(7))

3-13-3 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. 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 the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the City Council and immediately seek any State or Federal funds available for said cleanup.

3-13-4 CLEANUP COSTS. The responsible person shall be strictly liable for all of the following:

1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.;
2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person; and
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

3-13-5 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Sheriff's Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Sheriff shall immediately notify the Department of Natural Resources.

2. Any other person who discovers a hazardous condition shall notify the Sheriff's Department, which shall then notify the Department of Natural Resources.

3-13-6 SHERIFF'S DEPARTMENT AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

TITLE III COMMUNITY PROTECTION

CHAPTER 14 TEMPORARY CIVIL DISORDER RESTRICTIONS

3-14-1 Declaration of Civil Disorder

3-14-2 Promulgation of Temporary Restrictions

3-14-3 Temporary Restrictions

3-14-4 Termination of Temporary Restrictions

3-14-1 DECLARATION OF CIVIL DISORDER. Whenever the mayor determines that there has been either an act of violence or resistance to a lawful exercise of public authority, and that as a result thereof, he has reason to believe that there exists a clear and present danger of a riot or other general public disorder involving widespread disobedience of the law and substantial injury to persons or property, which riot or other general public disorder constitutes an immediate threat to the public peace and to the general welfare of the city, or any area of it; he may declare a state of civil disorder within the city or any of its areas.

3-14-2 PROMULGATION OF TEMPORARY RESTRICTIONS. Whenever the mayor declares that a state of civil disorder exists, he may promulgate any, all or part of the temporary restrictions provided for in Section 3 of this ordinance, with such limitations and conditions as he may deem appropriate under the circumstances. In so doing, he shall specify the area of the city affected by each restriction. Any measure promulgated will take effect only after reasonable notice of its contents has been given.

3-14-3 TEMPORARY RESTRICTIONS. The mayor is authorized to promulgate any, all or part of the following restrictions:

1. Alcohol. Order the immediate closing of all taverns and order the cessation of the sale or any other distribution of intoxicating liquor and beer.
2. Weapons. Order the cessation of public display, possession, sale or any other distribution of firearms and ammunition,
3. Explosives and Flammables. Order the cessation of the sale or any other distribution of explosives and flammables.
4. Curfew. Order the closing of all or some public parks, public streets or other public places during specified hours.
5. Assembly. Order the cessation of gatherings by three (3) or more persons in public buildings, streets, parks and other open areas either public or private.
6. Other. Order the cessation of any other activities reasonably believed hazardous to the maintenance of public safety.

3-14-4 TERMINATION OF TEMPORARY RESTRICTIONS. Any restriction promulgated in accordance with the provisions of this ordinance will terminate automatically forty-eight (48)

hours after the mayor's declaration of civil disorder was issued or upon his issuing a declaration that a state of civil disorder no longer exists, whichever occurs first; provided, however, that any or all of the restrictions promulgated by the mayor may be extended by successive resolutions of the city council for additional periods of time. The period of any one extension shall not exceed five (5) days.

TITLE III COMMUNITY PROTECTION

CHAPTER 15 FISHING REGULATIONS

3-15-1 Adoption of Iowa Fishing Regulations

3-15-2 Violation

3-15-3 Minimum Length- Bass

3-15-1 ADOPTION OF IOWA FISHING REGULATIONS. Any person who shall fail to abide by the provisions of this chapter and the applicable provisions of this chapter and the applicable provisions of the following Iowa statutory laws relating to fishing and angling is in violation of this chapter. These sections of the code are adopted by reference:

1. 109.1, 109.2, 109.3, 109.11, 109.12, 109.13, 109.23, 109.30, 109.32, 109.37, 109.38, 109.44, 109.47, 109.63, 109.64, 109.67, 109.71, 109.72, 109.73, 109.74, 109.76, 109.78, 109.80, 109.82.

3-15-2 VIOLATION. Any person who shall fail to abide by the provisions of the regulations established by the Iowa Department of Natural Resources is in violation of this chapter.

3-15-3 MINIMUM LENGTH - BASS. The minimum length shall apply to all black bass including largemouth, smallmouth, and spotted bass. Any bass less than 16" must be immediately released from which they were caught.

TITLE III COMMUNITY PROTECTION

CHAPTER 16 PARKS USE

3-16-1 Time Limits

3-16-2 Exceptions

3-16-3 Penalty

3-16-1 TIME LIMITS. No person shall enter or remain within any of the municipal parks in the City of Scranton between the hours of 10:00 p.m. and 6:00 a.m.

3-16-2 EXCEPTIONS. The restriction provided by section one of the ordinance shall not apply to any individual who obtains a written permit. The permit may be obtained from the city clerk, mayor, or Sheriff. The city council shall set by resolution the terms and conditions for the issuance of a permit.

3-16-3 PENALTY. Any individual who violates the terms and conditions of this chapter are subject to a simple misdemeanor and to a fine which shall not exceed \$100.00.

TITLE III COMMUNITY PROTECTION

CHAPTER 17 HOUSEMOVERS, JUNK DEALERS, AND SWIMMING POOLS

- 3-17-1 Purpose
- 3-17-2 Definitions
- 3-17-3 License Required
- 3-17-4 Application for License
- 3-17-5 Fee Payment
- 3-17-6 Issuance of a License
- 3-17-7 Fees and Duration of License
- 3-17-8 Power to Inspect and Investigate
- 3-17-9 Revocation of License
- 3-17-10 Appeal
- 3-17-11 Effect on Revocation
- 3-17-12 Rebates
- 3-17-13 Transfer of License Prohibited
- 3-17-14 Display of License
- 3-17-15 Exemptions
- 3-17-16 Special Requirements

3-17-1 PURPOSE. The purpose of this ordinance is to assure that in the conduct of the activities, vocations, public amusements and professions licensed and regulated by this ordinance, the public health, safety and welfare will be protected and maintained.

3-17-2 DEFINITIONS. For use in this ordinance the following terms are defined:

1. The term "open to the public" shall mean a place in which a public amusement is conducted for, engaged in, or performed by the general public and to which the general public is admitted or is in attendance. It does not include places that the general public is not free to enter and to which admission is restricted to members of a club fraternal organization, or religious or educational group.

2. The term "public amusement" shall mean any public dance hall, skating rink, swimming pool, billiard hall, or bowling alley that is open to the public.

3. The term "housemover" shall mean any person who undertakes to move a building or similar structure upon or across the public streets, alleys, walks or property.

4. The term "junk dealer" shall mean any person engaged in collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration or use, have lost their original utility or desirability but that by alternation, restoration or salvage may furnish an item or items of value.

5. The term "person" shall mean any individual, firm, corporation or association of any kind.

3-17-3 LICENSE REQUIRED. It shall be unlawful for any person to engage in any activity, vocation, profession or public amusement regulated by this ordinance without a valid license from the city of Scranton, Iowa.

3-17-4 APPLICATION FOR LICENSE. Application for any license under this ordinance shall be made in writing on forms furnished by the clerk-treasurer. One application shall be filed with the clerk-treasurer and shall include:

1. The applicant's full name and address, the address of his local business establishment, and the nature of his business.
2. If the applicant is not the owner of the place in which the business is to be conducted, the name and address of the owner.
3. If the applicant is a corporation or other association, it shall also list the names and addresses of its principal officers.
4. The attachment of a receipt from the city, showing payment of all fees.

3-17-5 FEE PAYMENT. All fees required by this ordinance shall be paid to the clerk-treasurer, who shall give the applicant a written receipt showing the sum received and the time of receipt. The clerk-treasurer shall deposit all such fees, not later than ten (10) days following the issuance of a license.

3-17-6 ISSUANCE OF A LICENSE. If the clerk-treasurer finds that all of the prescribed conditions for the issuance of a license have been satisfied, that no grounds for revocation under Section 9 of this ordinance exists, and the special requirements of Section 6 of this ordinance have been complied with, the license shall issue immediately to the applicant. The clerk-treasurer must make a determination whether to issue the license within ten (10) days from the date a completed application is submitted. If the clerk-treasurer refuses to act within this ten (10) day period, the applicant shall have a right to a hearing before the council at its next regular meeting on whether the license should be issued.

3-17-7 FEES AND DURATION OF LICENSE.

1. An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date on which it is issued. The daily license shall be valid for only one twenty-four (24) hour period, but the applicant may apply for and receive five (5) daily licenses at one time. However, no daily license shall be issued more than seven (7) days before the date for which the license is valid.

2. The fees for licenses shall be:

	<u>Daily</u>	<u>Annual</u>
a. Junk Dealers	\$5.00	\$100.00
b. Mechanical swings and amusement	\$10.00	

- rides
- c. Shows of wild animals, circuses, \$25.00
menageries, rodeos, dog and pony shows

3-17-8 POWER TO INSPECT AND INVESTIGATE. Upon receipt of an application for a license, the clerk-treasurer shall forward it immediately to the Sheriff, who shall conduct an investigation and submit a written report concerning the truth of the facts stated in the application and a recommendation concerning whether or not a license should be issued. The clerk-treasurer shall notify the local health officer, the building inspector and the fire chief immediately, and they shall inspect the premises immediately to determine whether they meet the standards of the applicable municipal ordinances and state statutes. These officials shall submit written reports of the results of their investigation. No license shall be issued until these reports have been submitted to the clerk-treasurer and such reports shall be submitted within seven (7) days after the clerk-treasurer receives the application.

3-17-9 REVOCATION OF LICENSE. After giving a licensee two (2) days notice and after a hearing, the clerk-treasurer may revoke any license issued under this ordinance for the following reasons:

1. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.
2. The licensee has violated this ordinance or has otherwise conducted his business in an unlawful manner.
3. The licensee has conducted his business in such a manner as to endanger the public welfare, health, safety, order or morals. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

3-17-10 APPEAL. If the clerk-treasurer revokes or refuses to issue a license, he shall endorse his reasons upon the application. The applicant shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk-treasurer by a majority vote of the council members present, if a quorum, and the clerk-treasurer shall carry out the council's decision.

3-17-11 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this ordinance for a period of one year from the date of revocation.

3-17-12 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he has paid if he surrenders his license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least one dollar (\$1.00) of the original fee shall be retained by the city to cover administrative costs.

3-17-13 TRANSFER OF LICENSE PROHIBITED. In no case shall a license issued under this ordinance be transferred to another person or be used for a purpose other than that for which it was issued.

3-17-14 DISPLAY OF LICENSE. Every person who is issued a license under the provisions of this ordinance shall display the license in a conspicuous place on the premises on which the business is being conducted.

3-17-15 EXEMPTIONS. This ordinance shall not be construed to require a license of each employee or agent of one engaged in a licensed occupation. Only the owner, manager or agent of such an occupation need possess a license.

3-17-16 SPECIAL REQUIREMENTS. Every person who is granted a license under the terms of this ordinance shall comply with the following regulations that apply in his case:

1. Public dance halls. No place in which beer is sold shall hold a license for a public dance hall unless such place has complied with all the requirements of the city ordinances concerning dancing in connection with the operation of an establishment which sells beer for consumption on the premises.

2. Swimming pools.

a. Swimming pools shall display a written certificate from the local health officer that adequate provisions have been made to keep the water and bathhouse sanitary and healthful.

b. Lifeguard(s) shall be in attendance while the pool is open to the public.

c. Deep water shall be clearly marked.

d. The pool shall be enclosed by a fence or other means to prevent accidental or unauthorized entrance.

3. Housemovers.

a. An application for housemover's license shall describe the present location and the future site of the building or similar structure to be moved.

b. The applicant shall post with the clerk-treasurer a bond in the sum determined by the mayor. The bond shall guarantee the licensee's payment for any damage done to the city or to the public property in the course of moving the building or similar structure.

c. The applicant shall show evidence that he is insured for not less than \$300,000.00 for personal injuries and \$100,000.00 for property damage.

d. An exemption is granted for the posting of bond or evidence of insurance when the council determined that in appropriate circumstances the personal risk is minimal.

e. The application for the housemover's license shall be made to the mayor. The mayor shall grant the license if in his opinion the route in said application is the most feasible one. The license issued shall be effective only for a specified time period and for the specific route to be used to move the building.

f. The person, firm or corporation to whom a permit for moving a building is granted shall see that all telephone, telegraph and electric light wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. Where such electric, telephone or telegraph wires do not belong to the town, the holder of the permit for moving a building shall give twenty-four (24) hours notice to the owner thereof to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, the holder of the permit paying the reasonable costs thereof. They shall also be liable for any damage to any pavement or sidewalk, caused by moving such building. And damage to any municipality property not repaired shall be repaired by the municipality and the cost thereof recovered from the house mover on his bond.

g. Whenever any person, firm or corporation, moving a building along any street or alley, shall willfully or negligently permit said building, while in transit, to remain upon any street, alley or sidewalk, the street commissioner is hereby authorized to remove the same to any point or place where the same shall not obstruct travel or inconvenience the public. He shall keep an account of the expense of such removal and the house mover shall be liable to the municipality on his bond for such expense.

h. It shall be unlawful to allow any building for the removal of which a permit shall have been obtained, to remain upon or occupy any street, alley or sidewalk after the expiration of the time as limited in the permit. If a certificate, signed by a majority of the members of the committee on streets and alleys, that a reasonable cause exists for the permit holder failing to remove the building from the street, alley, or sidewalk within the time limit, such certificate shall be a good and sufficient defense in any action commenced under this section.

4. Junk dealers.

a. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.

b. Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period, no item shall be disposed of or altered in any manner.

c. A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of the minor's parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

d. The city health officer and Sheriff shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

e. All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which hides the contents of the yard from public view. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and equal height.

TITLE III COMMUNITY PROTECTION
CHAPTER 18 SWIMMING AND BOATING

- 3-18-1 Purpose
- 3-18-2 Definitions and Uses
- 3-18-3 Swimming and Boating
- 3-18-4 Exception
- 3-18-5 Violation
- 3-18-6 Charges and Penalty

3-18-1 PURPOSE. The purpose of this ordinance is to protect the health, safety and welfare of the users of the Pond Park in Scranton, Iowa by prohibiting boating and swimming.

3-18-2 DEFINITIONS AND USES. For use in this Ordinance, the following terms are defined:

1. "Swim or Swimming" shall include wading, bathing, jumping, diving or any other direct contact with the water.
2. "Boat or Boating" shall include the use or storage of any form of water craft used or capable of being used as a form of transportation on water.
3. "Pond Park" shall refer to the public park on the southwest corner of the intersection of Highway 25 and Moulton Street, and both terms may be used interchangeably.

3-18-3 SWIMMING AND BOATING. It shall be unlawful for any person to swim or boat in the waters of the Pond Park. Additionally, it shall be unlawful for any person to park, anchor or store a boat in the water.

3-18-4 EXCEPTION. Those performing duties in an official capacity for the city, for the purpose of maintaining the pond or fish stocking, may be granted permission by the Mayor to use a boat to carry out their official duties.

3-18-5 VIOLATION. Any person violating this ordinance commits the offense of criminal trespass.

3-18-6 CHARGES AND PENALTY. Any person swimming or boating in or on the waters of the Pond Park in violation of this Chapter may be charged with trespass as provided in Iowa Code § 716.8 (2013). In addition, upon a first offense of this Ordinance, the offending person shall be banned from accessing Pond Park for a period of six (6) months from the date of the offense. Upon a second offense of this Ordinance, the offending person shall be banned from accessing Pond Park for a period of one (1) year from the date of the offense.

TITLE III COMMUNITY PROTECTION

CHAPTER 19 FIREWORKS ORDINANCE

3-19-1 Definitions

3-19-2 Violations

3-19-3 Prohibitions

3-19-4 Sale of Consumer Fireworks

3-19-5 Restrictions on the use of Consumer Fireworks

3-19-6 Seizure of Fireworks

3-19-7 Emergency

3-19-1 DEFINITIONS.

The following words, terms, and phrases, when used in this Article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

- a. “Consumer Fireworks” means First-Class Consumer Fireworks and Second-Class Consumer Fireworks described in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association’s Standard 87-1.
- b. “Display Fireworks” include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1.
- c. “Fireworks” means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association’s Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-19-2 VIOLATIONS.

- a. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be punishable as a municipal infraction civil penalty as set forth in this Code.
- b. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

- c. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- d. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- e. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- f. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3-19-3 PROHIBITIONS.

- a. It shall be unlawful to manufacture fireworks within the City limits.
- b. It shall be unlawful to sell Display Fireworks within the City limits.
- c. It shall be unlawful for a person to possess, use, or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

3-19-4 SALE OF CONSUMER FIREWORKS.

- a. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.
- b. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3-19-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

- a. A person shall not use or explode Consumer Fireworks except on the following days and hours:
 - 1. July 3rd from 9 a.m. to 10 p.m.
 - 2. July 4th from 9 a.m. to 11 p.m.
 - 3. December 31st from 9 a.m. to 12:30 a.m. on the day immediately following.
- b. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

- c. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.
- d. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more, or while having any amount of a controlled substance in the person's body.
- e. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.
- f. A person who violates this subsection commits a simple misdemeanor punishable as a municipal infraction civil penalty.

(Code of Iowa, Sec. 727.2)

3-19-6 SEIZURE OF FIREWORKS.

The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-19-7 EMERGENCY.

When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

- 4-1-1 Definitions
- 4-1-2 Cruelty to Animals
- 4-1-3 Abandonment
- 4-1-4 Exhibitions and Fights
- 4-1-5 Injuries to Animals
- 4-1-6 Animals Running At Large
- 4-1-7 Bothersome Animals
- 4-1-8 Damage or Interference
- 4-1-9 Annoyance or Disturbance
- 4-1-10 Owner's Duty
- 4-1-11 Confinement
- 4-1-12 Disposition of Licensed Dogs and Cats
- 4-1-13 Disposition of Unlicensed Animals
- 4-1-14 Rabies Control
- 4-1-15 Quarantine
- 4-1-16 Disposal of Infected Animal
- 4-1-17 Female Dogs
- 4-1-18 Enabling Dogs or Cats to Leave Premises
- 4-1-19 Vicious Dogs
- 4-1-20 Illegal Animals
- 4-1-21 Dangerous Animals
- 4-1-22 Immediate Seizure or Destruction of Animals
- 4-1-23 Permanent Removal from City
- 4-1-24 Presumption of Ownership
- 4-1-25 Disposal of Other Animals
- 4-1-26 License
- 4-1-27 Animal Nuisances
- 4-1-28 Impounding
- 4-1-29 Animal Shelter Prohibited
- 4-1-30 Kennels Prohibited

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

1. The term “dogs” shall mean animals of the canine species whether altered or not.
2. The term “at large” shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or “at heel” beside a competent person and obedient to that person’s command.
3. The term “owner” shall mean any person owning, keeping, sheltering or harboring an animal.

4. "Licensed Dog" means any dog bearing a currently valid license.

5. "Allow or Permit" means with or without consent or knowledge.

6. "Sheriff" means the legally designated chief of the Sherriff's Department or a designated representative who is the City employee designated by the Mayor to administer the animal control function.

7. "Cat" means and includes both male and female animals of the domesticated feline species.

8. "Dog" means and includes both male and female animals of the canine species.

9. "Vicious Dog" means:

a. Any dog which has attacked a human being or domestic animal one or more times, without provocation;

b. Any dog with a history, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

c. Any dog that snaps, bites or manifests a disposition to snap or bite;

d. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;

e. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the Sheriff's Department, a law enforcement agency of the State or United States or a branch of the armed forces of the United States;

10. "Illegal Animal" means:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so;

b. Any animals declared to be illegal by the Mayor or designee;

c. Any undomesticated member of the order carnivora which as an adult exceeds the weight of 20 pounds;

d. Any agricultural non-domestic animals and exotic animals.

e. Any of the following animals which shall be deemed to be illegal animals, per se:

(1) Donkeys, burros, horses, ponies;

- (2) Sheep, goats;
- (3) Chickens, roosters, ducks, geese;
- (4) Pigs, swine, boars, sows;
- (5) Cows, calves, bulls;
- (6) Llama, camels;
- (7) Ostrich, peacocks;
- (8) Lions, tigers, jaguars, leopards, cougars, lynx and cheetahs;
- (9) Wolves, coyotes and foxes;
- (10) Badgers, wolverines, weasels/skunks and mink;
- (11) Raccoons;
- (12) Bears;
- (13) Monkeys and chimpanzees;
- (14) Bats;
- (15) Alligators, crocodiles and caimans;
- (16) Scorpions and other stinging insects;
- (17) Snakes and reptiles that are venomous;
- (18) Snakes that are constrictors over six feet in length;
- (19) Gila monsters and other venomous lizards;
- (20) Opossums;
- (21) All apes, baboons and macaques;
- (22) Piranhas and other voracious fish.

11. "Dangerous Animal" means any animal, including a dog, except for an illegal animal per se, as listed above, that has been bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal

(a) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or

(b) did bite or claw once causing injuries above the shoulders of a person; or

(c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or

(d) has attacked any domestic animal or fowl on three separate occasions within a 12-month period.

12. "Household" means the individual or group of people who reside at a particular house, apartment or mobile home.

13. "Animal shelter" means a refuge or sanctuary of animals.

14. "Kennel" means an establishment where dogs or cats in excess of two in number are bred, trained or boarded.

4-1-2 CRUELTY TO ANIMALS. Any person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

(Code of Iowa, sec. 717.2)

4-1-3 ABANDONMENT. A person who has ownership of a cat or dog or any animal under section 4-1-1 of this chapter shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

(Code of Iowa, Sec. 717.4)

4-1-4 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

(Code of Iowa, Sec. 717.3)

4-1-5 INJURIES TO ANIMALS. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

(Code of Iowa, Sec. 717.1)

4-1-6 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow or permit dogs, cats, fowl, or any animal to run at large within the corporate limits of the City. Any animal found at large shall be deemed to be so with the permission or at the sufferance of its owner. For allowing the animal to run at large, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. For allowing a vicious dog to run at large, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined in the sum of fifty dollars (\$50.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) for a non-vicious dog and one hundred dollars (\$100.00) for a vicious dog and shall pay the costs of prosecution.

Dogs, cats or other animals found at large in violation of the chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before the proper court to answer charges made thereunder. If a dog or cat is impounded for absence of rabies vaccination tag, the dog or cat must be immunized or evidence given of immunization before any dog or cat shall be released. The Sheriff's Department shall have the discretion to contact the owner or seize the dog or cat if a dog or cat is found at large and the owner is known.

4-1-7 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep which tend to disrupt the peace and good order of the community. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

4-1-8 DAMAGE OR INTERFERENCE. It shall be unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the peaceful enjoyment of the premises. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

4-1-9 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing person, bicycles, automobiles or other vehicles. For allowing the animal to be an annoyance or cause a disturbance, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

4-1-10 OWNER'S DUTY. It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of the physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

4-1-11 CONFINEMENT. When a local board of health or Sheriff receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

4-1-12 DISPOSITION OF LICENSED DOGS AND CATS. Owners of licensed dogs or cats which have been impounded shall be notified. Upon payment of an impounding fee of twenty-five dollars (\$25.00), plus the cost of food and care in the daily amount normally charged for the impoundment, the dog or cat will be returned. If impounded licensed dogs or cats are not recovered by their owners within seven (7) days after notice, the dog or cat shall be disposed of in a humane manner. The owner shall provide proof of vaccination prior to the return of the dog or cat.

4-1-13 DISPOSITION OF UNLICENSED ANIMALS. Impounded unlicensed dogs or other animals may be recovered by the owner upon proper identification, showing proof of a current dog license, and payment of the impounding fee of twenty-five dollars (\$25.00), plus the cost of food and care in the daily amount normally charged for the impoundment. The impoundment fee shall be twenty-five dollars (\$25.00) for an unlicensed dog or other animal and fifty dollars (\$50.00) for an unlicensed vicious dog. If such dogs or other animals are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner. The owner shall provide proof of vaccination prior to the return of the dog.

4-1-14 RABIES CONTROL. All dogs three (3) months or more of age shall be immunized against rabies and a current rabies vaccination tag, furnished by a licensed veterinarian, shall be attached to the animal's collar or harness. Dogs not immunized or without a current rabies vaccination tag may be seized and impounded as provided in Section 4-1-12 of this chapter. Any owner who allows the rabies vaccination to lapse at any time during the licensing year shall be

punished by a fine not exceeding one hundred dollars (\$100.00), or by imprisonment not exceeding thirty (30) days.

4-1-15 QUARANTINE. The owner of any dog or other animal which has contracted rabies, or which has been subject to same, or which is suspected of having rabies, or which shall have bitten any person, shall upon demand by the Sheriff, produce and surrender up such dog or other animal to be held in quarantine for observation for that period necessary to detect the existence or nonexistence of rabies. The cost of caring for said dog shall be paid by the owner.

(Code of Iowa, Sec. 351.39)

4-1-16 DISPOSAL OF INFECTED ANIMAL. If, upon examination by a licensed veterinarian, any dog or other animal shall prove infected with rabies, such dog or other animal shall be disposed of and it shall be the duty of said veterinarian to notify the City Health Officer of any positive rabies case found, without delay.

4-1-17 FEMALE DOGS. It shall be unlawful for any owner to allow or permit a female dog that is in season to run at large or to so confine her as to attract male dogs to the area and by their presence cause a nuisance. Any person violating provisions of this section shall be punished as provided in this chapter and the dog shall be subject to seizure and impoundment, at the expense of the owner during the remainder of the heat period. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

4-1-18 ENABLING DOGS OR CATS TO LEAVE PREMISES. It shall be unlawful for any person, except the owner or agent, to open any door or gate of any private premises or vehicle, or to otherwise entice or enable a dog or cat to leave any private premises or vehicle, for the purpose of or with the result of setting such dog or cat at large. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

4-1-19 VICIOUS DOGS.

1. It shall be unlawful for any person to harbor or keep a vicious dog within the City without first obtaining a vicious dog permit in accordance with the following:

a. Application. The application for a vicious dog permit must include the following:

(1). Certificate of Insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$50,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in the event of underlying policy of insurance is cancelled for any reason.

(2). The cancellation or other termination of any insurance policy, presented to comply with this section, shall automatically revoke and terminate the permits issued under this section unless another certificate, complying with this section, shall be provided showing insurance in effect at the time of such cancellation or termination.

b. Photos. The application must be presented to the City Clerk with two color photos of the dog.

c. Notification of Changes. The owner of the vicious dog shall be required to notify the City within 24 hours of any transfer of ownership of the dog, the dog's escape or death, any changes of address by the owner, or birth of offspring to the dog.

2. Confinement. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided below. Such pen, kennel or structure must have secure sides and secure 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. All pens or other structures be designed, constructed or used to confine vicious dogs 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 (2) feet so as to prevent digging under the walls by the confined dog. All pens must have a sign with minimum two (2) inch lettering saying "Beware of Vicious Dog." The Mayor or Mayor's designee is empowered to inspect such pens at least once per year. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or other object or structure. Violation of this section is a misdemeanor.

3. At Large. A vicious dog which is found more than twice in any calendar year not to be confined as required by this chapter 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.

4. Seizure, Impoundment and Disposition of Vicious Dogs.

a. The Mayor or designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may initiate proceedings to declare such dog a vicious dog. If the owner contests said designation, a hearing on the matter shall be conducted by the Mayor or designee. The person owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours written notice of the same time and place of said hearing. Said notice shall set forth the

description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner may be required to obtain a vicious dog permit and confine the dog as any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

b. If, after hearing, the Mayor or designee determines a dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the Mayor or designee shall order the person owning, sheltering or harboring or keeping the animal to obtain a vicious dog permit and confine the dog as required by this chapter, or remove it from the City. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Mayor or designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the Mayor or designee was issued has not appealed such order to the Council, or has not complied with the order, the Mayor or designee shall cause the dog to be destroyed.

c. The order to obtain the required permit, confine or remove a vicious dog from the City issued by the Mayor or designee may be appealed by the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the Mayor or designee.

d. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within twenty days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor or designee. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the Mayor or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken.

e. If the Council affirms the action of the Mayor or designee, the Council shall order in its written decision that the person sheltering, harboring or keeping such vicious dog, shall obtain a vicious dog permit and confine said dog as required by this chapter or remove such dog from the City. The decision and 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 Mayor or designee is not appealed and is not complied with within three (3) days of its issuance, the Mayor or designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Mayor or designee or the Council was issued has not petitioned the Greene County District Court for a review of said order, or has not complied with the order, the Mayor or designee shall cause the dog to be destroyed in a

humane manner. Failure to comply with an order of the Mayor or designee issued pursuant hereto and not appealed or of the Council after appeal, is a misdemeanor.

f. Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog 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

4-1-20 ILLEGAL ANIMALS.

1. Keeping Illegal Animals Prohibited. No person shall keep, shelter or harbor any illegal animal as a pet, or act as a temporary custodian for such animal, or keep shelter or harbor such animal for any purpose or in any other capacity within the City except as provided in Section 4-1-25 of this chapter. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

2. Exceptions. The prohibition contained in Section 4-1-24 of this chapter shall not apply to the keeping of illegal animals in the following circumstances:

a. The keeping of illegal animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

b. The keeping of illegal animals for exhibition to the public by bona fide traveling circus, carnival, exhibit or show.

c. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.

d. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.

e. Any illegal animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 109 and 109A of the Code of Iowa.

f. The keeping of snakes and reptiles that are venomous and the keeping of snakes that are constrictors six feet in length and over, by an individual 18 years of age or older who

(1) has received a degree of Bachelor of Science, based upon courses of instruction which include courses in herpetology, from an accredited college level institution, or

(2) has successfully completed a course of instruction taught under the auspices of a 200 on the proper handling, care and keeping of such animals, or

(3) has completed a course of instruction of at least 20 hours duration at an accredited educational institution on the care, handling and keeping of reptiles, before the effective date of the ordinance codified by this chapter and

(4) has applied for and received from the Clerk a permit to keep such animals, such application to be on a form approved by the Council.

g. The keeping of agricultural animals within an area which is zoned for agricultural use.

3. Seizure, Impoundment and Disposition of Illegal Animals.

a. In the event that an illegal animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Sheriff or designee, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of an illegal animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

b. Upon the complaint of any individual that a person is keeping, sheltering or harboring an illegal animal per se on premises in the City, the Sheriff's Department shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring an illegal animal per se in the City, the Sheriff's Department shall immediately seize any such animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period the person keeping, sheltering or harboring such illegal animal per se has not petitioned the Greene County District Court seeking return of such illegal animal per se, the Sheriff's Department shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed in this chapter to possess illegal animals or destroy such animal in a humane manner.

c. Upon the complaint of any individual that a person is keeping, sheltering or harboring an illegal animal other than an illegal animal per se on premises in the City, the Sheriff's Department shall cause the matter to be investigated and, if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring such an illegal animal in the City, the Sheriff's Department shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Section 4-1-25 of this chapter to possess illegal animals, or destroy the animal, within three days of the receipt of such an order. Such order shall be contained in a notice to remove illegal animal, which notice shall be given in writing to the person keeping, sheltering or harboring the illegal animal, and shall be served personally or by certified mail. Such order and notice to remove the illegal animal shall not be required where such illegal animal has previously caused serious physical harm or death to any person, in which case the Sheriff's Department shall cause the animal to be

immediately seized or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

d. The order to remove an illegal animal other than an illegal animal per se issued by the Sheriff's Department may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order contained in the notice to remove illegal animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Sheriff's Department.

e. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the Mayor or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the Council may affirm or reverse the order of the Sheriff. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

f. If the Council affirms the action of the Sheriff's Department, the Council shall order in its written decision that the owner remove such animal from the City, permanently place such animal with an organization or group allowed under Section 85.25 to possess illegal animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Sheriff's Department is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Sheriff's Department or designee is authorized to seize and impound such illegal animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the Greene County District Court for a review of said order, the Mayor or Mayor's designee shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 4-1-25 of this chapter to possess illegal animals or destroy such animal in a humane manner. Failure to comply with an order of the Mayor or Mayor's designee issued pursuant hereto and not appealed, or of the Council after appeal, shall constitute a misdemeanor.

4-1-21 DANGEROUS ANIMALS

1. Dangerous Animals Prohibited. No person shall keep, shelter or harbor for any reason within the City a dangerous animal so defined herein, except as provided in Section 4-1-28 of this chapter. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

2. Exceptions. The prohibition contained in Section 4-1-23 of this chapter shall not apply to the keeping of dangerous animals under the control of a law enforcement or military agency.

3. Seizure, impoundment and Disposition.

a. The Mayor or designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a dangerous animal as defined herein, may initiate proceedings to declare such animal a dangerous animal. A hearing on the matter shall be conducted by the Mayor or designee. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of dangerousness. The notice shall also set forth that if the animal is determined to be dangerous, the owner may be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service. A notice that a dog is a dangerous animal may include as an alternative an allegation that a dog is a vicious dog under Section 85.01 and 85.23 and the hearings shall proceed together under this section.

b. If, after hearing, the Mayor or designee determines that an animal is dangerous, the Mayor or designee shall order the person owning, sheltering or harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Mayor or designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the Mayor or designee was issued has not appealed such order to the Council, the Mayor or designee shall cause the animal to be destroyed.

c. The order to remove or destroy a dangerous animal issued by the Mayor or designee may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order to remove or destroy the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the Mayor or designee.

d. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the Mayor or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the Council may affirm or reverse the order of the Sheriff. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

e. If the Council affirms the action of the Mayor or designee, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the order to remove or destroy. If the original order of the Mayor or designee is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Mayor

or designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Mayor or designee or the Council was issued has not petitioned the Greens County District Court for a review of said order, the Mayor or designee shall cause the animal to be destroyed in a humane manner.

f. Failure to comply with an order of the Mayor or designee issued pursuant hereto and not appealed or of the Council after appeal, is a misdemeanor.

g. Any animal which is alleged to be dangerous and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous. If the animal is not determined to be dangerous, all costs shall be paid by the City.

4-1-22 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal pursuant to Section 85.29 of this chapter and said animal may be immediately seized anywhere within the City, in which case the Mayor or designee is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere within the City.

4-1-23 PERMANENT REMOVAL FROM CITY. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City, shall be so removed by its owner or the person harboring or having control of such animal, who shall provide the Mayor or designee a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the City shall be destroyed.

4-1-24 PRESUMPTION OF OWNERSHIP. In the event any animal is found running at large and not under restraint as herein defined, it shall be presumed that the owner or harbinger of said animal has permitted said animal to run at large and consented thereto and the burden of proof shall be upon said owner or harbinger to prove otherwise.

4-1-25 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

(Code of Iowa, Sec. 351.27)

4-1-26 LICENSE. Every owner of a cat or dog in which there is no more than two dogs and two cats in the household over the age of six (6) months shall procure a license from the City Clerk-Treasurer on or before the first day of July of each year.

The annual license fee shall be \$4.00 for each dog and cat if such dog or cat has been spayed or neutered and \$10.00 for if such dog or cat is not spayed or neutered.

This fee applies to the first two dogs and first two cats in each household. If there are more than two dogs or more than two cats in a household then, the annual license fee for each additional dog or cat shall be ten dollars (\$10.00) if such dog or cat has been spayed or neutered and twenty dollars (\$20.00) if such dog or cat is not spayed or neutered or, if satisfactory evidence of spaying or neutering is not presented with the application for license. An applicant claiming that such dog or cat is spayed or neutered shall present as evidence, a certificate from a qualified veterinarian which contains the name and address of the owner and the name, color, sex and breed of the dog or cat. The proper fee shall be presented or sent with the application. No license shall be issued until the fee is paid in full. All licenses shall expire on June 30 of the year of the date of the issuance.

Upon payment of the license fee, and providing proof of a current vaccination against rabies, the City Clerk-Treasurer shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog. The City Clerk-Treasurer shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk-Treasurer shall deliver to the owner a metal tag stamped with the name of the city, number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued.

Upon filing an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of three dollars (\$3.00) to the City Clerk or its designee. The City Clerk or its designee shall enter in the license record the new number assigned.

Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-1-27 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
2. Causes unsanitary, dangerous or offensive conditions.
3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

(Code of Iowa, Sec. 657.1)

4-1-28 IMPOUNDING.

1. Any unlicensed or unvaccinated dog found at large, or any licensed dog found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at

the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.”

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

4-1-29 ANIMAL SHELTER PROHIBITED. No person shall maintain an animal shelter within the city limits unless consent is obtained from the City Council and the animal shelter follows such terms and conditions as prescribed by the City Council.

4-1-30 KENNELS PROHIBITED. No person shall maintain a kennel within the city limits.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

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

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

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

(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the City or neighboring townships and all shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for three (3) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every year of one-third the total number as near as possible, to stagger the terms.

(Code of Iowa Sec. 336.5)

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

(Code of Iowa Sec. 336.6)

3. Compensation. Trustees shall receive no compensation for their services.

(Code of Iowa Sec. 336.7)

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

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

(Code of Iowa Sec. 336.8(1))

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

(Code of Iowa Sec. 336.8(2))

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

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

(Code of Iowa Sec. 336.8(3))

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

(Code of Iowa Sec. 336.8(4))

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

(Code of Iowa Sec. 336.8(5))

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

(Code of Iowa Sec. 336.8(6))

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

(Code of Iowa Sec. 336.8(7))

9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8))

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

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

11. To keep a record of its proceedings.

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

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

(Code of Iowa Sec. 336.17)

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

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

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

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of no less than five (5) percent in number of electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

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

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

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.

2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.
4. By establishing branch libraries for lending books or other library materials to non-residents.
5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

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

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

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

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

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

TITLE V HUMAN DEVELOPMENT-EDUCATION AND CULTURE

CHAPTER 2 COMMUNITY CENTER BOARD

- 5-2-1 Community Center
- 5-2-2 Members and Appointments
- 5-2-3 Term of Office and Vacancies
- 5-2-4 Compensation
- 5-2-5 Election of Board and Chair
- 5-2-6 Regular Meetings
- 5-2-7 Duties and Responsibilities

5-2-1 COMMUNITY CENTER. A Community Center Board is hereby created and established.

5-2-2 MEMBERS AND APPOINTMENT. The Community Center Board shall consist of seven (7) members, who are bona fide citizens and residents of the City or neighboring townships, and are interested in serving in matters pertaining to the Community Center which is maintained by the City. The Mayor or a member of the City Council shall sit on the board as one of the seven (7) members. The remaining six (6) members shall be appointed by the Mayor, subject to approval by the Council. The terms of members shall be set per Section 5-2-3. *Updated Ordinance 220*

5-2-3 TERM OF OFFICE AND VACANCIES. Appointments to the Community Center Board shall be for a term of four (4) years. Each term shall commence on July first. The terms of the members shall be staggered so that appointments shall be made every two (2) years. Vacancies in the Board shall be filled by appointment by the Mayor, with the approval of the Council, and the new members shall fill out the unexpired term for which the appointment is made.

5-2-4 COMPENSATION. All members of the Community Center Board shall serve without compensation, except for their actual expenses, which shall be subject to the approval of the City Council.

5-2-5 ELECTION OF BOARD AND CHAIR. At the first regular meeting of the year the Board will select a Chair and Secretary from its members. All members are eligible for election.

5-2-6 REGULAR MEETINGS. All meetings shall comply with Section 2-6-1 of the Scranton Code of Ordinances. *Updated from Ordinance 219*

5-2-7 DUTIES AND RESPONSIBILITIES. The following are the duties and responsibilities of the Community Center Board:

1. To advise the Council on the care and condition of the Community Center, whether now in existence or hereafter constructed, and whether owned or under control of the City within or without the corporate limits of the City;

2. To advise the Council on budget planning and requirements necessary to support the Community Center, improvements and capital expenditures;

3. To advise the Council on the safety and enjoyment of the public in the Community Center, the establishment of rules and regulations for the maintenance of order, safety and decency in said facility.

4. To assist in writing grants;

5. To coordinate fundraising activities;

6. To create and promote new programs and activities;

7. To advise the Council of all programs and activities being held at the Community Center;

8. To advise the council of private rentals of said facility;

9. To advise the Council of monies collected from programs, activities, admission fees and rentals, and to ensure all monies collected and/or donated are deposited into the General Fund of the City;

10. To report monthly to the Council any pertinent information as it relates to the operation, maintenance and condition of said facility; and

11. When requested by the Council, to consider, investigate, make findings on, report and make recommendations concerning any special matter or question specified to the Community Center Board by the Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

- 6-1-1 Definitions
- 6-1-2 Location of Mobile Homes
- 6-1-3 Special Permits for Location of Mobile Homes Outside Mobile Home Parks
- 6-1-4 Emergency and Temporary Parking
- 6-1-5 Traffic Code Applicable
- 6-1-6 Building Requirements
- 6-1-7 Mobile Home Hookups
- 6-1-8 Regulations to Which Mobile Home Park Owners are Subject
- 6-1-9 Permanent Occupancy
- 6-1-10 Mobile home Park Area and Yard Requirements
- 6-1-11 Building Code for Mobile Homes
- 6-1-12 Modular or Sectional Homes
- 6-1-13 Conflict with State Laws

6-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”

(Code of Iowa, Sec. 103A.3(8))

2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3))

3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer’s or a manufacturer’s stock not used as a place for human habitation.

(Code of Iowa, Sec. 414.28)

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of one (1) year but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

(Code of Iowa, Sec. 414.28)

6-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-1-5 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-1-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement.

(Code of Iowa, Sec. 435.26)

6-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by city officials and the mobile home dealer shall pay an inspection fee of \$100. No additional permits shall be required.

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

6-1-8 REGULATIONS TO WHICH MOBILE HOME PARK OWNERS ARE SUBJECT. No person, firm or corporation shall establish, maintain, conduct, or operate a mobile home park within this city without first obtaining an annual license therefor from the State Department of Health. No person, firm, or corporation shall make alterations to the sanitary facilities or construct, expand, or remodel a mobile home park within this city without first obtaining a permit therefor from the State Department of Health. Said park, its facilities and the mobile homes therein shall comply with all other applicable ordinances of this city.

6-1-9 PERMANENT OCCUPANCY. A mobile home shall not be used as a permanent dwelling place or for indefinite periods of time except in a mobile home park, except those so used on December 9, 1976. Any mobile home removed from property not a mobile home park shall not be replaced by a mobile home, unless permitted by the zoning ordinance at such place.

6-1-10 MOBILE HOME PARK AREA AND YARD REQUIREMENTS. Mobile home or trailer parks shall be designed and maintained in accordance with the following requirements:

A. Park - minimum requirements:

- (1) Mobile home park area - eight (8) acres.
- (2) Front Yard - (to be measured from all streets on which park abuts) fifty (50) feet.
- (3) Side Yard - thirty-five (35) feet.
- (4) Rear Yard - thirty-five (35) feet.
- (5) Sanitary facilities - connection with the municipal power system or adequate private sewage disposal facilities.
- (6) Streets - Each mobile home lot shall have direct access to a park street. The minimum roadway width of interior park streets shall be as follows:

One-way, no parking	11 feet
One-way, parking one side	18 feet
One-way, parking both sides	24 feet

Two-way, no parking	24 feet
Two-way, parking one side	27 feet
Two-way, parking both sides	34 feet

Such streets shall be surfaced with asphalt, Portland cement, or concrete according to city specifications for residential streets and maintained in good condition and lighted at night.

B. Mobile home spaces - minimum requirements:

- (1) Area - fifty (50) feet by eighty (80) feet
- (2) Size - four thousand (4,000) square feet
- (3) Off drive parking - one (1) parking space for each "home" space
- (4) One on or off street space for each two (2) such lots to accommodate guests.
- (5) Front yard - fifteen (15) feet
- (6) Rear yard - ten (10) feet
- (7) Side yard - five (5) feet each side - with a minimum of twenty (20) feet between any two homes.

C. Sidewalks. Sidewalks shall be provided from the entrance of each trailer to the service facilities. These walks shall be constructed of concrete.

D. Landscaping - unused area. All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width, shall be established and maintained within the trailer park along its exterior boundaries.

E. Concrete slab. Each mobile home unit shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight by ten feet (8' x 10') and a minimum thickness of four (4) inches.

F. Recreational areas. There shall be provided within each mobile home an adequate site or sites for recreational use by residents. The minimum area provided for such recreation site or sites shall consist of an aggregate of one hundred square feet (100) for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

G. Length of occupancy. No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.

6-1-11 BUILDING CODE FOR MOBILE HOMES. The building official shall insure that the following installation requirements are enforced:

A. All mobile homes shall be enclosed and tied down in a manner at least equivalent to the following:

- (1) Mobile homes up to 30 foot length must have two frame ties per side.
- (2) Mobile homes 30 foot to 50 foot length must have three frame ties per side.
- (3) Mobile homes 50 foot to 70 foot length must have four frame ties per side.
- (4) Mobile homes over 70 foot length must have five frame ties per side.
- (5) In addition, over-the-home ties must be as close to each end as possible, with straps at stud and rafter locations.

B. Soil tests must be made to assure that the following anchors will withstand 3,750 pounds of pull per 10 feet of mobile home.

- (1) Auger or dead man, 6' in diameter - arrowhead 8".
- (2) Auger of arrowhead depth of 4' - dead man 5'. All augers must be screwed into the earth the full 4' depth.
- (3) Anchor rod 5/8" diameter with welded eye at top must be hooked into concrete when used in dead man anchors.
- (4) Anchors to slabs must equal the above in pull resistance.

C. Connectors required:

- (1) Galvanized or stainless steel cable - 3/8" (7x7-7 wires each), or
- (2) Galvanized aircraft cable - 1/4" (7 x 19 - 7 strands of 19 wires each), or
- (3) Steel strap - 1 1/4" x .035" - galvanized, with tensioning device.
- (4) Cable ends secured by two 4-bolt clamps.
- (5) Steel rods - 5/8" with ends welded closed to form an eye.
- (6) Thinbuckles 5/8" drop forged - closed eyes. Other tensioning devices of similar strength approved.

D. Piers and footing required:

- (1) Spaced at 10' intervals on both frame rails with end ones no further than 5' from end of mobile home.
- (2) Footings of solid concrete 16" x 16" x 4", or
- (3) Piers of standard 8" x 16" solid concrete block.
- (4) Wood blocks used for leveling shall not exceed maximum thickness of 4". Such blocks must be of nominal 8" x 16" dimensions.
- (5) Other equivalent piers accepted. An adjustable screw-anchor-type column fastened to both frame rail and to a concrete pad or 4' thickness extending the length and width of the mobile home is especially recommended.

E. Patio awnings and cabana roofs:

- (1) Two rows of vertical support bars - spacing 12'. Second row to be down middle or at mobile home edge, anchored to concrete floor or equivalent footing.
- (2) Other structures on lot must be secured.
- (3) Tip-out rooms to be held by over-the-home tie at outer edge.
- (4) Clerestory roof requires over-the-home tie at end of each raised section.

6-1-12 MODULAR OR SECTIONAL HOMES. Modular or sectional homes shall not be deemed mobile homes, but must comply with the Uniform Building Code.

6-1-13 CONFLICT WITH STATE LAWS. Nothing in this ordinance or in the Uniform Building Code and the Standards for Mobile Homes, as adopted, shall be construed to be in conflict with state laws or the State Housing Code. In the event of such conflict, the state law shall prevail.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 LAWN HEIGHT SPECIFICATION

6-2-1 Purpose

6-2-2 Definitions

6-2-3 Cutting Specifications and Standards

6-2-4 Uniform height Specifications

6-2-5 Abatement Procedure

6-2-6 Method of Service

6-2-7 Charges and Penalty

6-2-8 Collection of Charges

6-2-1 PURPOSE. The purpose of this ordinance is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting right-of-way in order to prevent unsightly, offensive or nuisance conditions. Grass shall be cut before becoming a nuisance, a breeding place for mosquitoes or a harboring place for deposits of refuse.

6-2-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. The terms "curb, curb line or curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.

2. The terms "cut or mow," means to mechanically maintain the growth of grass at a uniform height.

3. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title as shown by the records of the County Auditor.

(Code of Iowa, Sec. 364.12(1))

4. The term "parking" means the part of a street, avenue or highway in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

6-2-3 CUTTING SPECIFICATIONS AND STANDARDS.

1. Every property owner shall cut, mow and maintain all grass upon the property owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the property owner's property, to a uniform height as defined in Section 6-2-4.

2. Every property owner shall cut, mow and maintain grass adjacent to the curb line, including the parking area abutting the owner's property in such a manner so as to be in

conformity with and at an even height with all other grasses growing on the remainder of the owner's property.

3. Every property owner shall cut, mow and maintain grass so that no clippings are in the streets.

4. Agricultural areas are exempted from Subsections 1 and 2 herein, except for the area within one hundred (100) feet of the property line where adjoining an improved street, alley or developed property including all areas between the property line and the centerline of a street, alley or easement.

6-2-4 UNIFORM HEIGHT SPECIFICATIONS. Grass shall be cut, mowed and maintained so as not to exceed the following height specifications:

1. Developed Residential Areas not to exceed eight (8) inches.
2. Undeveloped Residential Areas not to exceed eight (8) inches.
3. Business and Industrial Areas not to exceed eight (8) inches.
4. Agricultural Areas not exempted by Section 6-2-3 not to exceed eight (8) inches.

Grass which is allowed to grow in excess of the uniform height specifications shall be deemed to be a violation of this chapter.

6-2-5 MOWING OF PROPERTIES. If the property owner does not adhere to the uniform height specifications within a reasonable time, the City or their agents may mow any property that is not cut to the specifications in this ordinance.

6-2-6 METHOD OF SERVICE. Annual publication of this ordinance in the local newspaper and on SCAT in early April every year will serve as notice to property owners.

6-2-7 CHARGES AND PENALTY. Any property not mowed as specified in this Ordinance, as determined by city officials, may be mowed by the City or its agents at a charge of \$75.00 per hour per person for mowing, plus any costs to repair equipment damaged by such mowing, plus a surcharge of one hundred dollars (\$100.00) will be charged to the property owner. Entry on the property by the City or its agents for the purpose of mowing under this chapter may be made without the consent of the property' owner or person in possession or control of the land. If the property owner has two or more violations of this ordinance within twelve (12) months the surcharge will be increased by twenty-five dollars (\$25.00) for each subsequent violation.

6-2-8 COLLECTION OF CHARGES. The City 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 thirty (30) days, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected in the same manner as general property taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 SIDEWALK REGULATIONS

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

6-3-1 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.

6-3-2 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.

6-3-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner’s property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

6-3-4 MAINTENANCE RESPONSIBILITY. In addition to the abutting property owner’s duty to remove snow and ice as described in the prior section, upon order and notice as provided in Sections 6-3-6 and 6-3-7, the abutting property owner or owners shall be responsible for the repair, replacement, or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way, except that the abutting owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

(Code of Iowa, Sec. 364.12(2c) *Splittgerber v. Bankers Trust Co.*, 8N.W3d 135 (Iowa 2024))

6-3-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in, or the condition of said sidewalk, based on either the failure of the abutting owner to properly repair, replace, reconstruct, or otherwise maintain said sidewalk after being properly ordered and notified to do so, or the failure of the abutting owner to remove snow and ice regardless of notice from the City to do so, the City may notify in writing the said abutting owner that it claims the injury was caused by their said negligence. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14; Splittgerber v. Bankers Trust Co., 8N.W3d 135 (Iowa 2024))

6-3-6 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 of receipt of the notice.

6-3-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-3-8 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.

6-3-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Director of Public Works.
4. The sidewalk bed shall be graded to the established grade.

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council with assistance from the Director of Public Works on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a “broom” or a “wood float” finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-3-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Director of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-3-11 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.

6-3-12 INSPECTION AND APPROVAL. Upon final completion, the Director of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Director of Public Works shall indicate this on both copies of the permit.

6-3-13 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.

6-3-14 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.

6-3-15 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)

6-3-16 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)

6-3-17 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)

6-3-18 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 (10), in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

6-3-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

- 6-4-1 Definitions
- 6-4-2 Duty to Provide Cans
- 6-4-3 Administration
- 6-4-4 Storage
- 6-4-5 Collections
- 6-4-6 Necessity of Permits
- 6-4-7 Burning of Refuse
- 6-4-8 Refuse Other than Garbage
- 6-4-9 Sanitary Landfill
- 6-4-10 Surcharge for Violation of this Chapter
- 6-4-11 Collection Mandatory
- 6-4-12 Anti-Scavenging

6-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. “Refuse”. Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health, or detrimental to the best interests of the community except dead animals not killed for food.
2. “Garbage”. Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
3. “Rubbish”. Includes all other refuse not falling within the term “garbage” except those objects too large to be placed in cans.
4. “Can”. Means a container for the storage of garbage or rubbish, which is:
 - i. Provided with a handle and tight-fitting cover.
 - j. Made of non-corrosive material.
 - k. Water tight.
 - l. With a capacity of no more than thirty-five (35) gallons.

6-4-2 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

6-4-3 ADMINISTRATION. Administration of this chapter shall be by the Mayor or Mayor's designee of refuse, or such employee designated by the Mayor or Mayor's designee.

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

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

6-4-5 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

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

6-4-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the Mayor or Mayor's designee and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City, and a permit issued by the Clerk.

6-4-7 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.

2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-4-8 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-4-9 SANITARY LANDFILL. The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

6-4-10 SURCHARGE FOR VIOLATION OF THIS CHAPTER. Each violation of this Chapter shall be subject to a charge of twenty-five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation and seventy-five dollars (\$75.00) for the third and any subsequent violations of this chapter. Such sum shall be collected with the water bill and the resident shall be subject to the disconnection of services in the event that the surcharge is not paid.

6-4-11 COLLECTION MANDATORY. To insure the uniform, safe and sanitary treatment of garbage and refuse in the City, it shall be mandatory that any person owning, occupying or managing any premises in the City which produces or generates garbage or rubbish, subscribes to garbage collection services by the City or its authorized contractor and pay the charges thereof prescribed.

6-4-12 ANTI-SCAVENGING. It shall be a violation of this Code for any person to sort through, scavenge, or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 STREET CUTS AND EXCAVATIONS

6-5-1 Excavation Permit Required

6-5-2 Application for Permit

6-5-3 Permit Fees

6-5-4 Safety Measures

6-5-5 Backfilling and Restoration

6-5-6 Rules and Regulations

6-6-7 Public Property Improvement

6-5-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

6-5-2 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 receipt by Clerk 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.

6-5-3 PERMIT FEES. The permit fee shall be \$15.00 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 \$15.00 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.

6-5-4 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

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.

6-5-5 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 Director of Public Works is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-5-6 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.

6-5-7 PUBLIC PROPERTY IMPROVEMENTS. Any person wanting to improve public property with private funds shall submit an application to the City Clerk and follow the same procedures as 6-5-2.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 UTILITIES - WATER SYSTEM

- 6-6-1 Enforcement/Purposes
- 6-6-2 Definition of Terms
- 6-6-3 Service Connections
- 6-6-4 Mandatory Connections
- 6-6-5 Permit
- 6-6-6 Application for Water Service Connections
- 6-6-7 Water Supply Control
- 6-6-8 Making the Connection
- 6-6-9 Excavations
- 6-6-10 Inspection and Approval
- 6-6-11 Completion by the City
- 6-6-12 Meter Accuracy and Test
- 6-6-13 Service Pipes not to be laid across Private Property
- 6-6-14 Separate Connections
- 6-6-15 Service Cut Off
- 6-6-16 Breaks in Service Fixtures
- 6-6-17 Abandoned Service Pipes
- 6-6-18 Right to Shut off Water
- 6-6-19 Responsibility in Turning on Water
- 6-6-20 Discontinue Use of Water
- 6-6-21 Water Meters
- 6-6-22 Unnecessary Waste
- 6-6-23 Owners to Protect Meters
- 6-6-24 Other Supply than City Water
- 6-6-25 Inspection of Meters, Pipes, and Fixtures
- 6-6-26 Fire Hydrants Not to be used
- 6-6-27 Water Works Property

6-6-1 ENFORCEMENT/PURPOSES.

1. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.

2. The Director of Public Works shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Director may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

6-6-2 DEFINITION OF TERMS.

1. In this ordinance the words “Water Works of City” shall mean the City of Scranton acting through its qualified officers or employees.

2. A “water main” shall be defined as any pipe laid by the City of Scranton or agents thereof in streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.

3. A “service pipe” shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may ultimately serve.

4. A “consumer” shall be any person using water furnished by the City of Scranton, Iowa.

6-6-3 SERVICE CONNECTIONS.

1. The City is responsible only for costs and expenses related to the maintenance of the water service line from the public water source to the main connection. All costs and expenses incident to the installation, connection, disconnection, or maintenance of the water service line from the main to the individual building served shall be borne by the property owner.

2. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.

3. A residential, commercial or industrial property located within the City on a street, alley or right-of-way must connect to the City water system, provided the water main is located within 300 feet of the property line.

4. When the consumer tears down any structure that was connected to City water service, the consumer is responsible to disconnect the water service at the water main.

5. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the water main shall be turned off at the corporation stop and made absolutely watertight.

6. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

7. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Public Works Director and provision is made so that each house, building or premises may be shut off independently of the other.

6-6-4 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-6-5 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Director. The application for the permit shall be filed with the Director on blanks furnished by the Director. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Director. The Director shall issue the permit, bearing the Director's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Director may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped.

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

6-6-6 APPLICATION FOR WATER SERVICE CONNECTIONS.

1. Taps or connections to the water mains shall be made by only authorized City employees of the City of Scranton, upon request for service by the property owner. An access fee of \$75.00 to the City Clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work.

2. The City reserves the right to render services in connection with furnishing water, such as installing and maintaining water service connection, repairing leaks, etc., at prices and terms to be determined, charges will be made at the actual cost of labor and material, plus ten percent (10%) for overhead expenses.

6-6-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water service pipe near the curb with a suitable lock of a pattern approved by the Director. The shut off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

The plumber making said installation or connection shall be licensed by the city or state.

6-6-8 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Director or the Director's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

1. Service Pipe.

a. No water service pipe or tap for any building shall be less than three-quarter (3/4) inches in diameter. All pipe up to and including one and one-half (1½) inch inside diameter shall be "Type K." All pipe over one and one-half (1½) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

b. All water service pipes and their connections to the water system must be inspected and approved by the Public Works Director, before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Public Works Director or his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

c. No Connection between Different Services. When there are two or more buildings on premises, the piping from each service must be kept separate, and no connection made from one to the other.

d. Depth of Service Pipe. Service pipe must be laid at least five and one-half (5 ½) feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, they shall be laid so that they will be at least five and one-half (5 ½) feet below the established grade.

e. Maintenance of Service Pipes. All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains (except corporation cocks put in during the initial water installation period) shall be installed and maintained at the expense of the owners, and any leaks or other defects in the same shall be promptly repaired by the owner. If not promptly repaired, the water shall be turned off until such repairs have been made, and the expense incurred thereby shall be charged against such owner and must be paid before water shall be turned on again. If such repair is not made within three (3) days of written notification by the City, the property owner shall be charged the sum of Fifteen dollars (\$15.00) per day for each day after said three (3) day period of grace, during which the said water wastage shall continue.

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

6-6-9 EXCAVATIONS.

1. 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 Director.

2. Before any permit to excavate in any street for making or repairing, a water connection is granted, the applicant including all plumbers shall have on file with the City Clerk a affidavit of their insurance in the amount of \$1,000,000 of liability approved by the Mayor and City Clerk conditioned upon the faithful observance of all ordinances of the municipality and that the municipality will be saved harmless from all suits and damages for negligence in maintaining barricades for the protection of persons lawfully using the streets.

6-6-10 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Director's approval. Every person who uses or intends to use the municipal water system shall permit the Director or the Director's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-6-11 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the 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, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-6-12 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Director or the Director's assistant shall make a test of the accuracy of any water meter at any time when requested in writing.

If it is found that such meter overruns to the extent of 10 percent or more, the cost of the tests shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than six months. If the meter is found to be accurate or slow less than 10 percent fast, the patron shall pay the reasonable costs of the tests.

Footnote: See 384.38(3) concerning establishing districts and connection fees.

6-6-13 SERVICE PIPES NOT TO BE LAID ACROSS PRIVATE PROPERTY. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, but all service pipes shall be laid on streets, alleys, or public grounds to the premises to be served, and entered the building nearest the main.

6-6-14 SEPARATE CONNECTIONS.. There shall be separate service pipes laid from the main to each dwelling or unit being served. Such service pipe shall be laid in a straight line at right angles to the water main, and connections made within two lines drawn parallel to the sides of the building to be served and not more than ten feet outside of these sides. In all cases each building served must have an independent service shut off. Apartment buildings may have one (1) service line into the apartment building; however, the line must be split once in the building for each apartment. The owner of the apartment building must provide the City with access to the water line shutoff twenty-four (24) hours a day.

6-6-15 SERVICE CUT OFF.

a. A curb stop and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or alleys the stop box shall be placed less than twelve (12) inches inside the sidewalk or sidewalk line on City property; and when made in alleys, it shall be placed within the area located twelve (12) inches outside of the lot lines. The cover of said stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of the stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the Service Corporation or connection in the main.

b. Every service pipe must also have a stop and waste placed in the building within two (2) feet of the point where the pipe enters the building. Said stop must have a handle or wrench attached to turn the same and be kept in working order at all times so that the water supply may be shut off by the occupant of the premises.

c. The outside shut off and stop box shall be under the sole control of the City and no one except an employee or person specially authorized by the City Council shall open the cover of such box or turn on or off the water. Provided, however, that approved plumbers may turn off or on the water for testing plumbing or making repairs, but whenever so used to shut off must be left closed if found closed, and open if found open, by the plumber who uses it.

d. The stop box in every service must be kept flush with the surrounding ground or surface and must be visible from the sidewalk. The curb box and shut off must be kept in good condition and ready for use at all times by the owner. Should the owner neglect to maintain such box and shut off in proper condition to be used, and if the stop box is found to be

filled up, or the stop box or shut off found to be out of repair at any time, the City shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment is refused, the payment thereof may be enforced in the same manner as that provided in the case of delinquent water bills.

e. There shall be installed a shut-off valve on every service pipe inside the building, as close to the entrance of the pipe, within the building, as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each customer so that service may be shut off for one without interfering with service to the others. The interior valves shall be placed on the customer side of the meter within one (1) foot of the meter. This will be required for all new construction and plumbing service upgrades.

6-6-16 BREAKS IN SERVICE OF FIXTURES. The City shall not be held responsible by reason of the breaking of any service pipe or water coil, or for failure in the supply of water.

6-6-17 ABANDONED SERVICE PIPES. If a service pipe or connection, which is not being used, is found to be leaking, the City may without notice, repair or turn off the same, and charge the expense thereof to the owner of the property last served by this connection.

6-6-18 RIGHT TO SHUT OFF WATER.

a. The City reserves the right to at any time, when necessary, without notice, to shut the water off its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying mains, hydrants or other connections. The City may give notice of shutting off water if conditions are such that it is possible to do so.

b. When water is shut off for making repairs in premises having water heating coils in heaters, consumers should turn off the water at the basement shut off and open a faucet in the hot water pipe and leave it open until water is turned on, in order to protect piping and fixtures from excessive pressures from hot water or steam.

6-6-19 RESPONSIBILITY IN TURNING ON WATER. In turning on water the city shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or from any other cause.

6-6-20 DISCONTINUE USE OF WATER. Owners or consumers desiring to discontinue the use of water shall give notice thereof in writing to the City who shall then cause the water to be turned off and the meter removed. A service charge of Thirty Dollars (\$30.00) shall be made to shut off and reconnect the service. Water rents or charges for services shall be made until notice is given. When water service is discontinued, all water rentals for such service shall become due and payable. No service will be reconnected or turned back on until all past due fees and charges are paid in full. If for any reason, a meter is removed from a house temporarily because of an owner's absence or danger of the meter freezing, a charge of Thirty Dollars (\$30.00) shall be made to cover the cost of removing and reconnecting the meter.

6-6-21 WATER METERS.

1. The City shall provide one (1) water meter per service line. All water meters furnished to the customers shall be metered. All meters shall be set and installed by a plumber licensed through the State of Iowa, at the owner's expense, at a suitable location in the piping system for same. Meters shall be placed on service pipe not to exceed two (2) feet from the location in the wall or floor where such pipe enters the premises. All meters shall be fitted with an outside reader.

In the event a meter larger than that required for a single-family residence is needed, the full cost of such larger meter shall be paid by the customer requesting or needing such larger meter. The cost of the meter shall be paid to the City, by the property owner or customer, prior to the installation of the meter.

2. The piping system shall be so constructed and the meters placed so that all water supplied by the City to be used in or about the premises shall pass through the water meter, and the owner of the premises shall be responsible for compliance with this provision of this Ordinance, and he or she shall be liable for the payment for water used in violation of this Ordinance. The first offense for violating this provision will be a fine of up to Five Hundred Dollars (\$500.00). For each subsequent offense, a civil penalty of up to Seven Hundred Fifty Dollars (\$750.00) shall be imposed. The amount of such water used shall be determined by the City, but in every case where City water is used in violation hereof, the water bill shall be increased not less than one and a half (1½) times the average monthly usage.

3. There shall be a stop and waste between the meter and the wall, and a suitable place provided for the meter so as to keep it safe and clean and readily accessible at all times to the meter reader and inspectors of the City. All valves and fittings necessary to comply with these requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner of the premises to be served. In case that two or more meters are desired for measuring water to two different tenants in the same building from one service connection, they shall be so placed that neither of the meters shall measure water which has passed through another one.

4. All newly installed meters or meters replaced after the effective date of these Ordinances must be installed on the exterior of the building serviced, or be fitted with an outside reader, and be accessible for reading without entering the premises.

6-6-22 UNNECESSARY WASTE. The City reserves the right to prohibit the use of water for yard sprinklers or large consumers of water, when in the judgment of the City, the public welfare requires such action. The City shall adopt a resolution setting forth the basis for the moratorium and the length of time the moratorium will be in effect. Violation of the City prohibition will be a simple misdemeanor enforceable by municipal infraction or criminal citation.

6-6-23 OWNERS TO PROTECT METERS.

1. The owners or occupants of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its

stoppage or imperfect working, he or she shall give immediate notice to the City. In all cases where water meters are broken or damaged by negligence of owners or occupants of the premises, or by freezing, hot water, or other injuries except ordinary wear the necessary repairs to the meter shall be made by the City and the cost of such repairs shall be paid for by such owner or occupant, and in case payment thereof is neglected or refused, the cost of such repairs shall be added to the consumer's water bill and payment thereof enforced as provided for delinquent water bills. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

2. No one shall in any way interfere with the proper registration of water meters, and no one except as authorized by the City shall break a seal of a meter, provided, however, that the City may grant written permission to approved plumbers in cases of emergency to break a water meter seal. The owner of the property may be charged a civil penalty of up to Five Hundred Dollars (\$500.00) for the first offense and up to a Seven Hundred Fifty Dollar (\$750.00) civil penalty for each subsequent violation of this section.

3. Wherever a water meter is installed on a water service in the premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such meter, and free access to such meter shall be provided at least twenty-four hours after such notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given. If the meter is covered or lost, he or she shall be required to pay to the City a sum equal to the fair, reasonable market value thereof. The replacement cost thereof is presumed to be its fair reasonable market value.

6-6-24 OTHER SUPPLY THAN CITY WATER. On premises where water is supplied from two (2) sources, the City water being one of them, the piping system of the City water must be entirely separated from that of the other source.

6-6-25 INSPECTION OF METERS, PIPES, AND FIXTURES. The City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine the water pipes and fixtures and the manner in which water is used. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

6-6-26 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Scranton, Iowa, or employees of the City acting in regular performance of their duties, shall open any hydrant belonging to the City at any time without a permit in writing signed by an authorized City Official.

6-6-27 WATER WORKS PROPERTY. It shall be unlawful to break, injure, mar, or deface, interfere with or disturb any building, machinery apparatus, fixtures attachments or appurtenance of the water works, or any hydrant, stop cock box, or commit any act tending to obstruct or impair

the intended use of any of the above mentioned property, without permission of the City Council or excepting cases herein otherwise provided by Ordinance.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 PLANTING, CARE AND TRIMMING OF TREES AND SHRUBBERY

- 6-7-1 Purpose
- 6-7-2 Approval Required
- 6-7-3 Planting Location
- 6-7-4 Trimming
- 6-7-5 Trimming at Street Intersections
- 6-7-6 Removal by City
- 6-7-7 Trimming by City
- 6-7-8 Vandalism of City Trees Prohibited

6-7-1 PURPOSE. The purpose of this ordinance is to beautify and preserve the appearance of the Town of Scranton, Iowa.

6-7-2 APPROVAL REQUIRED. No tree shall be planted with the approval of City Council.

6-7-3 PLANTING LOCATION. All trees hereafter planted in the street shall be planted midway between the outer line of the sidewalk and the curb or normal edge of the traveled portion of the street if a curb has not been established.

6-7-4 TRIMMING. It shall be the duty of the owner or occupant of adjoining property to keep trees in the street trimmed so that all branches will be at least eight feet above the ground on untraveled portions of the street and at least twelve feet above the ground on the traveled portion of the street.

All shrubbery, bushes and other growth shall be kept trimmed by the owner or occupant of any premises or of the abutting premises in case of a street or alley, so as not to interfere with travel on the streets and sidewalks of the Town of Scranton, Iowa.

6-7-5 TRIMMING AT STREET INTERSECTIONS. At street intersections, the owner or occupant of the adjoining property shall keep all trees and shrubs trimmed so as not to interfere with vision.

6-7-6 REMOVAL. The Council may order removal of any tree planted contrary to this ordinance, or of any tree that is dead or diseased, and if not removed within ten (10) days by the adjoining property owner, the Council may have the same removed and assess the costs against the adjoining property.

6-7-7 TRIMMING BY CITY. If any trees, shrubbery, bushes or other growth are not kept trimmed as required by this ordinance, the Council may have the work done either with or without notice and assess the costs against the adjoining property.

6-7-8 VANDALISM OF CITY TREES PROHIBITED. Anyone intentionally damaging a tree or shrub located on the property of the Town of Scranton, Iowa, shall upon conviction be fined not to exceed \$100.00 or imprisoned not to exceed thirty (30) days.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 UTILITIES - SANITARY SYSTEM

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

6-8-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.

2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567-69.3(1))

3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

(IAC 567-69.3(1))

4. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

5. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

6. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. “Natural Outlet” shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. “Person” shall mean any individual, firm, company, association, society, corporation, or group.

9. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. “Properly Shredded Garbage” shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

11. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

15. “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. “Sewer” shall mean a pipe or conduit for carrying sewage.

17. “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

18. “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. “Director” shall mean the Director of Public Works of the City of Scranton or the Director’s authorized deputy, agent, or representative.

20. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

21. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-8-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

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

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

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12(3)(f))
(IAC 567-69.3(3))

6-8-3 PRIVATE SEWAGE DISPOSAL.

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

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Director. A permit and inspection fee of \$25.00 shall be paid to the City at the time the application is filed.

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

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

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

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

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

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

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

6-8-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee of \$75.00 for a residential, commercial or industrial building sewer permit shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Scranton and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Scranton pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Scranton and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Director, to meet all requirements of this Ordinance. The Director may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located and drained in a manner approved by the Director and removed or filled with sand, crushed rock or any other solid material approved by the Director, except as exempted by the Director.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9.”

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Director. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1) Pipe and Fittings - ASTM C 700 “Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated.”

(2) Coupling and Joints - ASTM C 425 “Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings”.

Extra Heavy Cast Iron Soil Pipe

(1) Pipe and Fittings - ASTM A 74 “Standard Specification for Cast Iron Soil Pipe and Fittings.”

(2) Joints - ASTM C 564 “Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings.”

Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

- (1) Pipe - A.S.T.M. D 3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

- (2) Joints - A.S.T.M. D 1869, A.S.T.M. D 1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Director. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Backfilling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Director. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Director or the Director's representative. In all buildings in which any

building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

10. Each and every part of the building sewer shall be inspected and approved by the Director before being concealed or back filled. The applicant for the building sewer permit shall notify the 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 Director or the Director's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-8-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

b. Non-payment of bills.

c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Director. Where necessary in the opinion of the Director, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the 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 life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the 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:

a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials.

f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, -in such concentrations exceeding limits which may be established by the Director as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of waters constituting “slugs” as defined herein.

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

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5(4), and which in the judgment of the 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 Director may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

If the 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 Director, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner’s expense.

8. When required by the 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 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.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

6-8-6 PROTECTION FROM DAMAGE.

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

(Code of Iowa, Sec. 716.1)

6-8-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The 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.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the 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 the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling

operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-5(8).

3. The 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.

6-8-8 PENALTIES.

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

2. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 UTILITIES - BILLING CHARGES

- 6-9-1 Utility Defined
- 6-9-2 Districts
- 6-9-3 Disposition of Fees and Charges
- 6-9-4 Billing, Penalty
- 6-9-5 Discontinuing Services, Fees
- 6-9-6 Residential Rental Property
- 6-9-7 Customer Guarantee Deposits
- 6-9-8 Water Rates
- 6-9-9 Refuse Collection Rates
- 6-9-10 Rate of Sewer Rent and Manner of Payment
- 6-9-11 Determination and Payment of Sewer Rent from Premises with Private Water Systems
- 6-9-12 Lien for Nonpayment
- 6-9-13 Lien Exemption
- 6-9-14 Lien Notice

6-9-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-9-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Scranton, Iowa.

6-9-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-9-4 BILLING, PENALTY. Utility bills shall be due on the first of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the fifteenth of the month in which due and bills paid after said day shall have added a penalty of five (5) percent of the amount of the bill for utility service. When the fifteenth falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

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

6-9-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

- a. The Public Works Director, or his or her authorized representative, shall shut off the supply of water to any customer who, not having contested the amount billed in good

faith, has failed to pay the bill for water on or before the fifteenth (15th) day after mailing of written notice that the water supply will be shut off. The City Clerk shall send such notice within forty-eight (48) hours following the delinquent date, or on the first office day following such first day after the delinquent date. When a Sunday or legal holiday intervenes during the notice period, such days shall not be counted. The Clerk shall notify each delinquent customer that service will be disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to discontinuance.

If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

If a hearing is requested, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

b. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

c. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. a. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$30.00 during working hours and \$60.00 for after hours and weekends shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within thirty (30) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

b. If payment is tendered to the City Clerk or his or her authorized representative at the time of the turn-off trip, there shall be added a service fee of thirty Dollars (\$30.00) between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday. A turn-off/on fee of sixty Dollars (\$60.00) shall be charged at the time of turn-on when separate turn-off and turn-on trips are made necessary, between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday, before payment is rendered and service is to be restored to the delinquent customer. No turn-on fee or service fee shall be charged for the usual or customary trips resulting from the regular changes in occupancies of property, whether the meter is removed for the safety of the meter, or not removed. There will be a \$25.00 administrative charge for hand-delivered shutoff notices.

(Code of Iowa, Sec. 384.84(2))

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

5. There will be no extension of water service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.

6. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate of 1-1/2 times the rate charged to premises located within the corporate city limits of the City.

6-9-6 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.

2. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.

3. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the

change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))
(Code of Iowa, Sec. 384.84(3)(e))
(Amended in 2012)

6-9-7 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered. Such deposit shall be \$200 with a \$15 service charge for the type of use contracted. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

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

6-9-8 WATER RATES. Water shall be furnished at the following monthly rates per property serviced within the City limits:

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

1. The first 1,000 gal. \$29.69 per 1,000 gal.
 The next 100 gal. \$1.92 per 100 gal.

The minimum charge shall be \$29.69 per household or business building per billing month.

2. A \$15.00 service charge shall be applied for new or transferred service.

3. Future rates. Metered rates established in subsection 1 of this section shall be in effect from July 1, 2025 until July 1, 2026. On July 1, thereafter, said water rates shall be increased by 1% over the rates in effect during the previous year.

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

1. Residence Rate. For each resident with alley or curb pickup, \$9.00 per month for one garbage or rubbish collection each week. In the event that alley or curb pickup for any residence is not feasible, the City Clerk is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon.
2. Multi-Family Residence Rate. \$6.00 per unit per month for one garbage or rubbish collection each week.
3. Business Rate. \$10.00 per month for one garbage or rubbish collection each week.

4. Dumpster Pick-Up. For those residences and businesses utilizing dumpster(s) for garbage service, the monthly collection rate shall be \$10.00 per yard length of dumpster per pickup.

5. Temporary/Rental Dumpster. \$30.00 per dump for dumpsters rented through the City or the City's contractors. Such rentals shall be for a period not longer than 30 days. For those residences and businesses with dumpsters, the monthly collection rate shall be as follows: *None?*

6. Additional Garbage. Garbage collected that exceeds one standard 35 gallon garbage can will be charged at a rate of \$2.00 per bag.

7. Recyclable Materials. All accounts shall be charged a recycling fee of \$2.00 per month.

8. Landfill. All accounts shall be charged a landfill fee of \$1.00 per month.

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

6-9-10 RATE OF SEWER RENT AND MANNER OF PAYMENT.

The user system shall generate adequate annual revenues to pay for the cost of annual operation, maintenance and replacement costs associated with debt retirement of bonded capital associated with financing the treatment works by which the city may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this ordinance. The equipment replacement cost portion of the rate system is based on the information in Appendix B to this Ordinance.

1. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 4 shall be deposited in a separate non-lapsing fund known as the operation, maintenance and replacement fund and will be kept in two primary accounts as follows:

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

b. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of \$5,110 annually.

2. That portion of the total user charge collected which is designated for the debt retirement fund as established in Resolution 2005-16 shall be deposited in a separate fund known as the debt service fund and will be kept in two primary accounts as follows:

a. An account designated for the specific purpose of paying principal of and interest on the bonds and parity bonds, the account shall be known as the revenue bond sinking account.

b. An account designated for the specific purpose of providing a reserve for paying principal of and interest on the bonds and parity bonds. The account shall be known as the revenue bond reserve account

3. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purposes than those designated for these accounts. Monies that have been transferred from other sources to meet temporary shortages in the operation, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

4. Fiscal year-end balances in the revenue bond sinking account and the revenue bond reserve account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purposes than those designated for these accounts. The required amount to be deposited to the revenue bond sinking account in any month shall be an amount equal to one-sixth (1/6) of the installment of interest coming due on the next interest payment date and one-twelfth (1/12) of the installment of principal coming due on such bonds on the next principal (1/6) of the installment of interest coming due on the next interest payment due and one-twelfth (1/12) of the installment of principal coming due on such bonds on the next principal payment date until the full amount of such installment is on hand.

5. User Charge. Each user shall pay for the services provided by the city based on their user of the treatment works as determined by the water meters acceptable to the City.

a. The minimum charge per month for all contributors shall be thirty nine dollars and thirty-two cents (\$39.32) for the first one thousand (1,000) gallons of water used per month. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of sixty-three cents (\$.63) per one hundred (100) gallons of wastewater contributed above one thousand (1,000) gallons per month

The first 1,000 gallons – minimum monthly charge
\$39.32 current monthly base rate
\$45.22 effective January 1, 2026

Over 1,000 gallons- billed per 100 gallons
\$.63 current usage rate
\$.72 effective January 1, 2026

b. For those contributors who contribute wastewater the strength of which is greater than normal domestic wastewater as defined in Section 6-9-1, an extra strength surcharge in addition to the normal user charge will be collected. The extra strength surcharge for the operation, maintenance and replacement is:

\$0.72 per pound of CBOD5
\$0.72 per pound of TSS

\$2.88 per pound of TKN

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

6. Determination of Quantity Used.

a. The user charge shall be applied to the quantity of water used by each contributor of sanitary sewerage for each individual water meter contributing to said sewer system as determined by monthly water meter readings of the municipal waterworks of the city, and by such privately owned water supplies, the quantity of water used and discharged into the sewerage system of said city shall be determined to the satisfaction of the council and at the expense of the owner of unmetered water supply. If the estimated quantity of water from any unmetered water supply is estimated to be in excess of an average of four thousand five hundred (4,500) gallons per month, the council may require that such water supply be metered at the expense of the owner of such water supply.

b. Where flow measurement devices are required of persons contributing industrial wastes to the sewer system, the city may authorize the quantities shown on the permanently recorded records of such flow measurement devices to be used as the basis of determination of the rate to be paid by the person.

7. Special Agreements. The user charge ordinance shall take precedence over any terms or conditions or agreements or contracts which are inconsistent with the requirements of Section 204 (b)(1)(A) of the Act and 40 CFR 35.2140 dated February 17, 1984.

8. Review of User Charge System. The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay and the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operating and maintenance including replacement costs among users and user classes.

9. Notification of Rate. The city will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.

6-9-11 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in Section 6-5-10 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-5-10.

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

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

6-9-12 LIEN FOR NONPAYMENT. The owner of the premises served, and any lessee or tenant thereof, shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

6-9-13 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for the charges, the address of the rental property, and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit to the tenant if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to the water service.

6-9-14 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail, not less than thirty (30) days prior to certification of the lien to the County Treasurer.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 NUMBERING OF BUILDINGS

6-10-1 Buildings to be Numbered

6-10-2 Numbering System

6-10-3 Mandatory Numbering

6-10-4 Type of Numbers, Size

6-10-5 Enforcement

6-10-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-10-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and south sides of all streets and the odd numbers shall be on the east and north sides of all streets.

6-10-3 MANDATORY NUMBERING. The placing of numbers is mandatory.

6-10-4 TYPE OF NUMBERS, SIZE. The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height.

6-10-5 ENFORCEMENT. If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 BUILDING PERMITS

- 6-11-1 Purpose
- 6-11-2 Structure Defined
- 6-11-3 Permit Required
- 6-11-4 Application
- 6-11-5 Fees
- 6-11-6 Plans Required
- 6-11-7 Location of Structure
- 6-11-8 Front Yard Requirements
- 6-11-9 Side Yard Requirements
- 6-11-10 Rear Yard Requirements
- 6-11-11 Special Requirements for Residences
- 6-11-12 Variances
- 6-11-13 Fences
- 6-11-14 Curb Cuts
- 6-11-15 Authority of City Council
- 6-11-16 Permit Issued
- 6-11-17 Limitations on Permit

6-11-1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-11-2 STRUCTURE DEFINED. Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

6-11-3 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-11-4 APPLICATION. All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit. All applications must be signed by the owner of the property for which the permit is sought before they can be considered/approved.

6-11-5 FEES. There shall be a permit fee of \$25.00 for such permit. The fee for an expedited permit shall be \$25.00. Any person commencing construction without a permit shall pay a permit fee of \$50.00. If a permit is rejected the fee shall be returned to the applicant.

6-11-6 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-11-7 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-11-8 FRONT YARD REQUIREMENTS. There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-11-9 SIDE YARD REQUIREMENTS. No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

6-11-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

6-11-11 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.

2. All residences shall have a permanent perimeter foundation constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

6-11-12 VARIANCES. The city council may grant a variance to sections 6-12-8, 6-12-9, and 6-12-10 where the setback requirements would cause a hardship on the property owner.

6-11-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-11-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-11-15 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-11-16 PERMIT ISSUED. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-11-17 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

Editor's Note: If this Ordinance is adopted be sure that the provisions of this Ordinance are consistent with the provisions of the Restricted Residence Ordinance if the City has one. Specifically, the set back and permit fee requirements should be reviewed.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 PROPERTY MAINTENANCE CODE

- 6-12-1 Title
- 6-12-2 Scope
- 6-12-3 Intent
- 6-12-4 Severability
- 6-12-5 Applicability
- 6-12-6 Administration
- 6-12-7 Duties and Powers of the Code Official
- 6-12-8 Violations
- 6-12-9 Notices and Orders
- 6-12-10 Unsafe Structures
- 6-12-11 Emergency Measures
- 6-12-12 Demolition
- 6-12-13 Variances
- 6-12-14 General Maintenance Requirements
- 6-12-15 Exterior Property Areas
- 6-12-16 Exterior Structure
- 6-12-17 Handrails and Guardrails
- 6-12-18 Rubbish and Garbage

6-12-1 TITLE. These regulations shall be known as the Property Maintenance Code of the City of Scranton, Iowa, hereinafter referred to as “this Code.”

6-12-2 SCOPE. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises in the City of Scranton, and constitute minimum maintenance requirements and standards for such premises and structures. This Code shall be deemed to be the “Housing Code” of the City of Scranton for purposes of Iowa Code §657A.10A(3)(d).

6-12-3 INTENT. This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

6-12-4 SEVERABILITY. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Code.

6-12-5 APPLICABILITY.

1. General. The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 6-10-2. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. All

structures in violation of the provisions of this Code are hereby declared to be public nuisances and shall be abated by repair or demolition in accordance with the procedures specified herein.

2. Maintenance. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises. For purposes of this Code, the term “Owner” shall mean the person or entity having legal title to the property in question according to the records of the County Auditor, including the Conservator or other legal representative of any such person or entity, and the personal representative of a deceased person. In the case of a property subject to a land sale contract, the contract buyer shall be deemed to be the owner for purposes of this Code.

3. Existing Remedies. The provisions in this Code shall not be construed to abolish or impair any other remedies available to the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is abandoned, a nuisance or otherwise dangerous or unsafe.

4. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions.

5. Historic Buildings. The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings in the discretion of the Code Official.

6. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper maintenance of an existing structure, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

6-12-6 ADMINISTRATION.

1. General. The Scranton Mayor or Mayor’s designee shall be designated as the “Code Official” for the purposes of this Code.

2. Deputies. In accordance with the prescribed procedures of the City, the Code Official shall have the authority to retain such engineers, inspectors or other necessary technical personnel as may be necessary to carry out the requirements of this Code.

3. Liability. The Code Official or any other employee or agent charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of their official duties. Any suit instituted against any person because of an act performed by that person in the lawful and good faith discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

6-12-7 DUTIES AND POWERS OF THE CODE OFFICIAL.

1. General. The Code Official shall have primary responsibility for enforcing the provisions of this Code.

2. Rule-making Authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.

3. Inspections. The Code Official shall cause to be examined every structure or premises reported to be in violation of this Code, or otherwise brought to the attention of the Code Official. The Code Official is authorized to engage such experts as the Code Official deems necessary to examine and report on any structure believed to be in violation of this Code. If any such structure or premises is found to be in violation of the provisions of this Code, the Code Official shall give notice to the owner thereof in accordance with Section 6-10-9.

4. Notices and Orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

5. Records. The City Clerk shall keep records of all business and activities specified by the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

6-12-8 VIOLATIONS.

1. Unlawful Acts. It is unlawful for the owner of any premises or structure to be in conflict with or in violation of any of the provisions of this Code.

2. Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 6-10-9 shall be deemed guilty of a municipal infraction. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.

3. Violation Penalties. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws for municipal infractions. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

4. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the jurisdiction from instituting appropriate legal action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, or utilization of the building, structure or premises.

5. Direct Abatement by City. In the event a violation of this chapter continues unabated after notice to the owner as provided herein, in addition to any other remedies, the City may proceed to perform the necessary action to correct said violation(s). In such event, the Clerk shall notify the property owner of the total expenses incurred by the City, and if the amount shown in said notice is not paid within thirty (30) days, the Clerk shall certify those costs to the County Treasurer and such costs shall then be allocated with, and in the same manner as, general property taxes.

(Ord. 2011-09– July 12 Supp.)

6-12-9 NOTICES AND ORDERS.

1. Notice to Person Responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed herein to the owner of the subject premises. If the Code Official has knowledge of an occupant of the subject premises other than the owner, a copy of said notice shall be sent to same.

2. Form. The notice shall:

- a. Be in writing.
- b. Include a description of the real estate sufficient for identification.
- c. Include a statement of the violation or violations hereunder.
- d. Include an order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

3. Method of Service. The notice shall be deemed to be properly served if a copy thereof is:

- a. Delivered personally; or
- b. Sent by certified mail (return receipt requested) to the last known address; and
- c. By posting a copy thereof in a conspicuous place on or about the structure that is the subject of such notice.

4. Transfer of Ownership. It is unlawful for the owner of any dwelling unit or structure upon whom a notice of violation has been served to sell, transfer, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.

6-12-10 UNSAFE STRUCTURES.

1. General. When a structure is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, such structure may be condemned pursuant to the provisions of this Code.

2. Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure because such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

3. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, electricity, sanitary or heating facilities or other essential utility services, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, but does not appear to be in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

5. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 6-10-9.

6. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be guilty of a misdemeanor.

7. Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be guilty of a misdemeanor.

6-12-11 EMERGENCY MEASURES.

1. Imminent Danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or

materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Scranton." It is unlawful for any person to enter such structure without the permission of the City.

2. Temporary Safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

3. Closing Streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

4. Emergency Repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

6-12-12 DEMOLITION.

1. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

2. Notice and Orders. All notices and orders shall comply with Section 6-10-9.

3. Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons and the cost of such demolition and removal shall be charged to the owners of the premises involved, and may be levied as a special assessment against the land on which the building or structure is located, and shall be certified by the Code Official to the County Treasurer for collection in the manner provided for other taxes.

4. Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have

the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

6-12-13 VARIANCES.

1. Modification. Whenever there are practical difficulties involved in carrying out this Code, the Code Official shall have the authority to grant modification for individual cases, provided the Code Official shall first find that special individual reasons makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not threaten health, life or fire safety. The details of action granting modifications shall be recorded and entered in the records.

2. Alternative Materials, Methods and Equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

6-12-14 GENERAL MAINTENANCE REQUIREMENTS.

1. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of owners for the maintenance of premises and structures.

2. Responsibility. The owner of the premises shall maintain the structure in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant - or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

3. Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a lighting problem or adversely affect the public health or safety.

6-12-15 EXTERIOR PROPERTY AREAS.

1. General. The exterior grounds of all premises shall be maintained in a clean, safe, and sanitary condition; free from litter, rubbish, or garbage of any kind. Lawn areas (other than cultivated gardens) shall be kept mown to a height not exceeding eight (8) inches. All other vegetation shall be trimmed and maintained so as not to interfere with the use of adjoining sidewalks or public right-of-way and so as not to become a health, safety, or fire hazard.

2. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from conditions that endanger public health or safety.

3. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

4. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

5. Defacement of Property. No person shall damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

6-12-16 EXTERIOR STRUCTURE.

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

2. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences 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 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 water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

3. Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

4. 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 and other pests.

5. Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

6. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls

or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

7. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

8. Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

9. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

10. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, 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.

11. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

12. Window, Skylight and Door Frames. The exterior of every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

13. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

14. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

15. Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

6-12-17 HANDRAILS AND GUARDRAILS.

1. General. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067

mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

2. Exception. Guards shall not be required where exempted by the applicable building Code.

6-12-18 RUBBISH AND GARBAGE.

1. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

2. Infestations. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 WEED CONTROL

6-13-1 Purpose

6-13-2 Control of Weeds

6-13-3 Removal of Weeds by City

6-13-1 PURPOSE. The purpose of this ordinance is to control the growth of weeds in Scranton, Iowa.

6-13-2 CONTROL OF WEEDS. The owner, agent or occupant of any land shall cut or otherwise destroy all weeds growing on said land and on abutting streets before said weeds mature, bloom or go to seed. All weeds shall be kept under control so as not to overhang or interfere with the use of public sidewalks, alleys and streets. Weeds shall be cut or destroyed before becoming a nuisance, a breeding place for mosquitoes or a harboring place for deposits of refuse.

6-13-3 REMOVAL OF WEEDS BY CITY. Any weeds not destroyed as aforesaid, shall be destroyed by the City without notice to the property owner, occupant or agent. The Clerk-Treasurer shall attempt to collect the cost of doing so from the owner or occupant of the property. If not collected within thirty (30) days, he shall cause the same to be assessed against the property and certified to the County Auditor for collection as taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 TREE DISEASES

6-14-1 Purpose

6-14-2 Definitions

6-14-3 Duty to Remove Infected Tree

6-14-4 Determination of Infection

6-14-5 Notice to Remove

6-14-6 Assessment for Removal by Town

6-14-7 Service of Notice

6-14-8 Interference with Removal by Town

6-14-9 Cities Right to Spray Trees

6-14-1 PURPOSE. The purpose of this Ordinance is to specify the procedures to be followed in the eradication and control of Tree Diseases.

6-14-2 DEFINITIONS. For use within this Ordinance, the following terms are defined:

1. Disease is defined as a disease which infects elm trees and other kindred substances.
2. Enforcement officers shall mean the clerk-treasurer, unless the Council shall, designate another person.
3. Infected tree as hereinafter used in this Ordinance shall include not only trees, but also brush, wood, stump, other debris infected with a Disease.
4. Owner shall mean the occupant or person in charge of said property and shall include lessee and record title owner.
5. Destruction or removal of any infected tree shall mean total destruction by burning. It shall include removal of the stump; or if the stump is not removed, all bark shall be fully removed, or the bark shall be sprayed with DOT or an equally effective chemical in the concentration designated by the Enforcement officer.

6-14-3 DUTY TO REMOVE INFECTED TREE. It shall be the duty of the owner to promptly remove any infected tree as soon as the infection with a disease is detected.

6-14-4 DETERMINATION OF INFECTION. The Enforcement officer is directed to cause a diagnosis of any tree suspect of being affected with a disease to be made promptly to determine whether or not such tree is in fact infected. Such inspection shall be made by one competent to make the inspection and shall be sustained by such laboratory tests as are available to demonstrate the correctness of the diagnosis. Report of the diagnosis and laboratory tests shall be filed of record in the clerk-treasurer's office and shall be open for public inspection.

6-14-5 NOTICE TO REMOVE. If any infected tree is found within the City of Scranton, the clerk-treasurer shall cause a notice to be served upon the owner to remove such infected tree and

destroy the same by burning within ten (10) days from the date said notice is served. The date set for removal shall be at a date subsequent to a regular or special Council meeting and the notice shall inform the owner of the date, place and time that the City Council meets. The owner may appear before the City Council at the time stated and show cause, if any, why such order of removal should not be carried out. The City Council shall receive such competent evidence as is offered on behalf of both the enforcement officer and the owner. If the Council determines the tree is infected with a disease, it shall make a final Order requiring compliance with the Order of removal previously issued by the Enforcement officer. If it finds the tree is not infected, it shall void the Order of the Enforcement officer or shall make such Order with reference to treatment or trimming as may be proper in the circumstances. In determining the number of days allowed for removal, the Enforcement officer shall take into consideration the time of year, and if discovery or determination of infection is made during the period when the beetles which carry the disease are active, removal shall be required promptly and forthwith.

6-14-6 ASSESSMENT FOR REMOVAL BY TOWN. If the owner fails to comply with the notice provided for in this Ordinance, the City shall, at any time after the notice to remove has expired, cause said infected tree to be removed in accordance with this Ordinance and the cost thereof shall be assessed against the property. The clerk-treasurer shall certify the cost to the County Treasurer for collection as a special assessment.

6-14-7 SERVICE OF NOTICE. Notice provided for in this Ordinance shall be served personally upon the owner and upon any tenant in possession. If no person can be found upon whom to serve the notice personally, the Enforcement officer shall cause notice to be mailed to the owner at his last known address by certified mail.

6-14-8 INTERFERENCE WITH REMOVAL BY TOWN. It shall be unlawful for any person to hinder, obstruct or otherwise interfere with the agent or employees of the City of Scranton while engaged in carrying out the provisions of this Ordinance or any Order made hereunder.

6-14-9 CITIES RIGHT TO SPRAY TREES. For the purpose of preventing the spread of tree diseases, the City of Scranton shall have the right to spray all trees located within the corporate limits or within 500 feet thereof, including trees on private property.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 WIRES AND POLES

- 6-15-1 Pole Placement
- 6-15-2 Wires Insulated
- 6-15-3 Wire Height
- 6-15-4 Permit Required
- 6-15-5 Removal

6-15-1 POLE PLACEMENT. All electric light posts or poles and all other posts or poles for the stringing of wires or cables shall be placed in the alleys wherever possible and so placed as not to interfere with the private or public use of the alleys or streets. The placing of all such posts and poles shall be under the control of the street and alley committee of the council subject to the approval of the entire council.

No electric light posts or poles or any other post or poles shall be placed or located in any street or alley, nor shall any electric wire or other wire be strung over or along or across any street or alley, unless the firm, person or corporation so doing shall have applied for and secured a permit from the council, except where there is an existing franchise.

6-15-2 WIRES INSULATED. All electric light wires shall be thoroughly insulated with a rubber or weather-proof insulating covering and so strung as to be free from contact with any substances other than their insulating support. All such wires shall be at least one (1) foot apart and so placed that moisture cannot form a cross connection.

6-15-3 WIRE HEIGHT. The height of all electric wires and all other wires over, along and across the streets and alleys shall be determined by the council, but in all cases shall be high enough so as not to interfere with the public or private use of any street or alley and not less than sixteen (16) feet high.

6-15-4 PERMIT REQUIRED. Any person, firm or corporation not having a franchise and desiring to place any wires or cables above and across any street or alley shall secure a permit from the council for the same. The permit shall state the location where the proposed wires or cables are to cross the street or alley.

6-15-5 REMOVAL. Whenever it shall be necessary to remove any electric wires or other wires, for the moving of any building, machinery or other object over any street, highway or alley, the owner of such privately owned wires shall be given twenty-four (24) hours notice to remove such wires. Such wires shall then be removed, the holder of the permit paying the reasonable costs thereof, but the removal of such wires shall be subject to such conditions as will not interfere with the conduct of the business owning such wires. A like notice shall be given the mayor if it is necessary to move or take down any wires belonging to the municipality and the wires shall be removed at the cost of the permit holder and under such conditions as will not interfere with the operation of the purposes of such wires.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 EXPLOSIVES AND HAZARDOUS MATERIAL

6-16-1 Storage Regulated

6-16-2 Location

6-16-3 Storage in Residential Area Prohibited

6-16-4 Permit to Sell

6-16-5 Curb Pumps Prohibited

6-16-6 Use Prohibited in Residential Buildings

6-16-1 STORAGE REGULATED. It shall be unlawful to keep in any store, shop or private dwelling or property, except in approved magazine or tanks, any gun or blasting powder, dynamite, high explosives, or flammable liquid in quantity in excess of ten (10) pounds solid or five (5) gallons liquid.

6-16-2 LOCATION. All magazines or tanks installed above ground shall be located at least two hundred feet (200') from any dwelling, school, church, theater, hotel, apartment building, or other place of public assembly.

6-16-3 STORAGE IN RESIDENTIAL AREA PROHIBITED. The storage of high explosives in a residential area is prohibited. The storage of flammable liquid in residential areas is allowed only when in underground storage tanks, and there is written consent of three fourths (3/4) of the property owners within three hundred feet (300') of the property where the storage tanks are located.

6-16-4 PERMIT TO SELL. Anyone desiring to sell or store explosives or flammable liquid shall file with the council an application for a permit. The application shall contain a description of the material to be stored or sold, the location, and the type of container or building the material is to be stored in. The Council shall issue the permit only when all requirements are met and when the council determines the safety and welfare of the community is not endangered.

6-16-5 CURB PUMPS PROHIBITED. It shall be unlawful to install or operate curb pumps.

6-16-6 USE PROHIBITED IN RESIDENTIAL BUILDINGS. It shall be unlawful for any person, firm or corporation to establish or operate any dye works, or cleaning works in which gasoline, benzine, naptha, or other explosive or dangerous fluids are used in any building where part is used as a residence or lodging house.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 PORTABLE STORAGE CONTAINERS

- 6-17-1 Definitions
- 6-17-2 Residential Property
- 6-17-3 Commercial Property
- 6-17-4 Industrial Property
- 6-17-5 Stacking
- 6-17-6 Good Repair
- 6-17-7 Compliance

6-17-1 DEFINITION.

“Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

6-17-2 RESIDENTIAL PROPERTY. The use of portable storage containers on a property used for residential purposes is prohibited.

6-17-3 COMMERCIAL PROPERTY. Portable storage containers are prohibited on a property used for commercial purposes, except as follows:

1. Portable storage containers may be used for shipping and receiving merchandise and goods, provided that the storage container does not remain on the property for more than five (5) business days.
2. Portable storage containers may be used for storing merchandise or goods sold or used at the commercial property on which it is located, provided that the portable storage container is in an area that is not in any designated parking areas, fire lane, or public right-of-way.
3. Portable storage containers may be used for construction or remodeling purposes when a building permit has been issued for construction on the commercial property. The portable storage container must be removed within ten (10) days after final building inspection or after the building permit has expired.

6-17-4 INDUSTRIAL PROPERTY.

1. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on public right-of-way, in a fire lane, or in the front of the property.

2. No portable storage container shall be placed or located in any aisle or driving lane, fire lane, public utility easement, or public right-of-way, including streets, sidewalks, and parking.

6-17-5 GOOD REPAIR.

1. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.

2. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.

3. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

4. The area surrounding the portable storage container must not be overgrown with weeds or grass.

6-17-6 RESIDENTIAL USE.

1. A portable storage container may not be used as a dwelling or living quarters.

2. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

6-17-7 COMPLIANCE. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within thirty (30) days of the ordinance's effective date.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 RECREATIONAL VEHICLE/TRAVEL TRAILER RESIDENCE

6-18-1 Definitions

6-18-2 Occupancy

6-18-1 DEFINITIONS.

1. A “recreational vehicle” is defined as:
 - a. A factory-built vehicular structure, not certified as a manufactured home;
 - b. Designed only for recreational use and not as a primary residence or for permanent occupancy;
 - c. Any vehicle which is self-propelled;
 - d. Built and certified in accordance with either the NFPA1192-15, standard for recreational vehicles, or ANSI A119.5-15, recreational park trailer standard.

6-18-2 OCCUPANCY.

1. No recreational vehicle or travel trailer shall be used as a permanent residence or occupied for more than ten (10) days in any twelve (12) month period within the city.
2. Occupancy of a recreational vehicle, travel trailer, or motor home is permitted for up to 7 days, provided the vehicle or trailer is located within an approved campground or travel park within the city.

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 ESTABLISHMENT OF DATUM PLANE

7-1-1 Datum Plane Established

7-1-2 Bench Marks

7-1-3 Stanton Street

7-1-4 Irving Street

7-1-5 Jefferson Street

7-1-6 Chicago Street

7-1-7 High Street

7-1-8 Eighth Street

7-1-9 Ninth Street

7-1-10 Grade Lines

7-1-1 DATUM PLANE ESTABLISHED. That the datum plane of reference for establishment of grades in the Town of Scranton shall be a horizontal plane lying one hundred feet (100') below the arrow on the hydrant at the Northeast corner of the intersection of Linn and Irving Streets in said Town.

7-1-2 BENCH MARKS. That the following are fixed as the permanent bench marks of the Town:

Northeast corner of the intersections of Linn and Irving Streets, arrow on hydrant -
100.00

Northeast corner of the intersection of Cedar and Irving Streets, arrow on hydrant -
100.94

Northwest corner of the intersections of Grant and Madison Streets, curb on west side of sidewalk from house, intersection with East-West sidewalk - 100.96

Southwest corner of the intersection of Cedar and Madison Streets, arrow on hydrant -
101.94

Southeast corner of the intersection of Linn and Madison Streets, arrow on hydrant -
103.06

7-1-3 STANTON STREET. The top of pavement intersection grades for Stanton Street shall be as follows:

At Cedar Street	97.81
At Grant Street	99.06
At Lincoln Street	98.66
At Eagle Street	91.11

7-1-4 IRVING STREET. The top of pavement intersection grades for Irving Street shall be as follows:

At Linn Street	96.96
At Maple Street	97.75

At Cedar Street	98.16
At Grant Street	98.86
At Lincoln Street	97.01

7-1-5 JEFFERSON STREET. The top of pavement intersection grades for Jefferson Street shall be as follows:

At Maple Street	98.16
At Cedar Street	96.96
At Grant Street	89.91
At Lincoln Street	89.21

7-1-6 CHICAGO STREET. The top of pavement intersection grades for Chicago Street shall be as follows:

At Cedar Street	90.41
At Grant Street	88.71
At Lincoln Street	89.51

7-1-7 HIGH STREET. The top of pavement intersection grades for High Street shall be as follows:

At Grant Street	90.41
At Lincoln Street	94.86

7-1-8 EIGHTH STREET. The top of pavement intersection grades for Eighth Street shall be as follows:

At Main Street	93.31
At Lincoln Street	94.76
At Eagle Street	90.31

7-1-9 NINTH STREET. The top of pavement intersection grades for Ninth Street shall be as follows:

At Main Street	89.21
At Lincoln Street	92.06

7-1-10 GRADE LINES. Grade lines connecting these various grade points shall be straight lines and vertical curves as shown on the Plans and Specifications for Street Improvement Project No. 1, 1969, Scranton, Iowa, under date of December 2, 1969.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 VACATING AND SELLING OF PROPERTY

7-2-1 AN ORDINANCE VACATING A PORTION OF PINE STREET, IN THE THIRD ADDITION TO THE ORIGINAL TOWN OF SCRANTON, GREENE COUNTY, IOWA, AND PROVIDING FOR DELIVERY OF A DEED THERETO.

1. That the portion of Pine Street, in the Third Addition to the Original Town of Scranton, Greene County, Iowa, described as: Beginning at the Northwest corner of Lot Ten (10), in Block Thirty (30), of said Third (3rd) Addition, thence due South One Hundred Fifty feet (S150'), thence due West Eighty feet (W80'), thence due North One Hundred Fifty feet (N150'), thence due East Eighty feet (E80') to the place of beginning. be and the same is hereby vacated.

2. That the real estate described in Section 1 hereof, be sold to Leroy Vader for a consideration of One Dollar (\$1.00) and that the said Leroy Vader be directed to pay the costs of this vacating ordinance.

3. That the mayor and clerk-treasurer are hereby authorized, empowered and directed, providing that the said Leroy Vader comply with Section 2 hereof, to execute and deliver a Quit Claim Deed to the said Leroy Vader, reserving the right in the town and enfranchised public utilities companies to enter, install and maintain public utility services.

7-2-2 AN ORDINANCE VACATING ALL THAT PORTION OF SEWARD STREET LYING WEST OF MAIN STREET, IN THE ORIGINAL TOWN OF SCRANTON, GREENE COUNTY, IOWA, AND PROVIDING FOR THE SALE AND DELIVERY OF A DEED THERETO.

1. That all of that portion of Seward Street lying west of Main Street in the Town of Scranton, Greene County, Iowa, be and the same is hereby vacated.

2. That all of that portion of Seward Street lying west of Main Street in the Town of Scranton, Greene County, Iowa, be sold to the Fanners Elevator Cooperative, Scranton, Iowa, for a consideration of One Dollar (\$1.00) and that the said Farmers Elevator Cooperative, Scranton, Iowa, be directed to pay the costs of this vacating ordinance.

3. That the mayor and clerk-treasurer are hereby authorized, empowered and directed, providing that the said Farmers Elevator Cooperative, Scranton, Iowa, complies with Section 2 hereof, to execute and deliver a Quit Claim Deed to the said Farmers Elevator Cooperative, 210 Scranton, Iowa, reserving the right in the town and enfranchised public utilities companies to enter said real estate for the purpose of installing or maintaining public utility services.

7-2-3 AN ORDINANCE VACATING ALLEY IN BLOCKS ONE (1), FOUR (4), FIVE (5) AND TWELVE (12) OF THE SEARS ADDITION, ALL IN THE TOWN OF SCRANTON, GREENE COUNTY, IOWA AND PROVIDING FOR THE DELIVERY OF A DEED THERETO.

1. That the alley in Blocks One (1), Four (4), Five (5) and Twelve (12) of the Sears Addition, all in the Town of Scranton, Greene County, Iowa, be and the same is vacated.

2. That one-half (1/2) of the width of said alley be deeded each adjoining property upon payment of the owner's payment of the pro-rata portion of the expenses of these proceedings.

3. That each conveyance be by quit claim deed reserving to enfranchised public utilities the right to enter said real estate for the purpose of installing or maintaining public utility services.

4. That the mayor and clerk-treasurer are hereby authorized, empowered and directed to execute and deliver Quit Claim Deeds to the adjoining property owners subject to Sections 2 and 3 above.

7-2-4 AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY DESCRIBED AS LOTS X AND Y OF BLOCK THIRTY-TWO (32) OF THE FOURTH (4th) ADDITION TO THE TOWN OF SCRANTON, GREENE COUNTY, IOWA, AND PROVIDING FOR THE SALE AND DELIVERY OF A DEED THERETO.

1. That the property known as the "reservoir property" described as: Lots X and Y of Block Thirty-two (32) of the Fourth (4th) Addition to the Town of Scranton, Greene County, Iowa, is no value to the town and should be sold.

2. That the above described property should be sold to the Farmers Elevator Cooperative, Scranton, Iowa, for a consideration of One Dollar (\$1.00) and that said Farmers Elevator Cooperative, Scranton, Iowa, pay all costs relative to sale of this property including costs of public notices and legal costs.

3. That the mayor and clerk-treasurer are hereby authorized and directed, provided Farmers Elevator Cooperative, Scranton, Iowa, complies with Section 2 hereof, to execute and deliver a Quit Claim Deed to the said Farmers Elevator Cooperative, Scranton, Iowa, reserving the right in the Town and enfranchised public utilities companies to enter said real estate for the purpose of installing or maintaining public utility services.

7-2-5 AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY DESCRIBED AS LOT X IN THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼); AND LOT Y IN THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) ALL IN SECTION ELEVEN (11), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE THIRTY-TWO (32) WEST OF THE 5th P.M.; AND LOT TEN (10) IN BLOCK THIRTY-TWO (32) OF THE FOURTH (4th) ADDITION TO THE TOWN OF SCRANTON, IOWA; EXCEPT THE HIGHWAY RIGHT-OF-WAY ON THE WEST SIDE OF SAID LOTS X, Y AND 10; AND, LOT NINE (9) IN BLOCK THIRTY-TWO (32) OF THE FOURTH (4th) ADDITION TO THE TOWN OF SCRANTON, GREENE COUNTY, IOWA, AND PROVIDING FOR THE SALE AND DELIVERY OF A DEED THERETO:

1. That the property known as the "reservoir property" described above is no value to the town and should be sold.

2. That the above-described property should be sold to the Farmers Elevator Cooperative, Scranton, Iowa, for a consideration of One Dollar (\$1.00) and that said Farmers Elevator Cooperative, Scranton, Iowa, pay all costs relative to sale of this property including costs of public notices and legal costs.

3. That the mayor and clerk-treasurer are hereby authorized and directed, provided Farmers Elevator Cooperative, Scranton, Iowa, complies with Section 2 hereof, to execute and deliver a Quit Claim Deed to the said Farmers Elevator Cooperative, Scranton, Iowa, reserving the right in the Town and enfranchised public utilities companies to enter said real estate for the purpose of installing or maintaining public utility services.

7-2-6 AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY DESCRIBED AS WEST FIFTY FEET (W501) OF LOT TWELVE (12) IN BLOCK NINE (9) OF THE ORIGINAL TOWN OF SCRANTON, GREENE COUNTY, IOWA, AND PROVIDING FOR THE SALE AND DELIVERY OF A DEED THERETO.

1. That the property described above is no use to the City and should be sold.

2. That the above described property should be sold to Norma A. Stimson, Scranton, Iowa, for a consideration of Four Hundred Fifty Dollars (\$450.00).

3. That the mayor and clerk-treasurer are hereby authorized and directed to execute and deliver a Quit Claim Deed to the said Norma A. Stimson, Scranton, Iowa.

7-2-7 AN ORDINANCE VACATING THE ALLEYS AND PORTION OF TENTH STREET AND PROVIDING FOR THE DELIVERY OF A DEED THERETO.

1. That the alley and Tenth Street still are part of Lots One, Two, Three, Four, Five, Six, Seven, and Eight, Block Three, and Lots One, Two, Three, Four, Five, Six, Seven, and Eight, Block Four, of LaRue's Addition, all in the Town of Scranton, Greene County, Iowa, be, and the same is, vacated.

2. That the property described as the alley and Tenth Street that are part of Lots One, Two, Three, Four, Five, six, Seven, and Eight, Block Three, and Lots One and Two, Block Four, of LaRue's Addition, all in the Town of Scranton, Greene County, Iowa, should be sold to Earl Stevens.

3. That each conveyance to Earl Stevens be by warranty deed reserved to enfranchise public utilities the right to enter said real estate for the purposes of installing or maintaining public utility services.

4. That the mayor and clerk-treasurer are hereby authorized and directed to provide Earl Stevens to execute and deliver a warranty deed to Earl Stevens reserving the right in the town and enfranchise public utility companies to enter said real estate for the purpose of installing or maintaining public utility services.

7-2-8 AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF TENTH STREET AND ALLEY IN THE CITY OF SCRANTON, IA.

1. The purpose of this ordinance is to vacate the described street and alley and relieve the City of Scranton, Iowa of the responsibility for its maintenance and supervision.

2. The Council of the City of Scranton makes the following findings:

a. The described street and alley is not needed for the use of the public and its maintenance at public expense is no longer justified.

b. The vacation will not deny owners of property abutting the street and alley reasonable access to their property.

3. Vacation. That the portion of Tenth Street and alley located in Lots, Two (2), Three (3), Six (6), and Seven (7) of Block Two (2) of LaRue's Addition, Scranton, Iowa and Lot Seven (7) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Two (2), Township Eighty-three (83) North, Range Thirty-two (32) West of the 5th P.M., Greene County, Iowa, is declared vacated.

4. That one-half of the width of street and alley be deeded each adjoining property.

5. That each conveyance be by Quit Claim Deed reserving to enfranchise public utilities the right to enter said real estate for the purpose of installing and maintaining public utility services.

5. That the mayor and clerk-treasurer are authorized and directed to execute and deliver Quit Claim Deeds to the adjoining property owners subject to paragraph 5 above.

7-2-9 AN ORDINANCE VACATING ALLEY IN BLOCK 18 OF THE ORIGINAL TOWN OF SCRANTON.

Section 1. Vacation. The following described alley is hereby vacated: All of the alley lying in Block 18 of the Original Town of Scranton, Greene County, Iowa, subject to the easements set forth below.

Section 2. Easements. This vacation is subject to existing franchises, easements, licenses and permits, whether or not of record, and there shall be reserved unto the City of Scranton and its franchisees an easement for purposes of the presence, operation, maintenance, repair and replacement of all existing utilities over, under and through such street and alley, with right of entry for servicing the same, until such time as the City and each such franchisee shall release its rights.

Section 3. Repealer. Any and all resolutions and ordinances, or parts thereof, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by Council and approved on January 1, 2016.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 SOLAR POWER

7-3-1 Solar Power Permitted

7-3-2 Definitions

7-3-3 Applicability

7-3-4 Solar Energy System Requirements

7-3-5 Safety and Inspections

7-3-6 Abandonment and Removal

7-3-1 This Ordinance permits solar energy systems as an accessory use. A solar energy system shall be permitted as an accessory use, subject to specific criteria set forth herein.

7-3-2 DEFINITIONS.

1. “Ground-Mount System” A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home or building. Ground-mount systems may be applicable where insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

2. “Mounting” The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, ground mount, pole mount).

3. “Off-Grid Solar Photovoltaic Systems” Solar photovoltaic electricity systems designed to operate independently from the local utility grid and provide electricity to a home, building, boat, RV, and the like. These systems typically require a battery bank to store the solar electricity for use during nighttime or cloudy weather. Typical system components include PV panels, battery bank, charge controller, inverters, and associated electrical safety gear.

4. “Passive Solar” Techniques” design, and materials designed to take advantage of the sun’s position throughout the year to heat, cool, and light a building with the sun. Passive solar incorporates the design, materials, lot orientation, windows, landscaping, awnings, and ventilation.

5. “Photovoltaic (PV) System” The solar energy system that produces electricity by the use of semi-conductor devices called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof mounted, ground mounted, or pole mounted.

6. “Pole-Mount Systems” A solar energy system as directly installed on specialized solar racking systems, which are attached to a pole or poles, which is anchored firmly affixed to a concrete foundation in the ground and wired underground to an attachment point at the building’s meter.

7. “Roof-Mount System” A solar energy system consisting of solar panels installed directly on the roof of a home, commercial building, and/or an accessory structure. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

8. “Solar Energy System” A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy in transferring these forms of energy by separate apparatus to storage or point of use. This definition includes solar thermal, photovoltaic, and passive solar systems.

9. “Solar Thermal System” A solar energy system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

7-3-3 APPLICABILITY.

1. This Ordinance applies to all distributed solar systems installed and constructed after the effective date of this Ordinance. Solar energy system means a distributed solar energy system as defined herein.

2. Solar energy systems constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance until the system is replaced or substantially repaired.

3. All solar energy systems shall be designed, erected, and installed in accordance with applicable local, state, utility, and national codes, regulations, and standards.

7-3-4 SOLAR ENERGY SYSTEM REQUIREMENTS.

1. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located.

2. The installation and construction of a roof-mount solar energy system shall be subject to the following development and design standard:

a. A roof- or building-mounted solar energy system may be mounted on a principal or accessory building.

b. Any height limitations of this Code shall not be applicable to solar collectors, provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to neighboring properties and such structure is not taller than the peak of the roof upon which the system is mounted.

c. Placement of solar collectors on flat roofs shall be allowed, provided that panels do not extend horizontally past the roof line.

3. Installation and construction of a ground-mount or pole-mount solar energy system shall be subject to the following development and design standards:

a. The height of the solar collector and any mounts shall not exceed twenty (20) feet when oriented at maximum tilt.

b. The surface area of the ground- or pole-mounted system shall be calculated as part of the overall lot covered.

c. The minimum solar energy system setback distance from the property line shall be equivalent to the building setback or accessory building setback requirement of the property on which the system is located.

d. All power transmission lines from a ground-mounted solar energy system to any building or other structure shall be located underground and in accordance with the appropriate building electrical code.

4. Solar panel placements shall be prioritized to minimize or negate any solar glare onto nearby properties or roadways.

5. The solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pendants, spinners, reflectors, banners, or similar materials. The manufacturer's and equipment information, warning, or indication of ownership, shall be allowed on any equipment of the solar energy system, provided it is in compliance with any prevailing sign regulations.

6. A building permit must be approved by the City Council prior to constructing a solar energy system.

7-3-5 SAFETY AND INSPECTION.

1. The design of the solar energy system shall conform to applicable local, state, and national codes and solar standards developed for solar energy systems.

2. A solar energy system shall comply with all applicable state and local codes so as to ensure the structural integrity of such solar system.

3. Prior to operation, electrical connections must be inspected by an electrician licensed by the State of Iowa, who shall ensure compliance with state and local electrical codes.

4. The connection to the public utility grid must be approved by the appropriate public utility.

5. Unless otherwise specified through a contract or agreement, the property owner of record will be the responsible party for maintaining the solar energy system and ensuring its compliance with state and local law.

7-3-6 ABANDONMENT AND REMOVAL.

1. If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal shall be landscaped and the land put back in the condition in which it was prior to the installation of the system.

2. A ground- or pole-mounted solar energy system is considered to be abandoned if it has not been in operation for a period of twelve (12) consecutive months. If abandoned, the solar energy system shall be removed by the owner within thirty (30) days of the City notifying the owner of the abandonment and necessity to remove.

3. If the owner of a solar energy system is found to be in violation of the provisions of this Ordinance, a municipal infraction may be used to enforce the Ordinance. Each day of noncompliance shall constitute a separate violation of this Ordinance.

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 COMMUNICATION TOWERS AND ANTENNAS

- 7-4-1 Purpose and Policy
- 7-4-2 Definitions
- 7-4-3 Local Regulations
- 7-4-4 Lease Required
- 7-4-5 Fee Required
- 7-4-6 Limit on Term
- 7-4-7 Priorities
- 7-4-8 Placement Requirements
- 7-4-9 Application Process
- 7-4-10 Conditions for Approval
- 7-4-11 Noise and Emission Standards
- 7-4-12 Placement of Facilities and Related Lease Fees
- 7-4-13 Abandonment
- 7-4-14 Termination
- 7-4-15 New Technologies
- 7-4-16 Home Rule

7-4-1 PURPOSE AND POLICY. The City Council for the City of Scranton finds that in order to ensure public safety and provide efficient delivery of services by City and others wishing to utilize wireless communication technologies, to ensure the health, safety and welfare of the population, to provide for the regulation and administration and orderly location of antenna arrays and towers, and to secure the rights of the City to regulate its public property and charge a reasonable fee for use of public property, it is necessary for the City to establish uniform rules, regulations and policies. This Ordinance is to be interpreted in light of these findings for the benefit of the citizens of Scranton, Iowa.

7-4-2 DEFINITIONS. As used in this Ordinance:

1. “Antenna” shall mean a device, dish or array used to transmit or receive telecommunication signals.
2. “Communications tower” shall mean a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.
3. “Height” of a communications tower is the distance from the base of the tower to the top of the structure.
4. “Telecommunications” shall mean the electronic, telephonic, or other high-tech transmission, reception or exchange of data or information between or among points specified by the user of information of the user’s choosing, without change in the form or

content of the information as sent or received, by a means which requires the approval or licensing by the Federal Communications Commission.

7-4-3 LOCAL REGULATIONS. The Telecommunications Act of 1996 prohibits the City from establishing policies that discriminate against one or a group of providers in favor of another or another group of providers or potential providers. The following objectives shall be applied consistently to all telecommunications providers that request a location on City property for their communication towers and antennas.

1. To minimize the overall number of towers located in the City, providers may be required to participate in collocation agreements.

2. To ensure that new towers will be safe and blend into their environment, providers will propose designs consistent with site characteristics.

3. To minimize placement of wireless equipment in highly populated areas, residential locations will be considered as a last resort.

4. To assure revenues from site leases of City-owned and controlled land and structures reflects fair compensation for use of City property and administration of this Ordinance.

7-4-4 LEASE REQUIRED. No person or other entity shall use any public property without first obtaining a lease from the City.

7-4-5 FEE REQUIRED. No lease for the use of public property shall be granted without requiring the lessee thereof to pay a reasonable and competitively neutral fee for the use of that public property.

7-4-6 LIMIT ON TERM. No lease for the use of public property under this Ordinance shall be granted for a term of more than twenty-five (25) years.

7-4-7 PRIORITIES. Priority of the use of City-owned land for communication towers and antenna towers, antennas and facilities will be given to the following entities in descending order of priority:

1. All functions of the City of Scranton, Iowa.
2. Public safety agencies that are not part of the City, including law enforcement, fire and ambulance services, and private entities with a public safety agreement with the City.
3. Other governmental agencies for uses which are not related to public safety.
4. Entities providing licensed commercial communication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use.

7-4-8 PLACEMENT REQUIREMENTS. The placement of communications towers, antennas or facilities on City-owned property must comply with the following requirements:

1. The tower, antenna or facility will not interfere with the purpose for which the City-owned property is intended.
2. The tower, antenna or facility will have no adverse impact on surrounding private property.
3. The applicant will produce proof of adequate liability insurance for potential damage that could reasonably be caused to City property and facilities by the location of the towers, antennas or facilities on City property.
4. The applicant will commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fee shall be established by the City Council and shall reflect potential expenses and risks to the City and other appropriate factors.
5. The applicant will submit a letter of credit, performance bond or other security acceptable to the City to cover the costs of tower, antenna or facilities removal.
6. The towers, antennas or facilities will not interfere with other uses which have a higher priority as discussed in the paragraphs above.
7. Upon reasonable notice, the towers, antennas or facilities may be required to be removed at the user's expense.
8. The applicant must reimburse the City for any costs which it incurs based on the presence of the applicant's towers, antennas or facilities.
9. The user must obtain all necessary land use approvals.
10. The applicant will cooperate with the City's objective to promote collocations and, thus, limit the number of separate antenna sites requested.

7-4-9 APPLICATION PROCESS. All applicants who wish to locate a communications tower, antenna or facilities on City-owned or private property must file with the City a completed application accompanied by a fee as set by City Council Resolution and the following documents, if applicable:

1. One (1) copy of typical specifications for proposed structures and antennas, including a description of the design characteristics and material to be used.
2. A Site Plan drawn to scale showing property lines, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of the proposed structures, parking, fences, landscape plan and existing land uses on adjacent property. The Site Plan is not required if the antenna is to be mounted on an approved, existing structure.

3. A current map or update for an existing map on file showing the locations of the applicant's antennas or facilities which are existing and proposed towers which are reflected in public records serving any property within the City.

4. A report from a structural engineer showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA222, latest revision, standards.

5. Identification of the owners of all antennas and equipment to be located on the site.

6. Written authorization from the site owner for the application.

7. Evidence that a valid FCC license for the proposed activity has been applied for or issued.

8. A line of site analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

9. A written agreement to remove the tower, antenna and/or facilities within one hundred eighty (180) days after cessation of use.

10. Additional information, as reasonably required by the City, to determine that all applicable regulations and ordinances are met.

11. Any communications facilities located on the roof of an antenna support structure must be set back at least one (1) foot from the edge of the roof of the structure. This setback requirement shall not apply to communications facilities located above the roof of the structure, if the facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the City, or camouflaged antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than twenty-four (24) inches from the side of such an antenna support structure.

7-4-10 CONDITIONS FOR APPROVAL. Applicant must also show evidence that all of the following conditions which are applicable are met prior to approval of the application.

1. Applicant must show that the proposed communications tower, antenna, accessory structure or facilities will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

2. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of the applicant.

3. Applicant, for a permit in a residential district, must show that based on valid technical reasons, that the area cannot be adequately served by a facility placed in a nonresidential district.

4. Prior to consideration of a permit for the location, on private property which must be acquired, applicant must show that available publicly-owned sites and available privately-owned sites occupied by a compatible use are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.

5. Applicant must provide the names, addresses and telephone numbers of all owners of other towers or usable tower support structures within a half mile radius of the proposed new tower site, including City-owned property, and written documentation that the applicant made diligent, but unsuccessful efforts for a minimum of forty (40) days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the City and other persons located within a half mile radius of the proposed tower site, or written technical evidence from an engineer that the proposed tower or facilities cannot be installed or collocated on another person's tower or support structure within one-half mile radius of the proposed tower and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

6. Applicants must show that a new tower is designed to accommodate additional antenna equal in number to applicants' present and future requirements.

7. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements will be met and how they will be met.

8. All towers and communications facilities shall be of camouflage design standards to blend into the surrounding environment or to look other than as a tower. The applicant must show, by certificate from a registered engineer, that the proposed facility will contain only equipment meeting FCC rules and must file with the City Clerk a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims to a minimum of One Million Dollars (\$1,000,000.00) in the aggregate.

9. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage and all other general zoning district regulations, except setback and height, shall apply to the use. Setbacks on all sides shall be a distance equal to the height of the tower. The following height conditions apply:

a. Residential districts – free-standing tower with height not exceeding one hundred (100) feet is a permitted conditional use. Height exceeding one hundred (100) feet requires a special exception.

b. Commercial districts – free-standing or guyed tower with a height not exceeding one hundred eighty (180) feet is a permitted conditional use. Height exceeding one hundred eighty (180) feet requires a special exception.

c. Industrial districts – free-standing or guyed tower with height not exceeding three hundred sixty (360) feet is a permitted conditional use. Height exceeding three hundred sixty (360) feet requires a special exception.

10. A tower must be a minimum distance equal to one and one half (1½) of the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines a distance equal to the district setback requirements or twenty-five (25) percent of the tower height, whichever is greater.

7-4-11 NOISE AND EMISSION STANDARDS. No equipment shall be operated at towers or telecommunications facilities so as to produce noise in excess of applicable standards under WAC173-60, except during emergencies or periodic routine maintenance which requires the use of a backup generator where the noise standards may be exceeded temporarily. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets FCC standards.

7-4-12 PLACEMENT OF FACILITIES AND RELATED LEASE FEES. The placement and maintenance of communication towers, antennas, and facilities on City-owned sites, such as water towers and parks, will be allowed when the following additional requirements are met:

1. Water tower or reservoir sites. The City's water tower and reservoir represent a large public investment in water pressure stabilization and peak capacity reserves. Therefore, its protection is of prime importance. As access to the City's water storage system increases, so does potential for contamination of the public water supply. For these reasons, the placement of communication towers or antennas on water towers or reservoir sites will be allowed only when the following requirements are met:

a. The applicant must have written approval from the City each time access to the facility is desired. This will minimize the risk of contamination to the water supply.

b. There is sufficient room on the structure and/or the grounds to accommodate the applicant's facilities.

c. The presence of the facility will not increase the water tower or reservoir maintenance costs to the City.

d. The presence of the facility will not be harmful to the health or safety of workers maintaining the water tower or reservoir.

2. Parks. The presence of certain communications towers, antennas or facilities represents a potential conflict with the purpose of certain City-owned parks and recreational facilities. The tower shall be prohibited in designated conservation areas. Communications towers and antennas will be considered only in the following parks after the recommendation of the Park Board and approval of the City Council:

a. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use.

- b. Commercial recreational areas and major ball fields.
- c. Park maintenance facilities.

3. Fees. Fees for placing communications towers, antennas and/or facilities on public property shall be set by City Council Resolution.

7-4-13 ABANDONMENT. In the event the use of any communications tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City, which shall have the right to request documentation and/or affidavits from the communications tower owner or operator regarding the issue of tower usage. One hundred eighty-one (181) days from the date of abandonment, without reactivating or upon completion of dismantling or removal, any special exception and/or variance approval for the tower shall automatically expire. Upon abandonment, the owner or operator of the tower shall have an additional ninety (90) days within which to either reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower within the ninety (90) days or to dismantle and remove the tower.

7-4-14 TERMINATION. The City Council may terminate any lease if it is determined that any one (1) of the following conditions exist:

- 1. A potential user of a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use.
- 2. A user's frequency broadcast unreasonably interferes with other uses of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis.
- 3. A user violates any of the standards in this Ordinance or the conditions or terms of the City's Lease Agreement.
- 4. Before taking action, the City will provide notice to the user of the intended termination and the reasons for it and provide an opportunity for a hearing before City Council regarding the proposed action. This procedure need not be followed in emergency situations.

7-4-15 NEW TECHNOLOGIES. During the term of any lease, if technological advancements are made in the telecommunications field which will provide the communications tower owner/operator the opportunity to be more effective, efficient and economical through the use of a substance or material other than those for which the lease was originally made, the holder of the lease may petition the City Council, which, with such requirements or limitations as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the lease.

7-4-16 HOME RULE. This Ordinance is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities home rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed, and the City reserves to itself the right to exercise all power and

authority to regulate and control its local affairs, and all ordinances and regulations of the City shall be enforced against the holders of any lease.

**URBAN REVITALIZATION AREA
ORDINANCE NO. 195**

**AN ORDINANCE ESTABLISHING AN URBAN REVITALIZATION AREA AND
ADOPTING AN URBAN REVITALIZATION PLAN FOR SAID AREA**

BE IT ENACTED By the City Council of the City of Scranton, Iowa:

Section 1. PURPOSE. An Ordinance designating an area within the corporate limits of the City of Scranton, Iowa as an Urban Revitalization Area and adopting an Urban Revitalization Plan for said area.

1. Chapter 404 of the Code of Iowa authorizes cities by ordinance to designate revitalization areas if such areas meet the criteria established in the Code and if the City completes the procedural requirements of the Code; and,

2. The Scranton City Council has adopted Resolution # 2010-17 on October 12, 2010, finding the need for the establishment of an Urban Revitalization Area; and,

3. Pursuant to the Code, the City has caused to be prepared a plan for the Urban Revitalization Area; and,

4. All owners of record of real estate and tenants of the designated area were notified and the required number of public hearings were held.

Section 2. ELIGIBILITY.

1. Parcels of land assessed as commercial, industrial, or residential within the designated area of the City of Scranton, Iowa, as established in the Urban Revitalization Plan are hereby declared pursuant to Iowa Code Chapter 404 to be the Urban Revitalization District.

2. The City Council has determined that the proposed Urban Revitalization District is appropriate as an economic development area as defined in section 403.17 of the Iowa Code.

3. All qualified real estate assessed as commercial, residential or industrial within the designated area is eligible to receive the following exemption from taxation on qualified improvements:

All qualified real estate assessed as commercial is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

a. *For the first year, one hundred. (100%)*

b. *For the second year, one hundred (100%)*

c. *For the third year, one hundred. (100%)*

4. The increased value of improvements to qualified real estate in the designated revitalization area must be at least 15%.

5. Eligible properties must comply with the requirements of the City of Scranton Urban Revitalization Plan and Chapter 404 of the Iowa Code.

Section 3. URBAN REVITALIZATION PLAN. The Urban Revitalization Plan for Scranton, Iowa, dated December 14, 2010, is on file with the office of the City Clerk and is hereby adopted as the Urban Revitalization Plan for the area of Scranton, Iowa designated in Section 2.

Section 4. DURATION OF AREA. The Urban Revitalization area is designated for a period of ten years from December 14, 2010. However, benefits granted under this plan may extend past the termination date of the plan to the extent of eligibility under the limit for any individual project. The City Council may extend this plan in the manner in which it was first proposed and adopted.

Section 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 14th day of December 2010 by the Scranton City Council