

**CITY CODE OF  
LYNNVILLE, IOWA**

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TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE I  
CITY CODE

1-1.0101 TITLE. This code of ordinances shall be known and may be cited as the City Code of the City of Lynnville, Iowa, 2002.

1-1.0102 TOWN SEAL. The seal of the Town of Lynnville, Iowa, shall be as follows: A Seal with an embossed circle around the margin, inside of said embossed circle shall be the words, "Incorporated Town of Lynnville, Iowa."

1-1.0103 DEFINITIONS. Terms used in this city code, unless specifically defined otherwise in another section shall have the meanings prescribed as follows:

1. "City": shall mean the City of Lynnville, Iowa.
2. "County": shall mean Jasper County, Iowa.
3. "State": shall mean the State of Iowa.
4. "Council": shall mean the city council of Lynnville, Iowa.
5. "Clerk": shall mean the city clerk of Lynnville, Iowa.
6. "Person": shall mean an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity, and includes a trustee, receiver, assignee or similar representative thereof, but does not include a governmental body.
7. "Ordinances": shall mean the ordinances of the City of Lynnville, Iowa as embodied in the city code, ordinances not repealed by the ordinance adopting the city code, and those enacted hereafter.
8. "City Code": shall mean the City Code of the City of Lynnville, Iowa.
9. "Code": shall mean the specific chapter in which a specific subject is covered and bears a descriptive title work (such as the Building Code and/or a standard code adopted by reference).
10. "Measure": shall mean an ordinance, amendment, resolution or motion.
11. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.
12. "Preceding, Following": shall mean next before and next after, respectively.

13. "Property": shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
14. "Property Owner": shall mean a person owning private property in the city as shown by the county auditor's plats of the city.
15. "Occupant, Tenant": applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether along or with others.
16. "Year": shall mean a calendar year.
17. "Month": shall mean a calendar month.
18. "Writing, Written": shall include printing, typing, lithographing, or other mode of representing words and letters.
19. "Oath": shall be construed to include an affirmation 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".
20. "Public property": shall mean any and all property owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government.
21. "Public Place": shall include in its meaning, but is not restricted to, any city owned open place, such as parks and squares.
22. "Public Way": shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
23. "Street": shall mean and include any public way, highway, street, avenue, boulevard, parkway or other public thoroughfare, and each of such words shall include every other of them, and unless otherwise indicated in the text, shall include the entire width between property lines.
24. "Alley": shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.
25. "Sidewalk": shall mean that portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line.

1-1.0104 RULES OF CONSTRUCTION. In the construction of the city code the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council or repugnant to the context of the provisions.

1. Tense: words used in the present tense include the future.
2. May: confers a power.
3. Must: states a requirement.
4. Shall: imposes a duty.
5. Gender: the masculine gender shall include the feminine and neuter genders.
6. Interpretation: all general provisions, terms, phrases, and expressions contained in the city code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.

1-1.0105 AMENDMENTS. All ordinances which amend, repeal or in any manner affect the city code shall include proper reference to title, division, chapter, article, section and subsection to maintain an orderly codification of ordinances of the city.

(Code of Iowa, 2001, Sec. 380.2)

1-1.0106 CATCHLINES AND NOTES. The catchlines of the several sections of the city code, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the 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.

1-1.0107 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions, any part or portion of the city code, or to insert or delete pages, or portions thereof, or to alter or tamper with the city code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

1-1.0108 STANDARD PENALTY. Unless another penalty is expressly provided by the city code for any particular provisions, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the city code, or any rule or regulation adopted herein by reference shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment not to exceed thirty (30) days.

1-1.0110 SEVERABILITY. If any section, provision or part of the city code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the city code as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 2  
OFFICERS AND EMPLOYEES

1-1.0201 OATHS. The oath of office shall be required and administered in accordance with the following.

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath:

(Code of Iowa, 2001, Sec. 63.1)

- A. City Clerk and Treasurer
- B. Deputy City Clerk
- C. Peace Officer

2. Prescribed oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Lynnvile, as now or hereinafter, required by law."

(Code of Iowa, 2001, Sec. 63.10)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

- A. The Mayor
- B. The Clerk

1-1.0202 BONDS. Surety bonds shall be provided in accordance with the following:

1. Required. The council shall provide by resolution for a surety bond running to the city and covering the mayor, clerk, treasurer and such other officers and employees as may be necessary and advisable.

2. Surety. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in this state, shall be accepted as surety upon any bonds required.

3. Bonds Approved. Bonds shall be approved by the council.

(Code of Iowa, 2001, Sec. 64.13)

4. Bonds Filed. All bonds, after approval and proper record, shall be filed with the clerk.

(Code of Iowa, 2001, Sec. 64.23)

5. Record. The clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all city officers, elective or appointive.  
(Code of Iowa, 2001, Sec. 64.24(3))

1-1.0203 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and to state law or city charter.  
(Code of Iowa, 2001, Sec. 372.13(4))

1-1.0204 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.  
(Code of Iowa, 2001, Sec. 22.2)

1-1.0205 TRANSFER TO SUCCESSOR. Each officer shall transfer to his successor in office all books, paper, records, documents and property in his custody and appertaining to his office.  
(Code of Iowa, 2001, Sec. 372.13(4))

1-1.0206 OPEN MEETINGS. All meetings of the council, any board or commission, or any committee of the foregoing bodies, shall comply with the following:

1. Open to Public. Meetings shall be open to the public at all times, and any meetings which are not open to the public are prohibited, unless closed meetings are expressly permitted by law.  
(Code of Iowa, 2001, Sec. 21.3)
2. Exception. Any meeting may be closed by affirmative vote of two-thirds of its members present, when necessary:
  - A. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
  - B. To discuss application for letters patent.
  - C. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
  - D. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.
  - E. To discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A.

- F. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
- G. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases which if disclosed would facilitate disregard of requirements imposed by law.
- H. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
- I. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property. The minutes and the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

(Code of Iowa, 2001, Sec. 21.5)

- 3. Advance Notice of Meetings. Each public agency shall give advance public notice of the time and place of each meeting by notifying the communications media or in some other way which gives reasonable notice to the public. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes.

(Code of Iowa, 2001, Sec. 21.4)

1-1.0207 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for his city, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, 2001, Sec. 362.5)

- 1. Compensation of Officers. The payment of lawful compensation of a city officer or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law.
- 2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
- 3. City Treasurer. An employee of a bank or trust company, who serves as treasurer of a city.

(Code of Iowa, 2001, Sec. 362.5(1))

(Code of Iowa, 2001, Sec. 362.5(2))

(Code of Iowa, 2001, Sec. 362.5(3))

4. Competitive Bids. A contract made by competitive bid, publicly invited and opened, in which a member of a city board of trustees, commission, or administrative agency has an interest if he is not authorized by law to participate in the awarding of the contract. The competitive bid requirement of this subsection does not apply to any contract for professional services not customarily awarded by competitive bid.  
(Code of Iowa, 2001, Sec. 362.5(4))
5. Stock Interests. Contracts made by a city, upon competitive bid in writing, publicly invited and opened. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 9, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.  
(Code of Iowa, 2001, Sec. 362.5(5))
6. Newspaper. The designation of an official newspaper.  
(Code of Iowa, 2001, Sec. 362.5(6))
7. Existing Contracts. A contract in which a city officer or employee has an interest if the contract was made before the time he was elected or appointed, but the contract may not be renewed.  
(Code of Iowa, 2001, Sec. 362.5(7))
8. Volunteers. Contracts with volunteer firemen or civil defense volunteers.  
(Code of Iowa, 2001, Sec. 362.5(8))
9. Corporations. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.  
(Code of Iowa, 2001, Sec. 362.5(9))
10. Contracts. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city having a population of more than two thousand five hundred but less than ten thousand, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand dollars in a fiscal year.  
(Code of Iowa, 2001, Sec. 362.5(10))
11. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city having a population of two thousand five hundred or less, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars in a fiscal year.  
(Code of Iowa, 2001, Sec. 362.5(11))

1-1.0208 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting his resignation in writing to the clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if during that time, the compensation of the office has been increased.

(Code of Iowa, 2001, Sec. 372.13(9))

1-1.0209 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by state or city law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the clerk within thirty days of the date of mailing the copy, shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, 2001, Sec. 372.15)

1-1.0210 VACANCIES. A vacancy in an elective city office during a term of office shall be filed, at the council's option by one of the two procedures set forth in Chapter 372.13(2) of the Code of Iowa.

1-1.0211 HOLIDAYS. The following days shall be designated legal holidays:

New Years' Day	Discretionary Holiday (in place
Memorial Day	of Veteran's Day)
Independence Day	Thanksgiving Day and the day following
Labor Day	Christmas Day and the day before or after

1-1.0212 APPOINTMENT AND QUALIFICATION OF MUNICIPAL OFFICERS.

1. Purpose. The purpose of this ordinance is to provide for the appointment and qualification, including the posting of proper bond, and the filing of vacancies, of the appointed municipal officers of the city.

2. Creation of appointive officers. There are hereby created the following appointive officers: Clerk, Treasurer, City Attorney, Park Commissioner, Fire Chief, Assistant Fire Chief Mayor Pro Tem.

3. Appointment of Officers. The mayor shall appoint the Mayor Pro Tem and Treasurer with the advice and consent of the council.

The council shall appoint the City Clerk and Treasurer, City Attorney, Park Commissioner, Fire Chief and Assistant Fire Chief.

All other officers shall be appointed or selected by the council unless otherwise provided by law or ordinance.

4. Terms of appointive officers. The terms of all appointive officers that are not otherwise fixed by law or ordinance shall be two (2) years.

5. Vacancies in Offices. A vacancy in an appointive office shall be filled in the same matter as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the council.

6. Bonds Required. Each municipal officer required by law or ordinance to be bonded shall, before entering upon the duties of his office, execute to the city a good and sufficient bond, to be approved by the mayor, conditioned on the faithful performance of his duties and the proper handling and accounting for the money and property of the city in his charge.

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

8. Amount of Bonds. Each officer named shall be bonded in the amount shown.

Mayor	\$ 500.00
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Mayor Pro Tempore	500.00
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Clerk-Treasurer	500.00
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The council shall provide by resolution for a surety bond for any other officer or employee that the council deems necessary or, except for the mayor, a blanket bond. The city shall pay the premium on all official bonds.

9. Bonds Filed. All bonds when duly executed shall be filed with the clerk.

10. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

11. 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.

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 3  
NOMINATION PROCEDURES

1-1.0301 NOMINATIONS. The purpose of this ordinance is to designate the methods by which candidates for elective municipal offices in the City of Lynnville, Iowa shall be nominated.

1. Nominating method to be used. For all municipal elections of the City of Lynnville, Iowa, all candidates for elective municipal offices shall be nominated by the procedures set forth in Chapter 44 and/or 45 of the 2001 Code of Iowa.

The method prescribed herein for nominating candidates shall remain in effect until or unless changed by ordinance.

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 4  
FISCAL MANAGEMENT

1-1.0401 PURPOSE. The purpose of this article is to establish policies and provide for rules and regulations governing the management of the financial affairs of the city.

1-1.0402 FINANCE OFFICER. The city clerk shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this article.

1-1.0403 CASH CONTROL. To assure the proper accounting and safe custody of monies the following shall apply:

1. Deposit of Funds. All monies or fees collected for any purpose by any city officer shall be deposited through the office of the clerk. If any said fees are due to an officer, they shall be paid to him by check drawn by the clerk and approved by the council only upon such officer making adequate reports relating thereto as required by law, ordinance or council directive.
2. Bank Deposits. All monies belonging to the city shall be promptly deposited in banks selected by the council in amounts not exceeding the authorized depository limitation established by the council.
3. Petty Cash Fund. The clerk shall be custodian of a petty cash fund not to exceed fifty dollars (\$50.00) for payment of small claims for minor purchases, collect on delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the clerk shall obtain some form of receipt or bill acknowledged as paid by the vendor or his agent. At such time as the petty cash fund is approaching depletion the clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.
4. Change Fund. The clerk shall be custodian of a change fund not to exceed fifty dollars (\$50.00) for the purpose of making change when needed.

1-1.0404 FUND CONTROL. The clerk and treasurer shall establish and maintain separate and distinct funds in accordance with the following:

1. Revenues. All monies received by the city shall be credited to the proper fund as required by law, ordinance or resolution.
2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the council.

3. Emergency Fund. No transfer may be made from any fund to the emergency fund.

(Iowa Administrative Code, 545-2.5(2) 1988)

4. Debt Service Fund. Except where specifically prohibited by state law, monies may be transferred from any other city fund to the debt service fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(Iowa Administrative Code, 545-2.5(3) 1988)

5. Capital Improvements Reserve Fund. Except where specifically prohibited by state law, monies may be transferred from any city fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or a budget amendment.

(Iowa Administrative Code, 545-2.5(4) 1988)

6. City Utility Fund and City Enterprise Fund. Any governing body of a city utility, combined utility system, city enterprise, or combined city enterprise which has a surplus in its fund may transfer such surpluses to any other city fund, except the emergency fund, by resolution of the appropriate governing body. For the purposes of this subrule, a surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the utility or enterprise fund.

A surplus shall be defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with GAAP in excess of:

- a. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months, and,
- b. The amount necessary to make all required transfers to restricted accounts for the succeeding three months.

(Iowa Administrative Code, 545-2.5(5) 1988)

7. Balancing of Funds. The clerk and treasurer shall reconcile their fund accounts at the close of each month and submit a report thereof to the council.

1-1.0405 OPERATING BUDGET PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. Proposal Prepared. The clerk shall be responsible for preparation of the annual budget detail, for review and adoption by the mayor and council in accordance with directives of the mayor and council.

2. **Boards and Commissions.** All boards, commissions and other administrative agencies of the city that are authorized to prepare and administer budgets must submit their budget proposals to the clerk for inclusion in the proposed city budget no later than December 1 of each year and in such form as may be required by the clerk.
3. **Submission to Council.** The clerk shall submit the completed budget proposal to the council no later than February 15 of each year.
4. **Council Review.** The council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. **Notice of Hearing.** Upon adopting a proposed budget the council shall set a date for public hearing thereon to be held before the final certification date and cause notice of such hearing and a summary of the proposed budget to be published not less than four (4) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the county auditor.  
(Code of Iowa, 2001, Sec. 384.16(3))
6. **Copies of Budget on File.** No later than ten (10) days before the public hearing the clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the mayor and clerk and at the city library.  
(Code of Iowa, 2001, Sec. 384.16(2))
7. **Adoption and Certification.** After the hearing, the council shall adopt, by resolution, a budget for at least the next fiscal year and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor, who shall complete the certificates and transmit a copy of each to the department of management.  
(Code of Iowa, 2001, Sec. 384.16(5))

#### 1-1.0406 CAPITAL BUDGET PREPARATION.

(RESERVED FOR FUTURE USE)

1-1.0407 BUDGET AMENDMENTS. A city budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided by this section.

(Code of Iowa, 2001, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget.

(Code of Iowa, 2001, Sec. 384.18)

2. Transfers Between Programs. Except as specifically provided elsewhere in these rules, all appropriation transfers between programs are budget amendments and shall be prepared as provided in Iowa Code Section 384.16 and subject to protest as provided in Section 384.19.

All adopted budget amendments to permit the transfer of adopted budget appropriations between programs must be certified to the auditor of the county or counties where the city is located and to the director of the department of management.

3. Transfers Within Programs. Transfers within programs are not budget amendments within the meaning of Iowa Code Section 384.18. It is the responsibility of the governing body of each city to provide its own written rules for transfers within programs.

(Iowa Administrative Code, 545-2.4 1988)

4. Activity Transfers. The clerk shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities with a program or sub-program provided, however, that when such adjustments in any one activity aggregate \$500.00 or ten percent (10%) of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the council. All such transfers shall be reported in writing at the next regular meeting of the council following the transfer and recorded in the minutes for the information of the council and general public.

(Iowa Administrative Code, 230-2.4 1978)

1-1.0408 INVESTMENT OF FUNDS. The clerk shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives and the requirements of Chapter 12B, Code of Iowa, 2001.

1-1.0409 ACCOUNTING. The accounting records of the city shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of entry to provide a chronological record of cash received and disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the clerk following council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The council may by resolution authorize the clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.
6. Utilities. The clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

1-1.0410 FINANCIAL REPORTS. The clerk shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the council at the first meeting of each month a report showing the activity and status of each fund, program, sub program and activity for the preceding month.
2. Annual Report. Not later than October first of each year there shall be published 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 the annual report must be furnished to the auditor of state.

(Code of Iowa, 2001, Sec. 384.22)

1-1.0411 CONTINGENCY ACCOUNT. Whenever the council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts may be drawn upon only by council resolution directing a transfer to a specific purpose account within its fund and program and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 2 - ORGANIZATION

ARTICLE 1  
CHARTER

1-2.0101 TITLE. This article may be cited as the charter of the City of Lynnville, Iowa.

1-2.0102 FORM OF GOVERNMENT. The form of government of the City of Lynnville, Iowa, is the mayor-council form of government.  
(Code of Iowa, 2001, Sec. 372.4)

1-2.0103. POWERS AND DUTIES. The council and mayor and other city officers have such powers and shall perform such duties as are authorized or required by state law by the ordinances, resolutions, rules and regulations of the city.

1-2.0104 NUMBER AND TERM OF COUNCIL. The council consists of five councilmen elected at large, elected for terms of four years.  
(Code of Iowa, 2001, Sec. 372.4)

1-2.0105 TERM OF MAYOR. The mayor is elected for a term of two years.  
(Code of Iowa, 2001, Sec. 376.2)

1-2.0106 COPIES ON FILE. The clerk shall keep an official copy of the charter on file with the official records of the clerk, the secretary of state, and shall keep copies of the charter available at the clerk's office for public inspection.  
(Code of Iowa, 2001, Sec. 372.1)

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 2 - ORGANIZATION

ARTICLE 2  
BOUNDARIES

1-2.0201 BOUNDARIES. The boundaries of the City of Lynnnville, Iowa shall be as shown on the attached legal description and map.

2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
3. 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.

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 3 - MAYOR AND COUNCIL

ARTICLE I  
MAYOR

1-3.0101 TERM OF OFFICE. The mayor is elected for a term of two years.  
(Code of Iowa, 2001, Sec. 376.2)

1-3.0102 POWERS AND DUTIES. The powers and duties of the mayor shall be as follows:

1. Chief Executive Officer. He shall supervise all departments of the city and give direction to department heads concerning the functions of the departments. He 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, 2001, Sec. 372.14(1))
2. Presiding Officer. He shall act as presiding officer at all regular and special council meetings. The mayor pro tempore shall serve in this capacity in the mayor's absence.  
(Code of Iowa, 2001, Sec. 372.14)
3. Special Meetings. He shall call special meetings of the council when he deems such meetings necessary to the interests of the city.  
(Code of Iowa, 2001, Sec. 372.14(1))
4. Mayor's Veto. He may sign, veto or take no action on an ordinance, amendment or resolution passed by the council. However, the mayor may not veto a measure if he was entitled to vote on the measure at the time of passage. If he exercises his veto power, he must explain the reason for such veto to the council at the time of the veto. The council may override the mayor's veto by a two-thirds majority of the council members.  
(Code of Iowa, 2001, Sec. 380.5, 380.6(2))
5. Reports to Council. He shall make such oral or written reports to the council at the first meeting or every month as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for council action.
6. Negotiations. He shall represent the city in all negotiations properly entered into in accordance with law or ordinance. He shall not represent the city where this duty is specifically delegated to another officer by law or ordinance.
7. Contracts. He shall, whenever authorized by the council, sign all contracts on behalf of the city.

8. Professional Services. He shall, upon order of the council, secure for the city such specialized and professional services not already available to the city. In executing the order of the council he shall conduct himself in accordance with the city code and the laws of the State.
9. Licenses and Permits. He shall sign all licenses and permits which have been granted by the council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. He shall order in writing, to be removed at public expense, any nuisance for which no person can be found responsible and liable. The order to remove said nuisance shall be carried out by the chief of police.
11. Absentee Officer. He shall make appropriate provision that duties of any absentee officer be carried on during such absence.

#### 1-3.0103 APPOINTMENTS.

The mayor shall appoint the following officials subject to approval of the council:

Mayor Pro Tempore  
Treasurer

A councilperson shall serve as an ex-officio members, without vote on each appointive board.

(Code of Iowa, 2001, Sec. 372.4)

1-3.0104 COMPENSATION. The salary of the mayor shall be Four Hundred and no/100 Dollars (\$400.00) per annum payable annually.

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 3 - MAYOR AND COUNCIL

ARTICLE 2

MAYOR PRO TEMPORE

1-3.0201 VICE PRESIDENT OF COUNCIL. The mayor pro tempore shall be Vice-President of the council.

(Code of Iowa, 2001, Sec. 372.14(3))

1-3.0202 POWERS AND DUTIES. 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 his duties. In the exercise of the duties of his office the mayor pro tempore shall not have power to employ or discharge from employment officers or employees that the mayor has the power to appoint, employ or discharge without the approval of the council.

(Code of Iowa, 2001, Sec. 372.14(3))

1-3.0203 VOTING RIGHTS. The mayor pro tempore shall have the right to vote as a member of the council.

(Code of Iowa, 2001, Sec. 372.14(3))

1-3.0204 COMPENSATION. If the mayor pro tempore performs the duties of the mayor during his absence or disability for a continuous period of fifteen days or more, the mayor pro tempore may be paid for that period such compensation as determined by the council, based upon his performance of the mayor's duties and upon the compensation of the mayor.

(Code of Iowa, 2001, Sec. 372.13(8))

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 3 - MAYOR AND COUNCIL

ARTICLE 3  
COUNCIL

1-3.0301 NUMBER AND TERM OF COUNCIL. The council consists of five councilmen elected for staggered terms consisting of four years.  
(Code of Iowa, 2001, Sec. 372.4 and 376.2)

1-3.0302 POWERS AND DUTIES. The powers and duties of the council shall include, but are not limited to the following:

1. General. All powers of the city are vested in the council except as otherwise provided by law or ordinance.  
(Code of Iowa, 2001, Sec. 364.2(1))
2. Wards. By ordinance, the council may divide the city into wards based upon populations, change the boundaries of wards, eliminate wards or create new wards.  
(Code of Iowa, 2001, Sec. 372.13(7))
3. Fiscal Authority. The 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 specifically assessed.  
(Code of Iowa, 2001, Sec. 364.2(1),  
384.16 and 384.38(1))
4. Public improvements. The council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.  
(Code of Iowa, 2001, Sec. 364.2(1))
5. Contracts. The council shall make or authorize the making of all contract, and no contract shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the council, or reduced to writing and approved by the council, or expressly authorized by ordinance or resolution adopted by the council.  
(Code of Iowa, 2001, Sec. 364.2(1)  
and 384.95 through 384.102))
6. Employees. The council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by state law or by the city code.  
(Code of Iowa, 2001, Sec. 372.13(4) as amended)
7. Records. The council shall maintain records of its proceedings.

8. Setting Compensation for Elected Officers. By ordinance, the council shall prescribe the compensation of the mayor, councilmen, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the increase is adopted, and the council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular city election. A change in the compensation of councilmen shall become effective for all councilmen at the beginning of the term of the councilmen elected at the election next following the adoption of the increase in compensation.  
(Code of Iowa, 2001, Sec. 372.13(8))

1-3.0303 EXERCISE OF POWER. The 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, 2001, Sec. 364.3(1))

1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the council members. A motion to spend public funds in excess of ten thousand dollars 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 council members. Each councilman's vote on an ordinance, amendment or resolution must be recorded.  
(Code of Iowa, 2001, Sec. 380.4 as amended)
2. Overriding Mayor's Veto. Within thirty (30) days, after the mayor's veto, the council may repass the ordinance or resolution by a vote of not less than two-thirds of the council members, and the ordinance or resolution becomes effective upon repassage and publications.  
(Code of Iowa, 2001, Sec. 380.6(2))
3. Measures Become Effective. Measures passed by the 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, 2001, Sec. 380.6(1))
  - B. If the mayor vetoes a measure and the 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 within the measure.  
(Code of Iowa, 2001, 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 a measure.

(Code of Iowa, 2001, Sec. 380.6(3))

1-3.0304 MEETINGS. Meetings of the council shall be as follows:

1. Regular meetings. The regular meetings of the council shall be on the first Monday of each month at 7:00 P.M. in the Council Chambers at City Hall.
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 council submitted to the 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 council. A record of the service of notice shall be maintained by the clerk.

(Code of Iowa, 2001, Sec. 372.13(5))

3. Quorum. A majority of all councilmen is a quorum.

(Code of Iowa, 2001, Sec. 372.13(1) as amended)

4. Rules of Procedure. The council shall determine the rules of its own proceedings by resolution and the clerk shall keep such rules on file for public inspection. Robert's Rules of Order are hereby adopted to govern any situation not herein specifically covered.

(Code of Iowa, 2001, Sec. 372.13(5))

5. Order of Business. At the hour appointed for the meeting, the Mayor or Mayor pro-tem shall call the Council to order whereupon the clerk, or some person acting in his stead, shall call the roll, and, if a quorum is found to be present, the Council shall proceed to the business before it which shall be transacted in the following order unless otherwise directed by the Mayor or a majority of the Council:

1. Reading, amendment and approval of the minutes of previous meeting.
2. Presentation of petitions and other communications.
3. Reports of Town Officers.
4. Auditing of bills.
5. Reports of standing committees.
6. Reports of special committees.
7. Unfinished business.
8. Resolutions and ordinances.
9. New business.

6. Bills Approved by the Council. All purchases shall be authorized by the Council, and all purchases shall be signed by an authorized employee of the Town at the time of purchase, or approved, endorsed thereon by an authorized Town employee before presentment to the Council. No bill or claim against the Town shall be allowed unless so signed or endorsed except the bills of Town Officers or others employed by the Town receiving compensation by contract, ordinance, or resolution.
7. Ordinances. Ordinances of a general or permanent nature and those for the appropriation of money shall be fully and distinctly read on three different days unless three-fourths of the Council shall dispense with the rule. After an ordinance has been read the second time, it shall be subject to amendment or commitment if the Council so directs.

(See Code of Iowa, 2001, §380.3)

1-3.0305 APPOINTMENTS. The council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

City Clerk  
City Attorney

103.0306 COMPENSATION. The salary of each councilman shall be \$10.00 for each regular meeting attended and \$10.00 for each special meeting attended, and in the aggregate, not to exceed \$250.00 in any one year.

(Code of Iowa, 2001, Sec. 372.13(8))

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 4 - ADMINISTRATION

ARTICLE I  
CITY CLERK

1-4.0101 APPOINTMENT. At its first meeting in January following the regular city election the council shall appoint by majority vote a city clerk to serve for a term of two (2) years.

(Code of Iowa, 2001, Sec. 372.13(3))

1-4.0102 POWERS AND DUTIES: GENERAL. The clerk, or in his absence or inability to act, the deputy clerk, shall have the powers and duties as provided in this article, the city code and the law.

1-4.0103 RECORDING AND PUBLICATION OF MEETING MINUTES. The clerk shall attend all regular and special council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed, a summary of all receipts and the gross amount of the claims approved.

(Code of Iowa, 2001, Sec. 372.13(6))

1-4.0104 RECORDING MEASURE CONSIDERED. The clerk shall promptly record each measure considered by the council, with a statement where applicable indicating whether the mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the mayor's veto.

(Code of Iowa, 2001, Sec. 380.7)

1-4.0105 PUBLICATION. The clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by the city code or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

(Code of Iowa, 2001, Sec. 362.3(1))

2. Manner of Publication. A publication required by the city code or law must be in a newspaper published at least once weekly and having general circulation in the city, except that ordinances and amendments may be published by posting in the following places:

- A. First State Bank;
- B. Post Office;
- C. City Hall.

The city clerk is hereby directed to promptly post such ordinances and amendments, and to leave them so posted for not less than ten days after the first date of posting. The clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

(Code of Iowa, 2001, Sec. 362.3(2))

1-4.0106 AUTHENTICATION. The clerk shall authenticate all such measures except motions with his signature, certifying the time and manner of publication when required.

(Code of Iowa, 2001, Sec. 380.7(3))

1-4.0107 CERTIFY MEASURES. The clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the county containing the affected parts of the city.

(Code of Iowa, 2001, Sec. 380.11)

1-4.0108 RECORDS. The clerk shall maintain the specified city records in the following manner:

1. Ordinances and Codes. He shall maintain copies of all effective city ordinances and codes for public use.

(Code of Iowa, 2001, Sec. 372.13(3))

2. Custody. He shall have custody and be responsible for the safekeeping of all writings or documents in which the city is a party in interest unless otherwise specifically directed by law or ordinance.

(Code of Iowa, 2001, Sec. 372.13(3))

3. Maintenance. He shall maintain all city records for at least ten years, except that ordinances, council proceedings and records and documents relating to real property transactions or bond issues must be maintained permanently. Bonds and coupons may be destroyed after two years from the retirement of debt and a record of destruction shall be placed with the original bond record.

(Code of Iowa, 2001, Sec. 372.13(3 and 5))

4. Provide Copy. He shall furnish upon request to any municipal officer a copy of any record, paper or public document under his control when it may be necessary to such officer in the discharge of his duty. He shall furnish a copy to any citizen when requested upon payment of the fee set by council resolution. He shall, under the direction of the mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by ordinance and city code are required to be attested by the affixing of the seal.

(Code of Iowa, 2001, Sec. 372.13(3 and 5))

5. Filing of Communications. He shall keep and file all communications and petitions directed to the council or to the city generally. He shall endorse thereon the action of the council taken upon matters considered in such communications and petitions.

(Code of Iowa, 2001, Sec. 372.13(3))

1-4.0109 ATTENDANCE AT MEETINGS. At the direction of the council he shall attend meetings of committees, boards and commissions. He shall record and preserve a correct record of the proceedings at such meetings.

(Code of Iowa, 2001, Sec. 372.13(3))

1-4.0110 ISSUE LICENSES AND PERMITS. He shall issue or revoke licenses and permits when authorized by this code, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name and purpose for which issued.

(Code of Iowa, 2001, Sec. 372.13(3))

1-4.0111 NOTIFY APPOINTEES. He shall inform all persons appointed by mayor or council to offices in the city government of their position and the time at which they shall assume the duties of their office.

(Code of Iowa, 2001, Sec. 372.13(3))

1-4.0112 ELECTIONS. The clerk shall accept the nomination petition of a candidate for a city office for filing if on its face it appears to have the requisite number of signatures and it is timely filed. He shall deliver all nomination petitions to the county commissioner of elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, 2001, Sec. 376.4))

1-4.0113 CITY SEAL. The city seal shall be in the custody of the clerk and shall be attached by him to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The city seal shall be a seal with an embossed circle around the margin inside of said embossed circle shall be the words, "Incorporated Town of Lynnville, Iowa."

1-4.0114 PAYMENTS OF ACCOUNTS BY CITY CLERK. The City Clerk of Lynnville, Iowa, is authorized to make timely payments of certain bills of accounts for services or merchandise furnished to the City of Lynnville upon presentation of the bills of account and after having ascertained that said bills of account are correct and proper obligations of the City, and without obtaining prior Council approval therefor, and shall include the following classification of accounts:

- A. Utilities, including gas, telephone and electricity;
- B. Payroll;
- C. Payroll taxes, including monthly withholding deposits and payments due on quarterly reports for IPERS, FICA and Sales Tax;

- D. Monthly premiums for group health, life and dental insurance;
- E. Contract payments previously approved by Council;
- F. Legal publication expenses;
- G. Postage;
- H. Bills submitted on a specific project previously approved by the City Council;
- I. Membership dues previously approved by Council;
- J. Registration fees, educational fees;
- K. Interest coupons, Bonds at due date.

Previously approved is defined as bills that do not appear on the payable list but have had separate council action at the council meeting.

**RATIFICATION AND APPROVAL.** At the next regular meeting of the Council following the payment of said bills of account, the City Clerk shall submit to the Council a list of all bills paid for ratification and approval of such action.

TITLE - POLICY AND ADMINISTRATION  
CHAPTER 4 - ADMINISTRATION

ARTICLE 2  
TREASURER

1-4.0201 APPOINTMENT. The city clerk may also serve as treasurer.

1-4.0202 COMPENSATION. The treasurer shall be paid such compensation as specified by resolution of the council.

1-4.0203 DUTIES OF TREASURER. The duties of the treasurer shall be as follows:  
(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1. Custody of Funds. He shall be responsible for the safe custody of all funds of the city in the manner provided by law, and council direction.
2. Record of Fund. He shall keep the record of each fund separate.
3. Record Receipts. He shall keep an accurate record of all money or securities received by him on behalf of the city and specify the date, from whom, and for what purpose received.
4. Record Disbursements. He shall keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. He shall keep a separate account of all money received by him from special assessments.
6. Deposit Funds in Bank. He shall, upon receipt of moneys to be held in his custody and belonging to the city, deposit the same in banks selected by the council in amounts not exceeding monetary limits authorized by the council.
7. Bank Reconciliation. He shall reconcile bank statements with his books and certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. He shall keep a register of all bonds outstanding and record all payments of interest and principal.
9. Reconciliation with Clerk. He shall reconcile his books with the clerk's every month.
10. Depository Declaration. He shall determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by Chapter 12C, Code of Iowa, 2001.

11. Other Duties. He shall perform such other duties as specified by the council by resolution of ordinance.

TITLE I - POLICY AND ADMINISTRATION  
CHAPTER 4 - ADMINISTRATION

ARTICLE 3  
CITY ATTORNEY

1-4.0301 APPOINTMENT AND COMPENSATION. The city attorney shall be appointed by majority vote of the council and receive such compensation as shall be established by resolution.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0302. ATTORNEY FOR CITY. 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. He shall prosecute or defend all actions and proceedings when so requested by the mayor or council.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0303 POWER OF ATTORNEY. 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.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0304 ORDINANCE PREPARATION. The city attorney shall prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all such ordinances before their final passage by the council and publication.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0305 REVIEW AND COMMENT. The city attorney shall, upon request, make a written report to the council and interested department heads, giving his opinion on all contracts, documents, resolutions, or ordinances submitted to him or coming under his notice.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0306 OPINION ON CONTRACTS. The city attorney shall, at the request of the council, offer a written opinion on and recommend alterations pertaining to contracts involving the city before they become binding upon the city.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0307 PROVIDE LEGAL OPINION. The city attorney shall, upon request, give his legal opinion in writing upon all questions of law relating to city matters submitted by the council, any board or the head of any city department.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0308 ATTENDANCE AT COUNCIL MEETINGS. The city attorney shall attend meetings of the council at the request of the council.

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1-4.0309 PREPARE DOCUMENTS. The city attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the city.  
(Code of Iowa, 2001, Sec. 372.13(4) as amended)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 1  
PUBLIC PEACE

2-1-1.0101 ASSAULT DEFINED: A person commits an assault when, without justification, the person does any of the following:

1. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another coupled with the apparent ability to execute the act.
2. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
3. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

Provided, that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace, the act shall not be an assault.

(Code of Iowa, 2001, Sec. 708.1)

2-1-1.0102 WILLFUL DISTURBANCE. Any person who willfully disturbs any deliberative body or agency of the state, or subdivision thereof, with the purpose of disrupting the functioning of such body or agency by tumultuous behavior, or coercing by force or the threat of force any official conduct or proceeding, commits a serious misdemeanor.

(Code of Iowa, 2001, Sec. 718.3)

2-1-1.0103 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. Any person who willfully prevents or attempts to prevent any public officer or employee from performing the officer's or employee's duty commits a simple misdemeanor.

(Code of Iowa, 2001, Sec. 718.4 as amended)

2-1-1.0104 UNLAWFUL ASSEMBLY. An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a simple misdemeanor.

2-1-1.0105 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. Any person within hearing distance of such command, who refuses to obey, commits a simple misdemeanor.

2-1-1.0106 DISORDERLY CONDUCT. A person commits a simple misdemeanor when the person does any of the following:

1. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
2. Makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.
3. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
4. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
5. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
6. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.
7. Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, 2001, Sec. 723.2, 723.3 and 723.4)

2-1-1.0107 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein.

1. "Parade" Defined. "Parade" shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the mayor. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all

participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not a Street Obstruction. Any parade for which a permit shall have been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control By Police And Firemen. Persons participating in any parade shall at all time be subject to the lawful orders and directions in the performance of their duties of the members of the police and fire departments.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 2  
PUBLIC MORALS

2-1-1.0201 PROSTITUTION. A person who sells or offers for sale his or her services as a partner in a sex act, or who purchases or offers to purchase such services, commits an aggravated misdemeanor.

2-1-1.0202 PIMPING. A person who solicits a patron for a prostitute, or who knowingly takes or shares in the earnings of a prostitute, or who knowingly furnishes a room or other place to be used for the purpose of prostitution, whether for compensation or not, commits a class D felony.

2-1-1.0203 PANDERING. A person who persuades or arranges for another to become an inmate of a brothel, or to become a prostitute, such person not having previously engaged in prostitution, or to return to the practice of prostitution after having abandoned it, or who keeps or maintains a brothel or who knowingly takes a share in the income from a brothel, commits a class D felony.

2-1-1.0204 LEASING PREMISES FOR PROSTITUTION. A person who has rented or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, and who knows, or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place, commits a serious misdemeanor.

(Code of Iowa, 2001, Sec. 725.4)

2-1-1.0205 VAGRANCY. It shall be unlawful for a person to be at large, not in the care of some discreet person, in a state of vagrancy. For the purpose of this chapter, the following persons are vagrants:

1. All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes.
2. All habitual drunkards, gamesters, or other disorderly persons.
3. All persons wandering about and lodging in barns, outbuildings, tents, wagons or other vehicles, and having no visible calling or business to maintain themselves.
4. All persons begging in public places, or from house to house, or persons inducing children or others to do so.
5. All persons representing themselves as collectors of alms for charitable institutions under any false or fraudulent pretenses.

6. Molesting Females or Children. To whistle at, entice into, or solicit to ride in a car, in any way molest or bother any female or child.
7. Gambling Rooms. Allow, suffer, or permit in any house, room, or place owned, occupied or controlled any gambling or game of chance.
8. Maintenance of Disorderly and Gambling Houses. Keep, be an inmate of or connected with, contribute to the support of, own, or be interested in as owner, tenant or landlord, or transport others to or from any house, room, or place resorted to for the purpose of gambling, prostitution or lewdness, or, where gambling, prostitution or lewdness is carried on.
9. Keeping Gambling House. To keep a house, shop, or place resorted to for the purpose of gambling, or knowingly to permit or suffer any person in any house, shop, or other place under the permitter's control or care, to play at cards, dice, faro, roulette, equality, punchboard, slot machine, or other game for money or other things of value.
10. Possession of Gambling Device. Intentionally to have, keep, or hold in possession or control, except under proceedings to destroy the same, any roulette wheel, klondike table, poker table, punchboard, faro, or keno layouts or any other machines or equipment used for gambling, or any slot machine or device with an element of chance attending such operation.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 3  
PUBLIC HEALTH AND SAFETY

2-1-1.0401 SPITTING. It shall be unlawful to expectorate or spit upon any sidewalk or upon the floor of any public building or in any public place or deposit any gum, tobacco quid, cigar or cigarette stubs upon any public street or any public street or any public place.

2-1-1.0402 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food or to sell or offer for sale the flesh of any animal that was diseased.

2-1-1.0403 STENCH BOMBS. It shall be unlawful to 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 the senses in, upon or about any theater, restaurant, car, structure, or to attempt to do any of these acts, or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials 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.

2-1-1.0404 FIREWORKS.

1. Definition. The term "fireworks" shall mean and include any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance  
(Code of Iowa, 2001, Sec. 727.2)
2. Regulations. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by city authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts:

Personal injury	\$ 300,000 per person
Property damage	\$ 50,000
Total exposure	\$1,000,000

This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads, 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 sold for medicinal or fumigation purposes.

(Code of Iowa, 2001, Sec. 727.2)

2-1-1.0405 FALSE ALARMS. It shall be unlawful for a person to give or cause to be given a false alarm of fire by setting fire to any combustible material, or by crying or sounding an alarm, or by any other means, without cause.

(Code of Iowa, 2001, Sec. 718.6)

2-1-1.0406 IMPERSONATING AN OFFICER. It shall be unlawful for a person to falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa Department of public safety or conservation officer, and take upon himself to act as such or require anyone to aid or assist him in any manner.

2-1-1.0407 RESISTING EXECUTION OF PROCESS. It shall be unlawful for a person to knowingly or willfully resist or oppose any officer of this state, or any person authorized by law in serving or attempting to execute any legal writ, rule, order or process whatsoever, or to knowingly and willfully resist any such officer in the discharge of his duties without such writ, rule, order or process.

2-1-1.0408 REFUSING TO ASSIST AN OFFICER. If any person, being lawfully required by any sheriff, deputy sheriff, constable or other peace officer, willfully neglects or refuses to assist him in the execution of the duties of his office in any criminal case, or in any case of escape or rescue, he shall be considered to have violated the city code.

(Code of Iowa, 2001, Sec. 719.2)

2-1-1.0409 RESISTING ARREST. It shall be unlawful for a person after being informed of the intention to arrest him, to attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant.

2-1-1.0410 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

(Code of Iowa, 2001, Sec. 364.12(2))

2-1-1.0411 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the city limits except by authorization of the council.

2-1-1.0412 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments, or toys on or into any street, highway, alley, sidewalk or public place.  
(Code of Iowa, 2001, Sec. 364.12(2))

2-1-1.0413 INTERFERENCE WITH CITY OFFICERS. It shall be unlawful for a person to interfere with or hinder any policeman, fireman, officer, or city official in the discharge of his duty.

2-1-1.0414 BARBED WIRE. It shall be unlawful for a person to use barbed wire to enclose land within the city limits without the consent of the council unless such land is used as agricultural land.

2-1-1.0415 CARRYING CONCEALED WEAPONS. It shall be unlawful for any person to possess or carry an offensive weapon as defined in Chapter 724.1 of the 2001 Code of Iowa, except as permitted by Chapter 724 of the Iowa Code.

2-1-1.0416 URINATING IN PUBLIC. No person shall urinate upon any public street, alley, sidewalk, or other public place, except public restrooms.

2-1-1.0417 REFRIGERATORS AND ICE BOXES. To place, or allow to be placed, any discarded, abandoned, unattended or used refrigerator, ice box, or similar container equipped with an air-tight door or lid, snap locks, or other locking device which cannot be released from the inside in a location accessible to children, either outside any building or dwelling or within an unoccupied or abandoned building or dwelling or other structure under his or their control without first having removed the door, lid or locking device. This provision applies equally to the owner of any such refrigerator, ice box, or similar container and to the owner or occupant of the premises where the hazard is permitted to remain.

2-1-1.0418 MERCHANDISE ON STREETS. To place or allow to remain upon any street, alley or sidewalk any goods, ware or merchandise for sale or for show beyond three feet from the front line of the lot where such goods are sold where the walk is at least ten feet wide, and not more than one (1) foot where the walk is less than ten feet wide, or leave any such articles so displayed for a longer period than twelve (12) hours at any one time.

2-1-1.0419 ELECTRIC FENCES. Place, maintain, or operate any electrically operated fence in any part of the Town except in purely agricultural areas and then only after the Clerk has, by investigation, determined that such fence can be maintained without hazard to children or adults and has issued a permit therefor. Any such permit may be revoked at any time and the continued maintenance after revocation shall constitute an offense.

2-1-1.0420 LOADING VEHICLES ON STREETS. Allow or suffer any automobile, truck, delivery wagon, hack, or other vehicle to occupy more space from curb to curb than provided by the traffic ordinance or for loading or unloading such vehicle and then only as long as is necessary for such purpose unless written permission is given by the Mayor.

2-1-1.0421 THROWING RUBBISH IN PRIVATE PLACES. It shall be illegal to: Place, deposit, distribute, circulate or scatter any paper, advertisement, handbill, card, circular, or wastepaper in or upon any public street, alley, public place, automobile or other vehicle parked upon any street or alley, yard, or porch of any dwelling, or vestibule, or hallway or any building opening on any public street or alley provided, however, that newspapers and advertising circulars folded therein may be distributed to the dwelling and/or buildings if they are either placed inside the building and/or dwelling, or if they are placed under some object of such weight that they will not be blown by the wind into any public street or alley.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 4  
PUBLIC PROPERTY

2.1-1.0501 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

(Code of Iowa, 2001, Sec. 716.1)

2.1-1.0502 INJURING NEW PAVEMENT. It shall be unlawful for a person to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 2001, Sec. 716.1)

2.1-1.0503 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

(Code of Iowa, 2001, Sec. 716.1)

2.1-1.0504 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to 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 this state, or any proclamation advertisement or notification, set up at any place within the city by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, 2001, Sec. 716.1)

2.1-1.0505 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.

(Code of Iowa, 2001, Sec. 716.1)

2.1-1.0506 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any electric railway or apparatus belonging thereto; or any bridge, rail or plank road; or place, or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plan road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, electric railway or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with, or destroy

any of the wires, mains, pipes, conduits, meters, or other apparatus belong to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, 2001, Sec. 716.1)

2-1-1.0507 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, courthouse, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.

(Code of Iowa, 2001, Sec. 716.1)

2-1-1.0508 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone, or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument, or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at any unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads and over the grass or graves of said cemetery.

2-1-1.0509 INJURY TO CEMETERY GROUNDS. It shall be unlawful to injure any tree, plant, shrub, or lawn in any cemetery by willfully and maliciously destroying, damaging, defacing, breaking, cutting, or driving over any such trees, plant, shrub or lawn, or by willfully and maliciously throwing or leaving any rubbish, refuse, garbage, waste, litter, or foreign substance within the limits of said cemetery.

2-1-1.0510 FIRE ON STREETS, ALLEYS, PAVEMENTS OR OTHER PROPERTY. It shall be unlawful to start, maintain, or allow a fire of any kind on any pavement or any public street, alley or publicly owned property except in the Town Parks and then only in a fireplace.

2-1-1.0511 OBSTRUCTING PUBLIC WORK. It shall be unlawful to hinder or obstruct the making or repairing of any public improvements or work.

2-1-1.0512 DAMAGING STREETS OR WALKS. It shall be unlawful to dig into or, in any manner, break any sidewalk, curb, pavement, street, alley or public ground without replacing the same in as good condition as found.

2-1-1.0513 CONNECTION WITH WATER OR SEWER SYSTEM. It shall be unlawful to make any connection with the water works system or sewer system without first having obtained a permit and then only by a licensed plumber or any employee of the water works department and acting with proper authority.

2-1-1.0514 ENTERING OR OPENING MANHOLES. It shall be unlawful to open or enter any manhole of the sewer system except by authority of the street commissioner, plumbing inspector, or other municipal officer.

2-1-1.0515 DEFACING LIBRARY PROPERTY. It shall be unlawful to willfully, maliciously, or want only to injure, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to any public library or reading room by willfully tearing, defacing, mutilating or destroying.

2-1-1.0516 DAMAGE ON PUBLIC GROUNDS. It shall be unlawful to cut, mark, break, mar, injure, deface or disfigure, in any way, any building, monument, foundation, bandstand, table, seat, step, fire apparatus, equipment, or any tree, shrubbery, plant or flower on any public grounds.

2-1-1.0517 REFUSE IN PARKS. It shall be unlawful to leave any papers, refuse, debris or garbage within Town Parks except in such receptacles as may be provided and designated for the deposit of the same.

2-1-1.0518 CRIMINAL MISCHIEF. It shall be unlawful to damage, deface, alter, or destroy tangible property when done intentionally by one who has no rights to so act. (Code of Iowa, §716.1).

2-1-1.0519 VEHICLES WITH LUGS AND DRAGGING. It shall be unlawful to willfully to injure any street by driving, propelling, or dragging any vehicle having cleats, lugs or other non-slipping devices attached to its wheels on such street, or by dragging any heavy object on or across any street in a manner injurious to such street.

2-1-1.0520 LOADING VEHICLES ON STREETS. It shall be unlawful to allow or suffer any automobile, truck, delivery wagon, hack, or other vehicle to occupy more space from curb to curb than provided by the traffic ordinance or for loading or unloading such vehicle and then only as long as is necessary for such purpose unless written permission is given by the Mayor.

2-1-1.0521 THROWING RUBBISH IN PUBLIC STREETS AND PLACES. Throw, place, or deposit, or cause to permit to be thrown, placed, or deposited, any glass, nails or other sharp substances, ashes, straw, cobs, paper, sweepings, grass, leaves, shavings, brush, weeds, waste, or rubbish of any kind upon any sidewalk, street, alley, highway, gutter, drain or public ground.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 5  
PRIVATE PROPERTY

2.1-1.0601 TRESPASSING PROHIBITED. It shall be unlawful for a person to commit one or more of the following acts:

TRESPASS DEFINED.

1. The term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.
2. The term "trespass" shall mean one or more of the following acts:
  - A. Entering upon or in property without justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate;
  - B. Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property;
  - C. Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others;
  - D. Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
3. The term "trespass" shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

4. The term "trespass" does not mean the entering upon the right-of-way of a public road or highway.

(Code of Iowa, 2001, Sec. 716.7)

2.1-1.0602 TELEGRAPH OR TELEPHONE WIRE TAPS. It shall be unlawful for a person to wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person engaged in the transmission of messages on telephone or telegraph lines.

(Code of Iowa, 2001, Sec. 727.8)

2.1-1.0603 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 1  
GENERAL PROVISIONS

2.1-2.0101 TITLE. This chapter may be known and cited as the "Lynnville Traffic Code".

2.1-2.0102 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "Park or Parking": shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
2. "Stand or Standing": shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
3. "Stop": shall mean when required, the complete cessation of movement.
4. "Stop or Stopping": shall mean, when prohibited, 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 peace officer or traffic-control sign or signal.
5. "Business District": shall mean the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.  
(Code of Iowa, 2001, Sec. 321.1(7))
6. "Residence District": shall mean the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.  
(Code of Iowa, 2001, Sec. 321.1(63))
7. "School District": shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.  
(Code of Iowa, 2001, Sec. 321.1(70))

8. "Suburban District": shall mean all other parts of the city not included in the business, school or residence districts.  
(Code of Iowa, 2001, Sec. 321.1(79))
9. "Peace Officer": shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.  
(Code of Iowa, 2001, Sec. 321.1(50))
10. "Official Traffic-Control Signal": shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning or guiding traffic.  
(Code of Iowa, 2001, Sec. 321(47))
11. "Vehicle": shall mean any device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street or alley.  
(Code of Iowa, 2001, Sec. 321.1(90))

2-1-2.103 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the Jasper County Sheriff's Office.

2.1-2.0104 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency traffic may be directed as conditions require notwithstanding the provision of the traffic laws.

2.1-2.0105 TRAFFIC ACCIDENTS: 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 Public Safety. A copy of this report shall be filed with the city and the Jasper County Sheriff's Office for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa, 2001.  
(Code of Iowa, 2001, Sec. 321.273)

2.1-2.0106 INVESTIGATION OF TRAFFIC ACCIDENTS. The Jasper County Sheriff's Office shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.  
(Code of Iowa, 2001, Sec. 372.13(4))

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 2  
TRAFFIC CONTROL DEVICES

2.1-2.0201 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The city council shall cause to be placed and maintained traffic-control devices when and as required under the ordinances of this city to make effective its 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.

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

Special Stops Required.

2.1-2.0203 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 to cause to be placed and maintained a stop sign on each and every street intersecting such through highway except as hereinafter modified in the case of intersecting through highways.

2.1-2.0204 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the council is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to any such intersection shall erect an appropriate sign at every such place when a stop or yield is required.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 3  
GENERAL REGULATIONS

2.1-2.0301 VIOLATION OF REGULATIONS. Any person who shall willfully fail or refuse to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who shall fail to abide by the provision of this chapter and the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this chapter. These sections of the Code of Iowa, 2001, are:

1. Display of registration and license to drive. 321.32, 321.174, 321.190, 321.193 and 321.218 through 321.224.
2. Obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations: 321.229 through 321.234.
3. Traffic signs, signals and markings: 321.257 through 321.260.
4. Accidents and accident reporting: 321.266 and 321.268.
5. Operation of motorcycles: 321.275.
6. Reckless driving, careless driving, drag racing, speed, control of vehicle and minimum speed: 321.277, 321.277A, 321.278, 321.286 through 321.288 and 321.295.
7. Driving on right, meeting, overtaking, following or towing: 321.297 through 321.310.
8. Turning and starting, signals on turning and stopping: 321.311 through 321.318.
9. Right of way. 321.319 through 321.324A.
10. Pedestrian rights and safety zones: 321.325, 321.327, 321.329, 321.330, 321.332 through 321.334 and 321.340.
11. Railroad crossings: 321.341 through 321.342.
12. Stopping, standing, parking: 321.354 through 321.357 and 321.359.
13. Unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting glass, etc., on streets: 321.362 through 321.371.

14. Lighting equipment required and time of use: 321.384 through 321.409, 321.415, 321.418 through 321.423. In accordance with authorization granted by Section 321.395, Code of Iowa, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from city street lights to reveal any person or object within a distance of five hundred (500) feet upon such street.
15. Brakes, horns, sirens, mufflers, wipers, mirrors, tires, flares, windows, safety belts, and special markings for transporting explosives: 321.430 through 321.443 and 321.447 through 321.450.
16. Size, weight and load: 321.452 through 321.463, 321.465 and 321.466.

2.1-2.0302 PLAY STREETS DESIGNATED. The council shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, 2001, Sec. 321.255)

2.1-2.0303 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

2.1-2.0304 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the city unless all passengers of said 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, skate board, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

2.1-2.0305 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.

(Code of Iowa, 2001, 321.436)

2.1-2.0306 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

#### 2.1-2.0307 SCHOOL BUSES.

1. Signals. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turned on the flashing stop warning signal lights at a distance of not less than three hundred (300) feet, nor more than five hundred

(500) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.

(Code of Iowa, 2001, Sec. 321.372(1))

2. Lights on. The driver of a school bus shall, while carrying passengers, have its headlights turned on.

(Code of Iowa, 2001, Sec. 321.372(1))

3. Discharging Pupils. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.

(Code of Iowa, 2001, Sec. 321.372(2))

4. Passing Prohibited. The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed.

(Code of Iowa, 2001, Sec. 321.372(3))

5. Stop When Meeting. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stop arm is retracted after which driver may proceed with due caution.

(Code of Iowa, 2001, Sec. 321.372(3))

6. Multi-lane Roads. The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.

(Code of Iowa, 2001, Sec. 321.372(4))

7. Application. This section shall apply to the business, residential and suburban districts of the city.

(Code of Iowa, 2001, Sec. 321.372(4))

2.1-2.0308 FUNERAL OR OTHER PROCESSIONS.

1. Identified. A funeral or other 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 Chief of Police.

(Code of Iowa, 2001, Sec. 321.236(3))

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

(Code of Iowa, 2001, Sec. 321.236(3))

3. Interrupting Procession. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or peace officers.

(Code of Iowa, 2001, Sec. 321.236(3))

2.1-2.0309 TAMPERING WITH VEHICLE. Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a misdemeanor punishable as provided in Section 321.482 of the Code of Iowa, as amended.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 4  
SPEED REGULATIONS

2.1-2.0401 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, 2001, Sec. 321.285)

2.1-2.0402 BUSINESS OR SCHOOL DISTRICT. A speed in excess of twenty (20) miles per hour in the business or school district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 2001, Sec. 321.285(1))

2.1-2.0403 RESIDENCE DISTRICT. A speed in excess of twenty-five (25) miles per hour in any residence district unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 2001, Sec. 321.285(2))

2.1-2.0405 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 2001, Sec. 321.236(5))

2.1-2.0406 MINIMUM SPEED. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, 2001, Sec. 321.294)

2.1-2.0407 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, 2001, Sec. 321.231)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 5  
TURNING REGULATIONS

2.1-2.0501 AUTHORITY TO MARK. The city council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby required and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, 2001, Sec. 321.311)

2.1-2.0502 "U" TURNS. It shall be unlawful for a driver to make a "U" turn.

(Code of Iowa, 2001, Sec. 321.255)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 6  
STOP OR YIELD REQUIRED

2.1-2.0601 THROUGH STREETS - STOP. Every driver of a vehicle shall stop at the intersections of through highways and at intersections upon streets other than through highways where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Council is hereby authorized to determine whether vehicles shall stop at one or more entrances to any such intersection and the traffic division shall erect a stop sign at every such place where a stop is required.

2.1-2.0602 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating.

2.1-2.0603 SCHOOL STOPS. When a driver of a vehicle approaches an authorized school stop he shall bring such 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 he shall have passed such school site.

2.1-2.0604 OBEDIENCE TO NO TURN SIGNS AND TURNING MARKERS. Whenever authorized signs are erected indicating that no "right" or "left" or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized marks, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 7  
LOAD AND WEIGHT RESTRICTION

2.1-2.0701 TEMPORARY EMBARGO. If the council declares an embargo when it appears by reason of deterioration, rain, snow, or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, 2001, Sec. 321.471 and 321.472)

2.1-2.0702 PERMITS FOR EXCESS SIZE AND WEIGHT. The Mayor may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law or city ordinance over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance.

(Code of Iowa, 2001, Sec. 321.473 and 321E.1)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 8  
PEDESTRIANS

2.1-2.0801 USE SIDEWALKS. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

2.1-2.0802 WALKING IN STREET. Where sidewalks are not provided pedestrians shall at all times when walking on or along a street, walk on the left side of the street.  
(Code of Iowa, 2001, Sec. 321.326)

2.1-2.0803 HITCH HIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.  
(Code of Iowa, 2001, Sec. 321.331)

2.1-2.0804 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.  
(Code of Iowa, 2001, Sec. 321.328)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 9  
PARKING REGULATIONS

2.1-2.1001 PARK ADJACENT 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 hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, 2001, Sec. 321.361)

2.1-2.1002 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Council shall determine upon what streets, as traffic conditions require, angle parking shall be permitted and shall mark or sign such streets or portions thereof indicating the method of angle parking; and it shall be unlawful to park or stop a vehicle other than at the angle to the curb indicated by such markings and within the marks indicated for each vehicle.

2.1-2.1003 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings.

2.1-2.1004 LOADING ZONES. Loading zones are hereby established as from time to time permitted by resolution of the council and the council shall cause the roadway of same or on the curb to be painted yellow or orange color and to erect sign or signs along such loading zones with the words "Loading Zone" stated thereon to so designate same.

2.1-2.1005 STOPPING, STANDING OR PARKING PROHIBITED. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. Upon a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five feet (5') of a fire hydrant.
5. On a crosswalk, marked or unmarked.
6. Within ten feet (10') upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of the roadway.

7. Within twenty feet (20') 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 feet (75') of said entrance when properly sign posted.
8. Along side or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
9. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
10. On the center parkway or dividing area of any divided street except when authorized.
11. At any place where official signs prohibit stopping, standing or parking.
12. In any public alley within the fire limits of this City.
13. In any private alleys within the fire limits of this City in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.
14. Upon any street within the corporate limits when snow or ice removal is necessary.

2.1-2.1006 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes:

(Code of Iowa, 2001, Sec. 321.236(1))

1. Displaying such vehicle for sale.
2. For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. Displaying advertising.
4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.
5. Storage or as junkage or dead storage for more than twenty-four (24) hours.

2.1-2.1007 PARKING PROHIBITED. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control device, in any of the following places.

1. Crosswalk. On a crosswalk at an intersection.  
(Code of Iowa, 2001, Sec. 321.236(1) and 321.358(5))

2. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
(Code of Iowa, 2001, Sec. 321.236(1))
3. Sidewalks. On or across a sidewalk.  
(Code of Iowa, 2001, Sec. 321.358(1))
4. Driveway. In front of a public or private driveway.  
(Code of Iowa, 2001, Sec. 321.358(2))
5. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.  
(Code of Iowa, 2001, Sec. 321.358(3))
6. Fire Hydrant. Within five (5) feet of a fire hydrant.  
(Code of Iowa, 2001, Sec. 321.358(4))
7. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
(Code of Iowa, 2001, Sec. 321.358(6))
8. Fire Station. 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 sign posted.  
(Code of Iowa, 2001, Sec. 321.358(9))
9. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.  
(Code of Iowa, 2001, Sec. 321.358(10))
10. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.  
(Code of Iowa, 2001, Sec. 321.358(11))
11. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the chief of police may cause curbs to be painted with a yellow color and erect no parking or standing signs.  
(Code of Iowa, 2001, Sec. 321.358(13))
12. Theaters, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxi-cab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be

left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.  
(Code of Iowa, 2001, Sec. 321.360)

13. Public Alley. In any public alley within the city.  
(Code of Iowa, 2001, Sec. 321.236(1))

NONE

2.1-2.1011 SNOW REMOVAL - PARKING PROHIBITED. It shall be unlawful to park any vehicle on the public streets in the City of Lynnville between the hours of 10:00 p.m. to 8:00 a.m. commencing November 1 of each year and terminating March 31 of the following year during periods of snowfall or within twenty-four (24) hours after the termination of a snowfall.

2.1-2.1012 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the 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 chief of police to erect or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.  
(Code of Iowa, 2001, Sec. 321.255 and Sec. 321.256 as amended)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 2 - TRAFFIC CODE

ARTICLE 10  
ENFORCEMENT PROCEDURES

2.1-2.1101 ARREST ON CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. Immediate Arrest. Immediately arrest such person and take him before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quadruplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, a copy to the defendant and retain the fourth copy for the records of the city.

(Code of Iowa, 2001, Sec. 805.6 and 321.485)

2.1-2.1102 PARKING VIOLATIONS: ALTERNATE. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine of Five Dollars (\$5.00) payable at the office of the city clerk.

(Code of Iowa, 2001, Sec. 321.236(1a))

2.1-2.1103 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of find or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

2.1-2.1104 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. The particular vehicle described in the information was parked in violation of this chapter, and
2. The defendant named in the information was the registered owner at the time in question.

2.1-2.1105 IMPOUNDING VEHICLES: A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. 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.  
(Code of Iowa, 2001, Sec. 321.236(1))
2. Illegally Parked Vehicle. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.  
(Code of Iowa, 2001, Sec. 321.236(1))
3. Parked Over Twenty-Four Hour Period. When any vehicle is left parked upon a street for a continuous period of twenty-four (24) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found he shall be given an opportunity to remove the vehicle.  
(Code of Iowa, 2001, Sec. 321.236(1))
4. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable costs of towing and storage.  
(Code of Iowa, 2001, Sec. 321.236(1))

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 3 - BEER AND LIQUOR CONTROL

ARTICLE 1  
GENERAL PROVISIONS

2.1-3.0101 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall be the following meanings.

1. "Person of Good Moral Character": shall mean any person who meets all of the following requirements:  
(Code of Iowa, 2001, Sec. 123.3(26))
  - A. He has such financial standing and good reputation as will satisfy the administrator that the person will comply with this chapter and all other laws, ordinances and regulations applicable to his operations under state law. However the administrator shall not require the person to post a bond to meet the requirements of this paragraph.
  - B. He does not possess a federal gambling stamp.
  - C. He is not prohibited by the provisions of Section 2.1-3.0225 from obtaining a liquor license or beer permit.
  - D. He is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.
  - E. He has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the director may determine that he is a person of good moral character notwithstanding such conviction.
  - F. If such person is a corporation, partnership, association, club, or hotel or motel the requirements of this sub-section shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten percent (10%) or more of any class of stock of such person or has an interest of ten percent (10%) or more in the ownership or profits of such person. For the purpose of this provision, an individual and his spouse shall be regarded as one person.

2. "Club": shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the membership.  
(Code of Iowa, 2001, Sec. 123.3(10))
3. "Commercial Establishment": shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the ordinances of the city.  
(Code of Iowa, 2001, Sec. 123.3(11))
4. "Grocery Store": shall mean any retail establishment, the business of which consists of the sale of food, food products or beverages for consumption off the premises.  
(Code of Iowa, 2001, Sec. 123.129)
5. "Pharmacy": shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.  
(Code of Iowa, 2001, Sec. 123.129)
6. "Hotel or Motel": shall mean a premise licensed by the state department of agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.  
(Code of Iowa, 2001, Sec. 123.3(15))
7. "Legal Age": shall mean twenty-one (21) years of age or more.  
(Code of Iowa, 2001, Sec. 123.3(19))
8. "Administrator": means the administrator of the division, appointed pursuant to the provisions of this chapter, or his designee.  
(Code of Iowa, 2001, Sec. 123.3(1))
9. "Division": means the alcoholic beverages division of the department of commerce established by this chapter.  
(Code of Iowa, 2001, Sec. 123.3(14))

2.1-3.0102 ILLEGAL KEEPING OF INTOXICANTS. It shall be unlawful for a person to operate or conduct or allow to be operated, a place where intoxicating liquor is illegally kept, sold or given away.

(Code of Iowa, 2001, Sec. 123.2)

2.1-3.0103 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply alcoholic liquor or beer to any person knowing or having reasonable cause to believe him to be under legal age, and no person or persons under legal age shall individually or jointly have

alcoholic liquor or beer in his or their possession or control, except in the case of liquor or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control licensee or beer permittee under the state laws.

(Code of Iowa, 2001, Sec. 123.47)

2.1-3.0104 PUBLIC CONSUMPTION OR INTOXICATION. It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highway, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12).

(Code of Iowa, 2001, Sec. 123.46)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 3 - BEER AND LIQUOR CONTROL

ARTICLE 2  
BEER AND LIQUOR PERMITS

2.1-3.0201 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor or beer without first securing a liquor control license or beer permit in accordance with the provisions of State law and regulations set forth in the Iowa Administrative Code. All provisions set forth therein are hereby adopted by the city as now in effect and amended from time to time.

(Code of Iowa, 2001, Sec. 123.2)

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 5 - BICYCLES

ARTICLE 1  
BICYCLE REGULATIONS

2.1-5.0101 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, 2001, Sec. 321.236(10))

2.1-5.0102 MOVEMENT REGULATIONS.

1. 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 the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians.  
(Code of Iowa, 2001, Sec. 321.234)
2. Riding on Bicycles. A person on a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.  
(Code of Iowa, 2001, Sec. 321.234)
3. Riding Abreast. 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.  
(Code of Iowa, 2001, Sec. 321.236(10))
4. Use of Bicycle Paths. 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.  
(Code of Iowa, 2001, Sec. 321.236(10))
5. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.  
(Code of Iowa, 2001, Sec. 321.236(10))
6. 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 said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all pedestrians approaching on said sidewalk or

sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

(Code of Iowa, 2001, Sec. 321.236(10))

7. Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, 2001, Sec. 321.236(10))

8. Riding on Sidewalks. No person shall ride a bicycle on a sidewalk except in accordance herewith.

- A. No person shall ride a bicycle upon a sidewalk within a business district.

(Code of Iowa, 2001, Sec. 321.236(10))

- B. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, 2001, Sec. 321.236(10))

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

(Code of Iowa, 2001, Sec. 321.236(10))

9. Towing. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the city.

10. Following Fire Truck. No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

11. Improper Riding. No person shall ride a bicycle in an irregular or reckless manner such as zig-zagging, stunting, speeding or otherwise so as to disregard the safety of the operation or others.

2.1-5.0103 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, 2001, Sec. 321.236(10))

#### 2.1-5.0104 EQUIPMENT REQUIREMENTS.

1. Night time use. Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit 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 which shall be visible from all distances from fifty (50) feet to three hundred

(300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. 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.

(Code of Iowa, 2001, Sec. 321.236(10))

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(Code of Iowa, 2001, Sec. 321.236(10))

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

(Code of Iowa, 2001, Sec. 321.236(10))

TITLE II - COMMUNITY PROTECTION  
DIVISION 2 - FIRE SAFETY

CHAPTER I  
FIRE DEPARTMENT

2.2-1.0001 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.

2.2-1.0002 ORGANIZATION. The department shall consist of the fire chief, an Assistant Chief, 14 regular Firemen and such other officers and personnel as may be authorized by the council.

2.2-1.0003 QUALIFICATIONS. In no case shall any person be recruited, selected or appointed as a member of the department unless such person:

1. Age. Is at least 18 years of age, but not more than 59 years of age at the time of appointment.
2. Driver's License. Has a current active Iowa driver's license.
3. Language. Is able to read and write the English language.
4. Alcohol and Drugs. Is not a drug addict or an alcoholic.
5. Character. Is of good moral character as determined by a thorough investigation and has not been convicted of a felony or a crime involving moral turpitude.
6. Hearing. Has normal hearing in each ear as determined by an examining physician.
7. Health. Prior to appointment, has been examined by a physician to determine if free from physical, emotional or mental condition which might adversely affect the performance of duties.

2.2-1.0004 APPROVED BY COUNCIL. No person having otherwise qualified, shall be appointed to the department until such appointment is submitted to and approved by a majority of the council members.

2.2-1.0005 APPOINTMENT. The Fire Chief and Assistant Chief shall be appointed by the Council at their first meeting in April in the odd numbered years, and the said Chief and Assistant Chief shall hold office for a term of two (2) years and until their successors shall have been appointed and qualified, unless sooner removed for cause.

2.2-1.0006 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

2.2-1.0007 ELECTION OF OFFICERS. The department shall elect officers other than the chief as their constitution and by-laws may provide. In case of absence of the chief, the Assistant Chief rank shall be in charge and have and exercise all powers of chief.

2.2-1.0008 FIRE CHIEF: DUTIES. The fire chief shall have the following powers and duties:

(Code of Iowa, 2001, Sec. 372.13(4) as amended)

1. General. He shall perform all duties required of the fire chief by law or ordinance.
2. Command. He 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.
3. Property. He shall exercise and have control over all fire apparatus, tools, equipment and other property used by or belonging to the fire department.
4. Investigations. He shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever he finds that bodily injury or property damage of fifty dollars (\$50.00) or more was caused by such fire, or if he suspects arson, he shall report his findings to the State fire marshal's division in writing within ten (10) days following the end of the month. If he believes that a fire was started by design or if a death occurs as the result of a fire, he shall notify the state fire marshal immediately.

(Code of Iowa, 2001, Sec. 100.2 and 100.3)

5. Right of Entry. He shall have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises within his jurisdiction for the purpose of making such investigation or inspection which under law or ordinance he may consider necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, 2001, Sec. 100.12)

6. Recommendation. He shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, 2001, Sec. 100.13)

7. Assist State Fire Marshal. He shall, at the request of the state fire marshal, and as provided by law, aid said marshal in the performance of his duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, 2001, Sec. 100.4)

8. Records. He shall cause to be kept records of the fire department personnel, operating costs 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.
9. Reports. He shall compile and submit to the mayor and council an annual report of the status and activities of the department as well as such other reports as may be requested by the mayor or council.

2.2-1.0009 CONSTITUTION. The company shall adopt a constitution and by-laws as they deem calculated to accomplish the object contemplated, and such constitution and by-laws and any change or amendment to such constitution and by-laws before being effective, must be approved by the council.

2.2-1.0010 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.  
(Code of Iowa, 2001, Sec. 85.2, 85.61 and Sec. 410.18)

2.2-1.0011 LIABILITY INSURANCE. The council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the city.  
(Code of Iowa, 2001, Sec. 670.7 and 517A.1)

2.2-1.0012 FIRES OUTSIDE THE CITY'S CONTRACTUAL AREA. The department shall answer calls to fires and other emergencies outside the contractual area if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits.  
(Code of Iowa, 2001, Sec. 364.4 (2) and (3))

2.2-1.0013 MUTUAL AID. Subject to approval by resolution of the council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the clerk.  
(Code of Iowa, 2001, Sec. 364.4(2) and (3))

2.2-1.0014 MEETINGS. The Fire Department and all members shall meet the last Monday in March of each odd numbered years and elect by a ballot from their number a Chief, Assistant Chief and Fire Marshal, which names shall be presented to the Council on the first Monday of April of the odd numbered years.

2.2-1.0015 ANNUAL INSPECTION. There will be a general review of the fire department engines and apparatus by the mayor and Council once each year, the date to be fixed by the Council which will be the first Monday in march of each year.

TITLE II - COMMUNITY PROTECTION  
DIVISION 2 - FIRE SAFETY

CHAPTER 2  
FIRE LIMITS

2.2-2.0001 FIRE LIMITS ESTABLISHED. The fire limits for the fighting of fires within the Town of Lynnville are to be the same as the corporate limits of the Town of Lynnville.

2.2-2.0002 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the Fire Limits, until a plan of the proposed work, together with a statement of materials to be used shall have been submitted to the mayor, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

2.2-2.0003. BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial re-building, are prohibited in the Fire Limits, unless constructed in strict compliance with the provisions of this chapter.

2.2-2.0004. WALLS AND ROOF. The building or structure shall be enclosed on all sides with walls constructed wholly of stone, brick, terra-cotta, hollow building tile, concrete or other fire proof material and the roof, top and sides of all roof structures, including dormer windows and cornices, shall be covered with incombustible material, such as metal, slate, tile, composition shingles or roofing approved by the National Board of Fire Underwriters as Fire Resistive. Wooden stud walls covered with metal or veneered with brick shall not be construed as fire proof or in compliance with the provisions of this section.

2.2-2.0005 EXTERIOR AND DIVISION WALLS. All exterior or division walls of buildings hereafter erected, shall be of sufficient thickness to support the load to be carried. All solid brick or reinforced concrete, exterior or division walls, shall be not less than twelve (12) inches thick in the upper two stories or upper thirty (30) feet, increasing four (4) inches in thickness for each two stories or fraction thereof below. Such exterior or division walls, when constructed of other permissible material, such as concrete tile or hollow tile, shall be at least four (4) inches thicker than solid brick or reinforced concrete walls. All exterior or division walls shall extend at least fifteen (15) inches above the roof.

2.2-2.0006 BEAMS IN WALLS. The ends of all floor, ceiling, or roof beams, entering a party or the wall from opposite sides, shall be separated by at least four (4) inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, but no wall shall be corbeled more than two (2) inches for this purpose. The ends of all wooden beams that enter walls shall be cut to a bevel to make them self-releasing.

2.2-2.0007 ACCESSORY BUILDINGS. The mayor, upon vote of a majority of the council in favor thereof, may issue a permit to build a coal house and other out buildings of other materials than those specified in this chapter, not exceeding twelve (12) feet in height and one hundred and fifty (150) square feet in area, to be placed not less than twenty feet (20') from any other building or erection within the fire limits, and with the use of which no fire is anticipated.

To obtain such permit, written application shall be made to the mayor and the council before any work is done, specifying the location, size and contemplated use of the proposed erection, and if a majority of the council vote in favor of granting such permit and the mayor approves of the same, the mayor shall issue a permit in writing.

2.2-2.0008 SPECIAL PERMIT. The council may, by four-fifths vote, issue a special permit to improve any property within the fire limits contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau.

2.2-2.0009 MOVING BUILDINGS. The removal of any building not constructed in accordance with the provisions of this chapter, from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited.

2.2-2.0010 RECONSTRUCTION PROHIBITED. Any building within the fire limits, not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) of its value the building shall not be repaired, so as to be higher in value than it was before the damages were sustained, except upon approval, by four-fifths of the members of the council, of the plans and specifications of such repairs and rebuilding.

2.2-2.0011 BOARD OF APPRAISEMENT. In case of a question as to the amount or extent of damage, by fire or otherwise, to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owners of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the mayor, and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the mayor are unable to agree upon the third member, within ten (10) days of their appointment, the council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the clerk. No building within the Fire Limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the clerk.

2.2-2.0012 REMOVAL OF BUILDINGS. Any person, firm or corporation who shall erect or move any building in the Fire Limits, contrary to the provisions of this chapter, shall be given ten (10) days written notice by the mayor to remove or tear down the same, and if such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the mayor shall cause the same to be removed or taken down. The mayor shall report an itemized bill of the expense to the clerk, and the same shall be charged to the person, firm or corporation owning such building. The clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the clerk, to the county auditor, as a special tax against the property and collected the same as other taxes.

TITLE III – MENTAL AND PHYSICAL HEALTH  
CHAPTER 1 AN ORDINANCE PROVIDING FOR THE MAINTENANCE OF PROPERTY  
IN THE CITY OF LYNNVILLE, AND PROVIDING FOR PENALTIES FOR VIOLATIONS  
THEREOF.

ARTICLE I  
GENERAL PROVISIONS

3-1.0101 INTRODUCTION.

- A. Title. This ordinance may be referred to as the "The City of Lynnville Property Maintenance Code".
- B. Purpose. The purpose of this Code is to protect the public health, safety, and welfare, esthetics, and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make non-residential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners thereof, and by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.
- C. Interpretation. The provisions of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the CODE OF IOWA. Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to the City that are otherwise reserved by and for Federal and State government.
- D. Abrogation and Greater Restrictions. It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.

3-1.0102 DEFINITIONS. Words used in this Code shall have the same meaning as that defined by the City Code, unless otherwise defined by this Chapter.

- A. Abandoned Building. Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured.
- B. Board of Appeals. The Board established and appointed by the City Council to hear appeals from the City of Lynnville Property Maintenance Code, referred to herein as "the Board".

- C. Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.
- D. Enforcement Officer. The City Health Officer or designee, the City Zoning Administrator or designee, or any other City official designated by the City Council.
- E. Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.
- F. Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.
- G. Extermination. The control and elimination of insects, rodents, and vermin.
- H. Farm. A tract of land that's principal use is raising of feed grains or domestic livestock.
- I. Infestation. The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.
- J. Junk. Any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.
- K. Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.
- L. Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.
- M. Premises. A lot, plot, or parcel of land together with the structures thereon.

- N. Public Authority. Any officer of any department or branch of the City, or State charged with regulating health, fire, zoning, or building regulations, or other activities concerning property in the City.
- O. Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard, including but not limited to; plastic; metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food; crockery, bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.
- P. Responsible Party. Any person having possession, charge, care, or control of real personal property, whether with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.
- Q. Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, travel trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.
- R. Vehicle Inoperable. Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: Cannot legally travel on a public street due to broken, damaged, or missing windshield or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel, or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheel, or other structural parts which renders the vehicle incapable of either forward or reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.

## MAINTENANCE STANDARDS.

- A. General. The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.
- B. Maintenance of Premises. Each and every premises shall be kept free of all nuisances, health, safety and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:
1. Weeds or grasses allowed to grow to a height greater than twelve (12) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view.  
Exception: This provision shall not apply to prairies, wetlands, or similar areas of naturalized perennial vegetation which are certified by an Enforcement Officer to not constitute a nuisance.
  2. Accumulation of refuse to the prejudice of others.
  3. Any structure which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; any structure defined as a dangerous building by the most-current edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the international Conference of Building Officials; or any building that is defined as abandoned or a public nuisance by Chapter 657A, CODE OF IOWA, 2001.
  4. Any inoperable vehicle which is exposed to public view, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.
  5. Mud, dirt, gravel or other debris or matter, whether organic or inorganic deposited upon public property in a quantity adjudged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal regulations.

6. Failure to establish and to thereafter maintain a permanent cover of perennial grasses or ornamental ground cover to substantially bind the surface of the soil and prevent erosion, whether by sheet or gully, or by wind or water.
7. Any nuisance as defined herein or described as such by Chapter 657 of the CODE OF IOWA, 2001.
8. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises; or any alteration or modification which changes any elevation or flow within a surface water flowage easement or impounding area.
9. Conditions which are conducive to the harborage or breeding of vermin.
10. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the The City of Lynnville Board of Health regulations, as applicable. Septic tanks, cisterns, and cesspools, which are no longer in use shall be removed, or emptied and filled with clean dirt or sand.
11. Vehicles parked on any unsurfaced portion of a yard exposed to public view.
12. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.
13. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety or buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 12 feet above the traveled portion of any street, or is less than 7 feet above any sidewalk which are available for use by the general public.
14. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

15. Any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children.
  16. Building Maintenance. Every building shall be maintained to be weather and water tight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects, or vermin. Basements, cellars, and crawl spaces shall be free of standing water and hazards. All wood, including floorboards, sub-floors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of conditions adversely affecting structural integrity including but not limited to, cracking, splitting, termite damage, infestation, or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards.
- D. Inoperable Vehicles. Inoperable vehicles shall be stored within a fully enclosed building or other location not exposed to public view, or shall be removed from the premises.
- E. Refuse. All refuse shall be contained in suitable collection containers; kept free from infestation; and shall be removed weekly.
- F. Residing and Reconstruction. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of other properties in the vicinity of the premises. Their appearance, as judged under prevailing appraisal practices and standard, shall not depreciate the value of adjoining premises or the neighborhood.

3-1.0104 VIOLATIONS.

- A. Enforcement. The creation or maintenance of a violation of this ordinance is prohibited and shall constitute a misdemeanor. Each day that an owner or other responsible party for a premise permits a violation of this code to continue constitutes a separate offense.
1. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding

of hearings. The Enforcement Officer is hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premises upon which a violation is being maintained.

2. The objective of this Code being the abatement of violations, persons violating this Code shall be allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for a violation is undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.
3. Violations which are not voluntarily remedied may be abated by an administrative abatement process; the municipal infraction process; by court proceedings; or by City abatement and assessment of costs therefore against the responsible party, at the discretion of the City.
4. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a civil citation for a repeat offense involving the same owner and/or responsible party.

B. Notice. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

1. By personal service upon the owner of record of the property upon which the nuisance exists.
2. If, after reasonable effort, personal service cannot be made, any two of the following methods of service shall be considered adequate: (a) sending the notice by certified mail, return receipt requested to the last known address; (b) publishing the notice once a week for two consecutive weeks in a newspaper of general circulation in The City of Lynnville, Iowa; or (c) by posting the notice in a conspicuous place on the property or building deemed as nuisance.

C. Appeal. Any person affected by any notice to abate a violation of this Code may request a hearing on the matter before the Board of Appeals, provided that a written appeal shall be filed with the Enforcement Officer within ten days after the notice to abate was served. The appeal shall be filed on a form provided by the City for that purpose, and shall state the particular section of the ordinance or interpretation thereof being appealed, and a brief statement of the grounds upon which such appeal is taken. Failure to file a timely

appeal as prescribed herein shall constitute a waiver of the right to a hearing, and the notice shall become final.

The Board's determination and order shall be appealable to the City District Court by writ of certiorari. Such appeal shall be filed within thirty (30) days from the date of the Board's decision. The Board's order shall not be carried out until the time for filing the writ of certiorari has expired.

D. Abatement Remedies and Penalties. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by any of the following means:

1. By undertaking such abatement and assessing the costs therefore against the property.
2. By issuance of a civil citation charging the owner or responsible party with a municipal violation.

Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the costs of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage, and sale of said inoperable or obsolete vehicle, such cost of abatement, storage, and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

Before the assessment of any charges for work done or caused to be done by the City, the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the City Council. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.

The court may order any one or more of the following:

1. Place a judgment against the person and/or property of defendant for the costs of abatement.

2. Levy a civil penalty (fine) against the defendant of up to five hundred dollars (\$500.00) for the first offense and up to seven hundred fifty dollars (\$750.00) for repeat offenses.
  3. Order abatement of the violation in any manner.
  4. Assess costs of abatement against the premises.
- E. Emergency Abatement Procedure. If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give a property owner notice and the opportunity for a hearing before the City Council in accordance with subsection D above.

3-1.0105 BOARDS OF APPEALS.

- A. Authority. The Board is hereby empowered to hold hearings on appeals from the regulations of this Code.
- B. Procedure. Upon receipt of a timely-filed appeal, the Enforcement Officer shall set a time and place for the Board to hear such appeal and shall publish notice thereof.
1. The hearing shall be open to the public and shall be recorded either electronically or manually. All parties shall be afforded an opportunity to respond and present evidence and argument. If the appellant fails to appear at such hearing, the Board may proceed with the hearing and make a decision in the absence of the appellant.
  2. The Board's finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, even if such evidence would be inadmissible in a court of law. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. The presiding officer of the Board shall conduct the hearing.
- C. Decision of the Board. No hearing shall be valid unless a majority of the Board is present, and no appeal shall be granted unless reached by a majority of all members of the Board.

The Board shall render a decision based upon the record, at the conclusion of the hearing or within a reasonable time thereafter. The Board may affirm,

modify or reverse any action, interpretation, notice or order which has been issued in connection with the enforcement of this Code. Following the decision of the Board, all parties shall be notified of the decision personally or by general mail service delivered to the address provided by the party. Any party to the hearing, including the City, may seek judicial review by filing a petition in the City District Court within thirty (30) days after the issuance of the decision by the Board.

- 3-1.0106 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- 3-1.0107 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.
- 3-1.0108 EFFECTIVE DATE. This ordinance shall be in effect upon its final passage, approval and publication as provided by law.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

ARTICLE 1  
GENERAL PROVISIONS

3-2.0101 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Animal": shall mean all living creatures not human.
2. "At Large": shall mean any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Owner": shall mean any person owning, keeping, sheltering or harboring any animal.

3-2.0102 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise or to commit any other act or omission by which unjustifiable pain, distress, suffering, or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either maliciously, willfully, or negligently.

(Code of Iowa, 2001, Sec. 717.2)

3-2.0103 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

(Code of Iowa, 2001, Sec. 725.11)

3-2.0104 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow cats, dogs, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city.

(Atty. Gen. Op. 1914, Page 126)

3-2.0105 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.

(Atty. Gen. Op. 1914, Page 126)

3-2.0106 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 premises.

3-2.0107 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 persons, bicycles, automobiles or other vehicles.

3-2.0108 VICIOUS DOGS. It shall be unlawful for any person to harbor or keep a vicious dog within the city. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when propensity to attack or bite persons shall exist and is known or ought reasonably to be known to the owner.

3-2.0109 AT LARGE ANIMALS: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or, at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

3-2.0110 DISPOSITION OF LICENSED DOGS. Owners of licensed dogs which have been impounded shall be notified within two (2) days from impoundment that upon payment of an impounding fee of \$10.00, plus cost of food and care in a reasonable amount, the dog will be returned. If impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of in a humane manner as directed by the council.

(Code of Iowa, 2001, Sec. 351.37)

3-2.0111 DISPOSITION OF UNLICENSED ANIMALS. Impounded unlicensed dogs or other animals may be recovered by the owner, upon proper identification, by payment of the impounding fee of \$18.00, plus the cost of food and care in a reasonable amount. If such dogs or other animals are not claimed within three (3) days after impoundment, they shall be disposed of in a humane manner as directed by the council.

2-2.0112 IMMUNIZATION. It shall be unlawful to keep a dog within the city that has not been immunized against rabies.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

ARTICLE 2  
DOG LICENSING

302.0201 LICENSE. No dog more than three months of age shall be owned unless a license has been procured and paid. License shall be \$5.00 for a male dog or a spayed bitch and \$5.00 for a female dog. The owner shall annually, before the first day of march, purchase said license at the office of the clerk for each dog owned or harbored. In the event of a dog being acquired at a later date during the year, the animal must be licensed at a date no longer than 30 days following the date of acquisition. Thereupon the Clerk shall deliver to the purchaser a metal tag for each dog licensed. Owners shall place a collar on such dog licensed and to the collar attach a metal license tag. Such collar and tag must be worn throughout the year for which license is issued.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE I  
(DEFINITIONS)

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

Sec. 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.

Sec. 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.

Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 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.

Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 17. "Shall" is mandatory; "May" is permissive.

Sec. 18. "Sludge" 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 or flows during normal operation.

Sec. 19. "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.

Sec. 20. "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control for the City of Lynnville, or his authorized deputy, agent, or representative.

Sec. 21. "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.

Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 23. "Hearing Board" shall mean that Board appointed according to provision of Article \_\_\_\_\_. (This section to be included only if optional article entitled "Hearing Boards" is made a part of the ordinance.)

Sec. 24. "City" shall mean the City or Town of Lynnville, Iowa.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 2

USE OF PUBLIC SEWERS REQUIRED

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 3

PRIVATE SEWAGE DISPOSAL

Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article 5, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the city at the time the application is filed.

Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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 twenty-four (24) hours of the receipt of notice by the Superintendent.

Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Iowa. 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 twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article 5, Section 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.

Sec. 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.

Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Sec. 8. When a public sewer becomes available, the building sewer shall be connected 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.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTED

ARTICLE 4

BUILDING SEWERS AND CONNECTIONS

Sec. 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.

Sec. 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 his 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 judgement of the Superintendent. A permit and inspection fee of two hundred sixty-five dollars (\$265.00) for a residential or commercial building sewer permit and two hundred sixty-five dollars (\$265.00) for an industrial sewer permit shall be paid to the city at the time the application is filed.

Sec. 3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 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, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations for the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 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.

Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Sec. 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.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 5

USE OF THE PUBLIC SEWERS

Sec. 1. No person shall discharge or cause to be discharged any stormwater, 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.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Sec. 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, naptha, 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/1 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 or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, feathers, 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 waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical

oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°) F (65°).
- (b) Any water or waste 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 Superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's 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 wastes 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.

Sec. 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 Section 4 of this Article, and which in the judgement of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 6

PROTECTION FROM DAMAGE

Sec. 1. 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.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 7

POWERS AND AUTHORITY OF INSPECTORS

Sec. 1. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industrial beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 2. While performing the necessary work on private properties referred to in Article 9, Section 1 above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by 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 Article 7, Section 8.

Sec. 3. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 8

PENALTIES

Sec. 1. Any person found to be violating any provision of this ordinance except Article 8 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.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article 10, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 9

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

TITLE III - MENTAL AND PHYSICAL HEALTH  
CHAPTER 3 - LIQUID WASTES

ARTICLE 10

Ordinance in Force

Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

## TITLE III - MENTAL AND PHYSICAL HEALTH

### CHAPTER 4 SOLID WASTE DISPOSAL

3-4.0401 PURPOSE. The purpose of this chapter is to eliminate unhealthy, unsanitary and unsightly conditions caused by the deposit and accumulation of refuse, garbage and rubbish.

3-4.0402 DEFINITIONS. For use within this chapter, the following terms are defined:

1. "Refuse": shall include 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 animals killed for food.**
2. "Garbage": shall include all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
3. "Rubbish": shall include all other refuse not falling within the term "garbage".
4. "Can": shall mean a container for the storage of garbage or rubbish which is:
  - A. Provided with a handle and tight fitting cover.
  - B. Substantially made of galvanized iron or non-rusting material.
  - C. Water-tight.
  - D. Of a size and shape that may be conveniently handled by the collector.
  - E. Rodent and vermin proof.
5. "Residential Premises": shall mean the unit of the residential structure occupied by a single family.
6. "Owner of Premises": shall mean and include the record title holder, contract purchaser and any person renting, leasing or occupying said premises and as between such parties the duties, responsibilities, liabilities and obligations herein imposed shall be joint and several.
7. "Yard Waste": shall mean organic debris such as grass clippings, leaves, garden wastes, prunings, weeds, brush and tree branches produced as part of yard and garden development and maintenance. Yard waste does not include tree stumps.
8. "Bags": shall mean any bags sold or otherwise disposed by the City

9. "Composting": shall mean a controlled microbial degradation of organic waste to produce a relatively nuisance free product of potential value as a soil conditioner.
10. "Container": shall mean a reusable receptacle constructed of plastic or metal materials.
11. "Bundle": shall mean a stack of brush and/or tree branches bound together.

3-4.0403 CONTRACT FOR COLLECTION AND DISPOSAL. The city may contract with any other governmental agency or any private person for the collection and disposal of refuse, garbage and rubbish.

3-4.0404 DUTY TO PROVIDE CONTAINERS. Each person shall provide a can or cans for the storage of garbage accumulating on the residential or business premises occupied by him. Each person shall provide either cans or other containers approved by the council for the storage of refuse other than garbage accumulating on the residential or business premises occupied by him. Such cans and other containers shall be kept covered and reasonably clean at all time. No person shall fill a single can or container so that it exceeds in weight, when full, sixty-five (65) pounds. A container other than a can must be substantially made and be of the size and shape that it may be conveniently handled by the collector. Boxes constructed out of cardboard or other similar material will not be approved by the council as an acceptable container for storage of refuse but will be considered disposable refuse and will be collected by the collector if they are of a size and weight that may be conveniently handled by the collector.

3-4.0405 STORAGE IN CONTAINERS. It shall be unlawful for any person to permit to accumulate on a residential or business premises, any refuse, garbage or rubbish except in so far as to said refuse, garbage or rubbish may be stored in cans or other approved containers as hereinabove provided or except that small items of brush may be stored near the refuse storage area if bundled and tied. The storage permitted by this section shall continue only until the next succeeding collection day designated by the council.

3-4.0406 REFUSE STORAGE AREA. All cans, refuse containers and bundles of brush hereinabove referred to shall be stored on the residential or business premises at a location and in such a manner that they will not be seen from the front of the premises.

3-4.0407 GARBAGE STORAGE. All garbage must be drained and wrapped in paper or other acceptable means before being placed in the can. Garbage must be stored in a can.

3-4.0408 ACCUMULATIONS HAZARDOUS. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, such quantities of refuse, garbage or rubbish, whether in containers or not and in such manner that it shall constitute a health or sanitation hazard and or create a fire hazard.

3-4.0409 DUTY TO DEPOSIT REFUSE AT CURB. It shall be the duty of each occupant of a residential premises to deposit the cans, containers, brush bundles and cardboard boxes hereinabove referred to at or near the street curb in front of said premises on the day designated by

the council by resolution, for collection of said refuse, garbage and rubbish. It shall be the duty of each occupant of business premises to deposit said items at a point designated by the council on the date designated for collection of said items. Said items shall be deposited at or near the curb or other designated place no earlier than 12 hours before the designated time for pick up and the cans and or containers shall be removed from said curb and returned to their proper storage place not later than 6 hours after collection of said refuse. Instead of placing the cans or containers at the designated place, the contents thereof may be placed therein a plastic bag which bag shall be securely tied and shall be considered disposable.

3-4.0410 PERMIT FOR COLLECTION. No person shall collect or dispose of garbage or rubbish except his own unless such person shall have first applied for and received a permit to do so from the mayor. No person shall haul any garbage or rubbish upon the streets, alleys or public places of the town in any manner except in a vehicle or container so equipped so as to prevent the blowing, leakage or dropping off of the contents. A permit granted hereunder may be revoked for cause by the council and violation of any of the provisions of this ordinance shall be deemed to be sufficient grounds for revocation. The permit shall state the specific period for which it will be in effect. The permit cannot be assigned to authorize any person other than the person to whom it was issued to collect garbage or rubbish under this ordinance. A permit shall only be revoked after reasonable notice and hearing before council.

3-4.0411 BURNING REFUSE. It shall be unlawful to burn garbage. Combustible refuse material which normally can burn without odor may be burned in trash containers and incinerators provided objectionable odors and smoke nuisance does not occur and subject to any further restrictions in air pollution control laws or ordinances of the city.

3-4.0412 REFUSE NOT STORABLE IN CONTAINERS. It shall be the duty of each person occupying a residential or business premises to dispose of and keep said premises free from all objects of refuse such as; large tree limbs, junk car bodies and other objects that are too large to be placed in the cans or containers for collection. Such items shall be disposed of before they become a nuisance.

3-4.0413 COLLECTION OF FEES. The office of the clerk is hereby authorized and directed to charge, render bills for and collect fees as herein established for the collections and disposal of refuse, garbage and rubbish. The charging of said fees shall be monthly and shall be billed to the owners, occupants or agents of each residence and shall be payable with the water bill.

3-4.0414 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises. The owner or occupant may either compost their yard waste on the premises or contain it in authorized paper bags, containers or bundles. All bags or containers will be clearly marked "Yard Waste".

3-4.0414A YARD WASTE CONTAINERS. Persons choosing not to manage yard waste on their own property may place yard waste in specially marked authorized Kraft 30 gallon or larger bags or containers. Authorized bags shall be Kraft 30 gallon or larger paper bags acceptable to the composting station used by the licensed yard waste collection haulers. The number of authorized bags containing yard waste which residents may place out for collection shall be

unlimited. Yard waste not placed in authorized bags may be placed in re-usable containers or tied bundles.

3-4.0418B TIME LIMIT. Containers, bags, packages or other solid waste placed at the curb line shall not be so placed more than twenty-four (24) hours in advance of the regularly scheduled collection day.

3-4.0418C RUBBISH AND TRASH REMOVED WITH GARBAGE. The owner, occupant or agent of each residence shall have the right to have specified rubbish and trash removed with garbage removal, to-wit:

1. Not more than 5 bags of leaves or grass clippings. Said leaves and grass clippings must be contained in a disposable plastic bag and securely fastened at the top.
2. Items of rubbish or trash small enough to be placed in a garbage can. Each owner, occupant or agent of each is restricted to 5 cans of such rubbish or trash for each garbage, rubbish and trash pick-up.

3-4.0418D RUBBISH AND TRASH REMOVAL – LARGE ITEMS. All items of rubbish and trash not removed under 3-4.0418C hereof shall be removed by the garbage, rubbish and trash hauler and the fee for its removal paid directly to said hauler. The owner, occupant or agent at each shall negotiate with the hauler for the fee for rubbish and trash removal under 3-4.0418D.

3-4.0418E LICENSING OF YARD WASTE COLLECTION HAULER. In addition to meeting the requirements under Section 3-4.10 of the Municipal Code of the City of Lynnville, Iowa, 2000, each licensed collector shall provide the City a detailed description of the manner in which the collector intends to separately collect and haul away yard waste. Each licensed collector shall haul the yard waste to a compost site approved by the City and shall keep an accurate accounting of the amount of such yard waste. Each licensed collector shall submit an annual written report to the City detailing the amount of such yard waste that has been collected and delivered for composting during each month of the reporting year.

Pursuant to the Solid Waste Ordinance, each person engaged in the business of collection or transporting solid waste within the City must have a valid license issued by the County. In addition to all the requirements of the Solid Waste Ordinance, it shall be a condition of the license that the hauler complies with all requirements set forth in the foregoing Sections.

Any collector so licensed under the provisions of this Ordinance shall not mix yard waste and solid waste together. The license of any hauler who delivers for disposal yard waste and solid waste mixed together shall be subject to revocation.

3-4.0418H VIOLATIONS. It is prohibited and will be deemed a violation hereof for any owner, lessee, or occupant or any residential, commercial, or institutional property in the City to put into or cause to be put into the solid waste collection system of the City any yard waste. A violation hereof will carry a maximum fine of \$100.00.

3-4.0418I OWNER MAY TRANSPORT. Nothing in this Chapter is intended to prevent the owner from transporting yard wastes accumulating on premises of the owner, provided such yard waste is disposed of at City-approved composting stations or neighborhood collection sites in accordance with policies established by the composting station.

## TITLE III - MENTAL AND PHYSICAL HEALTH

### CHAPTER 5 HAZARDOUS WASTE RESPONSIBILITY

3-5.0001 PURPOSE. The purpose of this Chapter is to establish responsibility for hazardous waste, clean-up and/or disposal in the event of a hazardous waste accident causing hazardous waste materials to be introduced into the environment within the City of Lynnville, Iowa.

3-5.0002 DEFINITIONS. For use within this Chapter, the following terms are defined:

1. "Hazardous Waste": shall include all definitions set forth for hazardous waste in the 2001 Code of Iowa and subsequent amendments.
2. "Responsible Party": shall mean and include the owner of the material or product or the person whose custody the waste is in when it enters the atmosphere and any other person or entity who willfully allows a hazardous waste to enter the atmosphere or person who owns the property in which hazardous waste material is stored from which it enters the atmosphere.

3-5.0003 DUTY TO REPORT. It shall be the duty of the owner, transporter or any other person having knowledge of a hazardous waste entering the environment to immediately notify the Fire Chief of the same, its location and the type of material, if known.

3-5.0003 RESPONSIBILITY FOR COSTS OF CLEAN-UP. The responsible party or parties shall be obligated for all expenses incurred by the city in the clean-up and disposal of the hazardous waste. Said charges shall include administrative expense, actual out of pocket expense and reasonable depreciation of equipment based upon generally accepted accounting practices, including the costs billed to the city of any independent organization the city may have contracted with under the 28E Agreement to clean-up and dispose of hazardous waste. Upon notification of the charges for the hazardous waste clean-up, the responsible party shall pay said sum within thirty (30) days of receipt of notice or the city may commence an action to collect the same or certify said charges as an assessment against the property owned by the responsible party to be collected as taxes.

3-5.0005 STORAGE NOT PERMITTED. That nothing in this Chapter shall be interpreted as permitting the storage of hazardous waste within the City of Lynnville, Iowa, any violation thereof shall be considered a misdemeanor and punished by a fine not to exceed \$100.00 or imprisonment not to exceed thirty (30) days jail or both. Each day of a continuing violation shall be considered a separate and distinct violation.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT  
CHAPTER 1 - WATER SERVICE

ARTICLE 1  
PUBLIC WATER SERVICE

6-1.0101 DEFINITIONS. For use in this chapter the following terms are defined.

1. "Water system" or "water works": shall mean all public facilities for securing, collecting, storing, pumping, treating and distributing water.
2. "Superintendent": shall mean; the superintendent of the city water system or his duly authorized assistant, agent or representative.
3. "Water main": shall mean a water supply pipe provided for public or community use.
4. "Water service pipe": shall mean the pipe from the water main to the building served.
5. "Consumer": shall mean any person receiving water service from the city.

6-1.0102 SUPERINTENDENT: APPOINTMENT, DUTIES. The council shall appoint a water superintendent who shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in this city in accordance with this article. This article shall apply to all replacements of existing water service pipes as well as to new ones. The superintendent shall make such rules, not in conflict with the provisions of this article, as may be needed for the detailed operation of the water system, subject to the approval of the council. In the event of any emergency he may make temporary rules for the protection of the system until due consideration by the council may be had.

(Code of Iowa, 2001, Sec. 372.13 (4))

6-1.0103 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 system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-1.0104 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely water tight.

6-1.0105 PERMIT. Before any person shall make a connection with the public water system, a written permit must be obtained from the clerk. The application for the permit shall be filed with the clerk on blanks furnished by him. 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 will be allowed except by written permission of the clerk. The clerk shall issue the permit, bearing his signature and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under any permit must be begun within six (6) months after it is issued. The clerk may at any time revoke the permit for any violation of this article and require that the work be stopped.

(Code of Iowa, 2001, Sec. 372.13 (4))

6-1.0106 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay \$50.00 to the clerk to cover the cost of issuing the permit and supervising, regulating and inspection of the work.

(Code of Iowa, 2001, Sec. 384.84 (2a))

6-1.0107 COMPLIANCE WITH PLUMBING CODE. The installation of any water-service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code.

6-1.0108 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber. Before any person is permitted to make any sewer or water connections, it shall be necessary that he provide the Clerk with the name of the person who is to do the plumbing work, and, person so named shall not be permitted to proceed with the actual plumbing work until such time as he shall provide the Clerk with a bond (or certified copy of the same) in the sum of One Thousand dollars (\$1,000.00), with sureties approved by the Clerk. This bond is to be held as security that the person doing the plumbing work will fulfill these conditions:

- (1) That all plumbing work performed shall be performed in accordance with the provisions of the applicable ordinance of the Town.
- (2) That he will pay all fines and penalties properly imposed upon him for violation of the ordinances of the Town pertaining to either water or sewer connections.
- (3) That the Town shall be held free from any liability sustained by reason of neglect or incompetency or the plumber or other person working under his supervision.

6-1.0109 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers.

6-1.0110 TAPPING MAINS. All taps into water mains shall be made by the superintendent and in accord with the following:

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the

superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.

2. **Sizes and Location of Taps.** All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen inches apart. No main shall be tapped nearer than two feet of the joint in the main.
3. **Corporation Cock.** A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.
4. **Location Record.** An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as he shall require.

(Code of Iowa, 2001, Sec. 372.13 (4))

**6-1.0111 INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the meter setting shall be standard weight type K copper or approved cast iron. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

**6-1.0112 CURB STOP.** There shall be installed a main shut-off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

**6-1.0113 INTERIOR STOP AND WASTE COCK.** There shall be installed a shut-off valve and waste cock 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 and the pipes drained. 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.

**6-1.0114 INSPECTION AND APPROVAL.** All water-service pipes and their connections to the water system must be inspected and approved in writing by the superintendent before they are covered, and he shall keep a record of such approvals. If he refuses to approve the work, the plumber or property owner must proceed immediately to correct the work so that it will meet with his approval. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

**6-1.0115 COMPLETION BY THE CITY.** Should an excavation be left open or only partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent shall have the

right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, 2001, Sec. 364.12 (3)(a) and (3)(h))

6-1.0116 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer because of any substantial violation of this article, or valid regulation under Section 6-1.0102 that is not begin contested in good faith. The supply shall not be turned on again until all violations have been corrected and the superintendent has ordered the water to be turned on.

6-1.0117 MAINTENANCE OWNER'S RESPONSIBILITY. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks the water service pipe from the main to his building whether in the public right of way or not.

6-1.0118 FAILURE TO MAINTAIN. When any corporation cock, water service pipe or curb stop becomes defective or creates a nuisance and the owner fails to correct such nuisance the city may do and assess the costs thereof to the property.

(Code of Iowa, 2001, Sec. 364.12 (3)(a) and (3)(h))

6-1.0119 OPERATION OF CURB STOP. It shall be unlawful for any person except the water superintendent to turn water on at the curb stop.

6-1.0120 RULES AND REGULATIONS FOR WATER CUSTOMERS. The following rules and regulations for the government of water takers, licensed plumbers, and others are hereby adopted and established:

- (1) All bills must be paid promptly when due, and all officers of the waterworks department are positively prohibited from allowing credit to anyone.
- (2) Water will not be turned into any house or private service pipe except upon the order of the Council nor until the applicant shall have paid the water bill for the current term plus a deposit of Ten Dollars (\$10.00) to be returned when service is terminated provided bill is paid.
- (3) All persons using water shall keep the hydrant, tap, hose, water closet, urinals, bath, or other fixtures allotted to their use closed except when obtaining water for use and shall be responsible for any damage or injury that may result to others from improper use of said water.
- (4) All house boilers shall be constructed with one or more air-holes near the top of the inlet pipe and be sufficiently strong to bear the pressure of the atmosphere under the vacuum. The stop-cocks and other appurtenances must be sufficiently strong to bear the pressure of the water in the mains. All person taking the water shall keep their own service pipes, stop-cocks, and apparatus in good repair and protected from frost at their own risk and expense and shall prevent all unnecessary waste of water, and it is expressly stipulated by the said Town that no claims made against it by reason of the

breaking of any service pipe or service cock or if from any cause the supply of water should fail or from damage arising from shutting off water to repair the mains, making connections or extensions, or for any other purpose that may be deemed necessary, and the right is hereby reserved to cut off the supply of water at any time.

- (5) All service pipes to be supplied must tap the main at a point nearest the lot upon which stand the premises to be supplied.
- (6) A curb-cock shall be installed at the point of connection of the service line to the main.
- (7) All lines, from main to point of use, are hereby defined as service lines.
- (8) All installations and material to be under the supervision and approval of the water committee.
- (9) All copper pipes lying between main and the water meter are hereby defined as service lines. All service lines to be of three-quarter (3/4) inch or larger copper pipe as the water committee may deem necessary for present or future use.
- (10) Service intended to supply two or more distinct premises or tenements and where only one stop-cock is used, the person or person controlling the same must pay the water rent for all parties who are thus supplied as separate water bills will not be made unless there are separate meters.
- (11) Every person taking water supplied through the water system of the Town shall permit the water department committee, at all house of the day between 7:00 A.M. and 6:00 P.M., to enter their premises or buildings to examine the pipes or fixtures and the manner the water is used; and they must, at all times, frankly and without concealment, answer all questions put to them relative to its consumption.
- (12) It shall be unlawful to interfere or tamper with any of the above equipment, shut off valve, or to obtain or attempt to obtain water without paying for same.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT  
CHAPTER 1 - WATER SERVICE

ARTICLE 2  
WATER METERS

6-1.0201 WATER USE METERED. All water furnished consumers shall be measured through meters furnished and installed by the city.

(Code of Iowa, 2001, Sec. 384.84 (1) as amended)

6-1.0202 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

6-1.0203 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

6-1.0204 METER SETTING. The property owner shall have provided all necessary piping and fittings for proper setting of the meter by the city including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the superintendent and of a design and construction approved by him.

6-1.0205 METER REPAIRS: COST. Whenever a water meter owned by the city is found to be out of order the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs.

6-1.0206 RIGHT OF WAY. The superintendent shall be permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.

6-1.0207 IRRIGATION METERS. A "prime meter" measures water consumed and disposed through the public water and sanitary sewer system respectively. "Irrigation meters" may additionally be installed to measure water which is not disposed through the public sanitary sewer treatment system. The water used for "irrigation meters" would include water for swimming pools, yards, gardens, or other uses where sanitary sewer service charges are not applicable. "Irrigation meters" shall be installed at the property owners expense. "Irrigation meters" shall be installed not more than four feet from the "prime meter". Sewer charges shall not apply to water amounts measure by "irrigation meters". The water rate to be charged for "irrigation meters" shall be the current minimum use rate in effect per 1,000 gallons and there shall not be any base rate charged. Shut off valves are required ahead and after the "irrigation meter" and must be within one (1) foot of the meter. A back flow preventer to protect against contamination of the water system MUST be installed after the "irrigation meter". The "irrigation meter" must be installed horizontal to the floor with the arrow on the meter being in the direction of the flow of water to the outside. NO UNDERGROUND IRRIGATION SYSTEMS ARE ALLOWED IN THE PUBLIC RIGHT-OF-WAY. "Irrigation meters", back flow preventer and outside reader shall be purchased from the

city. The property owner shall install the back flow preventer and provide the meter setting. This plumbing to be inspected and approved by the city. The city will install the meter and outside reader after inspection.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT  
CHAPTER 1 - WATER SERVICE

ARTICLE 3  
WATER RATES

6-1.0301 SERVICE CHARGES. Each customer shall pay for water service provided him by the city based upon his use of water, as determined by meters provided for in Article 2 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct consumer whether owned or controlled by the same person or not.

(Code of Iowa, 2001, Sec. 384.84 (1) as amended)

6-1.0302 RATES AND SERVICE. Water service shall be furnished at the following rates within the city:

(Code of Iowa, 2001, Sec. 384.84 (1) as amended)

See Water Rate Schedule

A minimum charge of \$15.00 per quarter shall be made regardless of the actual amount of water used.

6-1.0303 RATES OUTSIDE THE CITY. Water service shall be provided any consumer located outside the corporate limits of the city which the city has agreed to serve at the rates provided in Section 6-1.0302. No such consumer, however, will be served unless he shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

(Code of Iowa, 2001, Sec. 364.4 (2) and 384.84 (2)(c))

6-1.0304 BILLING FOR WATER SERVICE. Billing and payment for water service shall be in accordance with the following:

1. Meters Read. All meters shall be read by an employee of the Town as designated by the Council. If the home or building is unlocked, the employee may enter the premises even though no one is present for the purpose of reading the meter.
2. Bills Issued. The clerk shall prepare, date and issue bills for water service. Bills shall be deemed issued as of the date indicated on the bill.
3. Bills Payable. Bills for water service shall be due and payable at the office of the clerk within ten (10) days of the date of issue.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of ten percent (10%) shall be added to each delinquent bill.

6-1.0305 SERVICE DISCONTINUED. Water service to delinquent consumers shall be discontinued in accordance with the following:

(Code of Iowa, 2001, Sec. 384.84(1))

1. Notice. The clerk shall notify each delinquent consumer that water service will be discontinued if payment, including late payment charges, is not received by the 20th day of the month in which due and payable. Such notice shall be sent by first class mail within ten (10) days of a bill becoming delinquent.
2. Service Discontinued. The superintendent shall shut off the supply of water to any consumer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the notice of delinquency.
3. Fees. A turn-on fee of \$25.00 shall be charged before service is restored to a delinquent consumer. No turn-on fee or service fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

6-1.0306 RENTAL DEPOSITS. There shall be required from every rental customer a \$50.00 deposit intended to guarantee the payment of bills for service.

(Code of Iowa, 2001, Sec. 384.84 (1) as amended)

6-1.0307 RESPONSIBILITY OF OWNER. The property owner shall be responsible for any unpaid water bills that are due and unpaid when a renter moves from the property.

6-1.0308 LATE PAYMENT PENALTY. In addition to late bills being subject to shut-off, all bills not paid by the due date shall have added thereto a penalty of 10% for late payment. Failure to pay the late charges shall constitute nonpayment of the bill.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT  
CHAPTER 2 - TREES

ARTICLE 1  
GENERAL PROVISIONS

6-2.0101 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the city by regulating and providing for the planting, care and removal of trees.

6-2.0102 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Parking": shall mean that part of the street, avenue or highway in the city not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
2. "Superintendent": shall mean the superintendent of streets.

6-2.0103 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking.

6-2.0104 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

(Code of Iowa, 2001, Sec. 364.12 (2)(c))

6-2.0105 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice of the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, 2001, Sec. 364.12 (2)(d) and (2)(e))

6-2.0106 TRIMMING TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the city.

6-2.0107 REMOVAL OF TREES. The superintendent shall remove, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, 2001, Sec. 364.12  
(2)(c) and 372.13 (4))

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT  
CHAPTER 3 - ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 1  
ABANDONED VEHICLES

6-3.0101 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle": shall mean any of the following:  
(Code of Iowa, 2001, Sec. 321.89(1a) as amended)
  - A. A motor vehicle that has been left unattended on a public property for more than twenty-four (24) hours and lacks current registration plates, or is inoperable, or
  - B. A motor vehicle that has remained illegally on public property for more than twenty-four (24) hours, or
  - C. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or
  - D. A motor vehicle that has been legally impounded by order of the chief of police and has not been reclaimed for a period of ten (10) days.
2. "Inoperable Vehicle": shall mean any motor vehicle which lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a inoperable vehicle, abandoned vehicle or junked vehicle.

6-3.0102 REMOVAL OF ABANDONED MOTOR VEHICLES. The city may remove and impound any abandoned motor vehicle whether in operable or totally inoperable condition. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area designated by the council.

1. Towing and impoundment authorized: the City may tow and impound or have towed and impound any vehicle abandoned, provided that the City has notified the owner or person entitled to possession that the vehicle will be towed and impounded if the vehicle is not removed within twenty-four (24) hours of the time a towing notice is posted. Notice shall be deemed posted by securely attaching the notice to the driver's side window of the vehicle. The notice shall state the date and time the notice is attached to the vehicle, the intent to tow the vehicle within twenty-four (24) hours after the posting, the reason for the notice to tow and that all costs of removal, notification and storage must be paid before the vehicle may be reclaimed. This notice provision shall not be required in the case of a vehicle parked on or in a public street or alley determined by the City to create an immediate hazard to vehicle or pedestrian traffic.

(Code of Iowa, 2001, Sec. 321.89(2) as amended)

6-3.0103 NOTICE BY MAIL. The clerk shall notify by certified mail within twenty (20) days of having taken possession of any abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lienholders of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle within ten (10) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or disposal of the motor vehicle to a demolisher. If the owner and lienholders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

(Code of Iowa, 2001, Sec. 321.89(3)(a) as amended)

6-3.0104 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in this city shall be made by the chief of police and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.

(Code of Iowa, 2001, Sec. 321.89(3)(b) as amended)

6-3.0105 EXTENSION OF TIME. The owner or any lienholder may, by written request delivered to the chief of police prior to the expiration of the ten (10) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

(Code of Iowa, 2001, Sec. 321.89(3)(c) as amended)

6-3.0106 FEES FOR IMPOUNDMENT. The owner or lienholder shall pay fifteen dollars (\$15.00) if claimed within five (5) days of impounding, plus three dollars (\$3.00) for each additional day within the reclaiming period plus towing charges if stored by the city, or upon payment of the towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established by resolution of the council.

(Code of Iowa, 2001, Sec. 321.89(3)(a) as amended)

6-3.0107 DISPOSAL OF OPERABLE VEHICLES. If an abandoned motor vehicle which is operable has not been reclaimed as provided by Section 6-3.0103, the chief of police shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. If it is to be sold for such use it shall first be inspected as required by law, have a valid certificate of inspection affixed, and shall then be sold, and title given in accordance with law. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in Iowa Law. The

purchasers shall take title as provided for by law, or if sold to a demolisher no further titling of the motor vehicle shall be permitted.

(Code of Iowa, 2001, Sec. 321.89(4) as amended)

#### 6-3.0108 DISPOSAL OF INOPERABLE ABANDONED VEHICLES.

1. Disposal by City. Any totally inoperable abandoned vehicle or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the chief of police to a demolisher after complying with the notification procedures enumerated in subsection 3 and without public auction unless he deems it practicable to sell it as provided in Section 6-3.0107. The chief of police shall endeavor to obtain as much compensation as possible to defray any costs to the city.

(Code of Iowa, 2001, Sec. 321.89(4) as amended)

2. Disposal by Other Persons. A person or this city or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle, whose title certificate is faulty, lost or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable to a demolisher for junk without the title.

(Code of Iowa, 2001, Sec. 321.90(2)(e))

3. The cost of abatement may be assessed against the property for collection in the same manner as property taxes as provided by State law. Abatement costs shall include the costs of removing or eliminating the public nuisance, the cost of investigation, such as title searches, inspection and testing, the costs of notification, filing costs and other related administrative costs. Inoperable/obsolete vehicles which have been impounded may be sold in accordance with the State law governing abandoned vehicles. If an inoperable/obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient for payment of the costs of abatement, storage and sale of said inoperable/obsolete vehicle, such costs or the balance of such costs may be assessed against the real property from which the vehicle was removed or abated for collection in the same manner as a property tax, as provided by State law.

6-3.0109 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the road use tax fund. Where the sale of any vehicle fails to realize the amount necessary to meet the expenses and costs they shall be paid from the road use tax fund.

(Code of Iowa, 2001, Sec. 321.89(4) as amended)

6-3.0110 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under Section 6-3.0108, the demolisher shall apply to the chief of police for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and

serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the Department for cancellation.

(Code of Iowa, 2001, Sec. 321.90(3)(a) as amended)

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT  
CHAPTER 3 - ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 2  
JUNKED VEHICLES AND MACHINERY

6-3.0201 DEFINITIONS. For use in this article, the term "Junk Motor Vehicle" or "Junk Machinery" shall mean any motor vehicle or piece of machinery stored within the corporate limits of the city, not licensed for the current year as required by any law, and which because of any one of the following characteristics, constitutes a threat to the public health and safety:

1. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
2. Broken or Loose Part. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.
3. Habitat for Nuisance Animals or Insects. Any vehicle or piece of machinery which has become the habitat for rats, mice, or snakes, or any other vermin or insect.
4. Flammable Fuel. Any vehicle or machinery which contains gasoline or any other flammable fuel.
5. Defective or Obsolete Condition. Any other vehicle or piece of machinery which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

6-3.0202. JUNKED VEHICLES AND MACHINERY A NUISANCE. Storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by Section 6-3.0203 constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of the Code of Iowa, 2001, Section 657.1. If any junk motor vehicle or machinery is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

(Code of Iowa, 2001, Sec. 364.12(3)(a))

6-3.0203 EXCEPTIONS. the provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

1. A garage or other enclosed structure; or

2. An auto salvage yard or junk yard lawfully operated within the city and fully enclosed by a substantial enclosure of not less than eight (8) feet, not more than ten (10) feet high, constructed of galvanized corrugated sheet iron or such other suitable material as may be approved by the council. Such enclosure shall at all times be painted and maintained in good clean condition.

- a. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited. Junk or salvage vehicles or materials shall not be piled against the fence or higher than the height of the fence.

- b. For fire protection, a fifteen (15) foot wide, unobstructed fire break, completely surrounding the salvage yard shall be maintained.

6-3.0204 NOTICE TO ABATE. Upon discovery of any junk motor vehicle or junk machinery stored upon private property in violation of Section 6-3.0202 the clerk shall within five (5) days initiate abatement procedures as outlined in Sections 3-1.0201 through 3-1.0209.

(Code of Iowa, 2001, Sec. 364.12(3)(a))

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 5  
ZONING REGULATIONS

See Separate Zoning Ordinance

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 1  
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

7-1.0101 PURPOSE. The purpose of this chapter is to protect residents of the city against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

(Easterly v. Incorporated Town of Irwin,  
99 Iowa 694, 68 N.W. 919 (1896))

7-1.0102 DEFINITIONS. For use in this chapter the following terms are defined.

(Town of Scranton v. Henson, 151 Iowa  
221, 130 N.W. 1079 (1911); Davenport v.  
Rice, 75 Iowa 74, 39 N.W. 191 (1888):  
68 Iowa 678 (1886))

1. "Peddler": shall mean any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.
2. "Solicitor": shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant": shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

7-1.0103 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this chapter. The following organizations and persons are exempt from this provision:

(Easterly v. Incorporated Town of Irwin,  
99 Iowa 694, 68 N.W. 919 (1896))

1. News boys.
2. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.

3. Farmers who offer for sale products of their own raising.
4. Students representing the Lynnville-Sully Community School District conducting projects sponsored by organizations recognized by the school
5. Milk delivery men who only incidentally solicit additional business or make special sales.
6. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

7-1.0104 RELIGIOUS AND CHARITABLE ORGANIZATIONS. Authorized representatives of religious and charitable organizations recognized as tax exempt organizations under Chapter 170(c) of the Internal Revenue Code desiring to solicit money shall be exempt from the operation of Section 6 through the remainder of this Chapter. All such organizations shall be required to submit in writing to the clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, and the period during which such activities are to be carried on. If the clerk shall find that the organization is a bona fide charity or religious organization recognized under the Internal Revenue Code, he shall issue, free of charge, a license containing the above information to the applicant.

7-1.0105 APPLICATION FOR LICENSE. An application in writing shall be filed with the clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address if any, the applicant's employer if any, the employer's address, and the nature of the applicant's business. The applicant shall display to the Clerk a drivers license or similar identification with photograph identifying the person as the one making the application. The applicant shall also present the registration of any motor vehicle they will be using. An application fee of \$5.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein and the Clerk shall issue such license within one (1) day of the date of the filing of the application. A license so issued shall not be assignable to any other individual.

7-1.0106 LICENSE FEES. The following license fees shall be paid to the clerk prior to the issuance of any license.

(Memphis Steam Laundry Cleaner v. Stone  
342 U.S. 389 (1952))

1. "Solicitors." In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of \$10.00 per year.
2. Peddlers or Transient Merchants:
 

For one day	\$ 5.00
For one week	\$ 25.00
For up to six months	\$100.00
For one year or major part thereof	\$175.00

7-1.0107 DISPLAY OF LICENSE. Each solicitor or peddler shall, at all times while doing business in this City, keep in his possession the license issued, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this Chapter. Each transient merchant shall display publicly his license in his place of business.

7-1.0108 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of 8:00 A.M. and 6:00 P.M.

(City of Buffalo v. Tinsman, 98 N.Y. Supp. 737 (1906))

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 2  
HOUSE MOVERS

7-1.0201 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and well being by licensing and regulating house and building movers.

7-1.0202 HOUSE MOVER DEFINED. A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

7-1.0203 LICENSE REQUIRED. It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid license from the city for each house, building or similar structure to be moved.

7-1.0204 APPLICATION. Application for a house mover's license shall be made in writing to the clerk on forms furnished by him. The application shall include:

1. Name and Address. The applicant's full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing place approved by the chief of police, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

7-1.0205 BOND REQUIRED. The applicant shall post with the clerk a penal bond in the sum of \$1,000.00 issued by a surety company authorized to issue such bonds in the state of Iowa. The bond shall guarantee the licensee's payment for any damage done to the city or to public property, and payment of all costs incurred by the city in the course of moving the building or structure.

7-1.0206 INSURANCE REQUIRED. Each applicant shall have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the license covering himself and his agents and employees for the following amounts:

	<u>PER PERSON</u>	<u>PER ACCIDENT</u>
Bodily Injury	\$50,000	\$100,000
Property Damage		\$ 50,000

7-1.0207 LICENSE FEE. A license fee of \$10.00 shall be payable at the time of filing the application with the clerk. A separate license shall be required for each house, building or similar structure to be moved.

7-1.0208 LICENSE ISSUED. Upon completion of the application, filing of bond and insurance certificate, and payment of the required fee the clerk shall issue a license.

7-1.0209 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the licensee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

7-1.0210 TIME LIMIT. No housemover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the city.

7-1.0211 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 10 of this chapter the city is authorized to remove such building or structure and assess the costs thereof against the license holder and surety on his bond.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 3  
JUNK DEALERS

7-1.0301 "JUNK DEALER" DEFINED. The term junk dealer as used in this article shall include any person, firm or corporation who shall keep, maintain, operate or use a building, lot, parcel of ground or other place for assembling, collecting, dumping, wrecking, storing or keeping, depositing or removing any old iron, junked automobiles, junked machinery or accessories thereto or any refuse, junk or waste material for the purpose of salvage or sale.

7-1.0302 SEPARATE LICENSE REQUIRED. A separate license is required for each and every place that junk is assembled, collected, dumped, wrecked, deposited and removed, stored or kept as anticipated in Section 7-1.0391 hereof.

7-1.0303 FEES. The yearly fee for operating as a junk dealer shall be ten dollars (\$10.00) per year, payable in advance, for each separate place operated by such junk dealer.

7-1.0304 JUNK YARDS ENCLOSED. Each junk yard shall be enclosed by a substantial enclosure of not less than eight (8) feet, not more than ten (10) feet high, constructed of galvanized corrugated sheet iron or such other suitable material as may be approved by the council. Such enclosure shall at all times be painted and maintained in good clean condition.

7-1.0305 PLACEMENT OF JUNK. Any junk placed in any junk yard shall be so placed as to remain within the enclosure and shall not be piled higher than the top of the enclosure. No junk or materials of any kind shall be kept on the outside along the outer perimeter of the fence of any junk yard.

7-1.0306 BURNING PROHIBITED. It shall be unlawful to burn in any junk yard, refuse or junk, including rubber tires, batteries and rubber from wires which cause noxious odors.

7-1.0307 APPLICATION OF ARTICLE. The provisions of this article shall apply to all junk dealers and every junk dealer shall comply with all of the provisions of this article from and after its enactment.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 4  
SUBDIVISION PLATS WITHIN TWO MILES OF  
THE CORPORATE LIMITS OF THE CITY

7-1.0401 PURPOSE. The purpose of this chapter is to by authority of Iowa Code Section 354, Review Subdivision Plats Within Two Miles of a City, the City of Lynnville by this ordinance reserves the right to review each and every subdivision plat which is proposed to be developed on any and all land in the unincorporated area outside the corporate boundaries of Lynnville, but within two miles of those corporate boundaries.

7-1.0402 REVIEW. These subdivision plats will be reviewed by the same standards and conditions used for review and approval of subdivisions within the city limits.

1. In the alternative, Lynnville reserves the right granted by Iowa Code Section 354.9(2) and approval pursuant to Chapter 28E Agreements entered into and recorded between any county or city which has also adopted ordinances regulating the division of land which lies within the area of review established by the City of Lynnville, pursuant to this ordinance.

2. As required in Iowa Code Section 354.9, the City of Lynnville, will record this ordinance in the Office of the County recorder and file it in the Office of the County Auditor of each County wherein land reserved in this ordinance for review of subdivision plats by the City of Lynnville is located.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

If any section, provisions, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 5  
TELEPHONE SERVICES

7-1.0501 Ordinance granting to Lynnvile Telephone Company, Inc., its successors and assigns, the right to construct, erect, maintain and operate within the Town of Lynnvile, Iowa, plant, stations, or works for the furnishing to the citizens of the Town of Lynnvile, Iowa, communication service within said Town and the surrounding territory, to construct, operate and maintain cables, lines or transmission and toll lines, to erect transmission towers, relay towers and other transmission devices, to use the streets, alleys and public grounds of said Town of Lynnvile, Iowa, now or hereafter layed out or constructed for the purpose of supplying the citizens of the Town of Lynnvile, Iowa, and the Town and all corporate and private customers of the said Town with the said commodities; and to erect and maintain on said street, alleys and public grounds, cables or other transmission lines through the Town of Lynnvile, Iowa, to erect transmission towers, relay towers and other transmission devices, to supply communities and individual outside of said Town with service.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LYNNVILLE, IOWA, AS FOLLOWS:

7-5.0502 FRANCHISE GRANTED. Be It Ordained by the Town Council of the Town of Lynnvile, Iowa, that permission be and the same is hereby granted to Lynnvile Telephone Company, Inc., its successors and assigns, to erect, operate and maintain lines of telephone and telegraph, including the necessary poles, fixtures and electrical conductors, upon, along, under and over the public roads, streets, alleys and public grounds, including all additions thereto or extensions thereof, in the Town of Lynnvile, Iowa, as its business may from time to time require, provided that all poles shall be neat and symmetrical. That permission be and the same is hereby granted unto Lynnvile Telephone Company, Inc., its successors and assigns, to erect transmission towers, relay towers and other transmission devices developed in the future for communication purposes, including satellite transmission, reflector transmission, beam transmission, and any and all other means of future communication devices.

7-5.0503 CONSTRUCTION REGULATED. The work of erecting poles and any and all transmission devices including transmission towers, relay towers and any other future developed transmission devices when placed upon the public streets ' roads or public ground shall be done under the supervision of the Streets Committee and said Company shall replace and properly re-lay any sidewalk or street or any other public improvement which may be displaced by reason of the erection of such poles or communication devices and upon failure of the Company to do so, after twenty (20) days' notice in writing, shall have been given by the Mayor of said Town to said Company, the Town may repair each portion of the sidewalk or street or other public improvement which may have been disturbed by said Company and collect the cost, so incurred from said Company.

7-5.0504 FIRE AND POLICE ALARM. In consideration of the rights and privileges herein granted, said Company shall, upon demand without charge to said Town, provide 15 phones and the installation of same in the homes of the town citizens designed as fire fighters. That the Town Council shall be responsible for the placement of said phones and keeping the Company informed of the proper placement of said fire phones at all times.

7-5.0505 FREE TELEPHONE SERVICE. Said Town of Lynnville, Iowa, shall at all times during the existence of the privilege hereby granted, have from said Company, its successors and assigns, the use of the aforementioned 15 phones free of charge and in addition thereto the use of one individual telephone for local exchange service connected with the telephone system of said Town to be placed in the Town Hall. That said 15 phones used for fire protection and the phone in the Town Hall shall be maintained in good repair and working condition by said company, its successors or assigns.

7-5.0506 EMERGENCY, DAMAGE OR DESTRUCTION. When necessary, in case of fire or other emergency, poles, wires and street fixtures, transmission poles or other transmission devices or other telephone property of the said Lynnville Telephone Company, Inc., its successors or assigns, may be cut and removed by order of the Mayor or Chief of the Fire Department, without any liabilities on the part of the Town or such officers.

7-5.0507 REGULATION. Said Company shall at all times be subject to the Town ordinance which may hereafter be passed relative to the use of the public streets by telephone and telegraph and any and all other communication devices necessary.

7-5.0508 CONFLICTING ORDINANCES. Any ordinance or any provision of any ordinance which is in conflict with this ordinance, or any part of its provisions, is hereby repealed.

7-5.0509 NONEXCLUSIVE FRANCHISE. It is expressly understood that this ordinance does not grant unto Lynnville Telephone Company, Inc., its successors and assigns an exclusive franchise for the purposes herein stated.

7-5.0510 ELECTION REQUIRED. The rights herein granted are given by said Council of the said Town of Lynnville, Iowa, and accepted by the said Lynnville Telephone Company, Inc., its successors and assigns, upon the express condition that the ordinance shall not become effective and binding until same shall have been submitted to and approved by a majority of the electors of the Town of Lynnville, Iowa, voting upon the approval of this ordinance at the special election hereinafter mentioned and set forth. Said ordinance shall be submitted to the regular voters of the said Town at the special election to be held on the 9th day of October, 1990, under a proclamation to be issued by the Mayor and published in the Diamond Trail News, a newspaper of general circulation in said Town of Lynnville, Iowa, at least one (1) consecutive weeks before the date of said election.

7-5.0511 LIABILITY FOR DAMAGE. Said Company shall indemnify said Town against, and assume all liabilities for, damages which may arise or accrue to said Town from any injury to persons or property from the doing of any work herein authorized, or the neglect of said Company or any of its employees to comply with any ordinance relative to the use of the street or public

grounds of said Town, and the acceptance by the Company of this ordinance shall be an agreement by it to pay to said Town any sum of money for which the Town may become liable for by reason of such injury.

7-5.0512 EFFECTIVE. This ordinance shall take effect and be in force only upon the filing in the office of the Town Clerk of the Town of Lynnville, Iowa, after said ordinance shall have been submitted to the vote of the people, a written acceptance thereof by the said Lynnville Telephone Company, Inc.

7-5.0513 ACCEPTANCE BY GRANTEE. Said Company shall file with the Town Clerk of the Town of Lynnville, Iowa, its acceptance of this ordinance within sixty (60) days after the date of the approval of this ordinance by the voters of the Town of Lynnville, Iowa, and the due certification of said approval as shown by the returns of said election in the office of the Town Clerk of the Town of Lynnville, Iowa, and upon filing of the acceptance within such time by the said Lynnville Telephone Company, Inc., this ordinance shall take effect and be in force from such date and not otherwise, and shall continue in full force and effect for a period of 25 years. Dated August 13, 1990.

## TITLE VII - SOCIAL AND ECONOMIC WELL BEING

### CHAPTER 2 CIGARETTE PERMITS

7-2.0001 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Cigarette": shall mean any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. It also shall mean cigarette papers, wrappers and tubes. It shall further include cigarettos provided their weight does not exceed three (3) pounds per thousand. However, this definition shall not be construed to include cigars.  
(Code of Iowa, 2001, Sec. 453A.1(1))
2. "Retailer": shall mean and include every person that sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount of the number of sales.  
(Code of Iowa, 2001, Sec. 453A.1(21);  
O.A.G., 1944, P.142))
3. "Place of Business": shall mean any building or structure in which cigarettes are sold, or are kept for the purpose of sale, by a retailer.  
(O.A.G., 1932, p. 112; 1928 p. 162;  
and 1927, p. 142)

7-2.0002 PERMIT REQUIRED. No retailer shall sell, distribute, or solicit the sale of any cigarettes within the city without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

7-2.0003 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 7-2.0004 shall be filed with the clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the council in June. If a renewal application is not timely filed, and a special council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(O.A.G., 1922, p. 460;)  
(Code of Iowa, 2001, Sec. 453A)

7-2.0004 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:  
(Code of Iowa, 1979, Sec. 453A.13(3))

FOR PERMITS ISSUED OR RENEWED DURING:

FEE:

7-2.0005 REVOCATION. The council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or Chapter 98, Code of Iowa, 1991, or if grounds exist that would be sufficient for refusal to issue such a permit. The clerk shall give five (5) days written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on his application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which he may appear and be heard. The hearing shall be held at the regular meeting place of the council.

(Code of Iowa, 2001, Sec. 453A.22; O.A.G., 1932, p. 164)

7-2.0006 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 3 - FRANCHISES

ARTICLE I  
NATURAL GAS FRANCHISE

7-3.0101 FRANCHISE GRANTED. That Iowa Southern Utility Company, a corporation, its successors and assigns, be and it is hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, operate and maintain in the City of Lynnvile, Iowa, the necessary facilities for the production, distribution, transmission and sale of gas for public and private use and to construct and maintain along, upon, across and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes.

7-3.0102 TERM. This franchise shall not be exclusive and shall not restrict in any manner the right of the city council or any other governing body of the city in the exercise of any regulatory power which it may now have, or hereafter be authorized or permitted, by the laws of the State of Iowa.

EDITOR'S NOTE

Ordinance No. 246 was passed by the council on September 28, 1977.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 3 - FRANCHISES

ARTICLE 2  
ELECTRIC FRANCHISE

7-3.0201 FRANCHISE GRANTED. There is hereby granted to the Iowa Southern Utility Company, hereinafter referred to as the "company", its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City of Lynnville, Jasper County, Iowa, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the said City of Lynnville, Jasper County, Iowa; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the said City of Lynnville, Jasper County, Iowa, to supply individuals, corporations, communities and municipalities both inside and outside of said city with the electric light, heat and power for the period of 25 years; also the right of eminent domain as provided in Section 397.8 of the 1950 Code of Iowa.

7-3.0202 PLACEMENT OF POLES AND ACCESSORIES. The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in said city nor unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, under ground pipe and other property of the city and the same company, its successors and assigns shall hold the city free and harmless from all damages arising or resulting from any negligence of the company in the erection or maintenance of said system.

7-3.0203 COMPANY TO INSTALL METERS AND WIRES. The company, its successors and assigns shall furnish and install all meters and service wires to buildings at its own expense and the city expressly reserves the right of the council to carry out any and all powers and duties as provided by law.

7-3.0204 CITY RIGHTS. In case of fire or other emergencies, the poles, wires and street fixtures of the company may be cut and moved by order of the mayor or chief of fire department. The city shall also have the right to place on the poles of the company, wires for fire alarm systems, providing, however, the placing of said wires does not interfere with the proper use and maintenance of the company's wires.

7-3.0205 CAPACITY TO MEET DEMAND. The system authorized by this ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said city and the inhabitants thereof and shall be kept in a modern up-to-date condition.

7-3.0206 NON-EXCLUSIVE FRANCHISE. The franchise granted by this ordinance shall not be exclusive.

7-3.0207 SERVICE. Service to be rendered by the company under this franchise shall be continuous 24 hour service each day of the week unless prevented from so doing by fire, Acts of

God, unavoidable accidents or casualties, and in such event service shall be resumed as quickly as is reasonably possible.

7-3.0208 TERM. The term of the franchise granted by this ordinance and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the said company as herein provided.

7-3.0209 ACCEPTANCE. The franchise granted by this ordinance shall be accepted in writing, filed with the clerk within thirty (30) days from its receiving a majority of the votes cast at the special election hereinafter called.

#### EDITOR'S NOTE

Ordinance granting a franchise to Iowa Southern Utility Company was passed and approved by the council on May 6, 1986.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 5 - FRANCHISES

ARTICLE 3  
TELEPHONE FRANCHISE

7-3.0301 LICENSE REQUIRED. Every person, firm, or corporation engaged in any of the vocations hereinafter named shall, before engaging in such vocation, procure a license therefor from the Town Clerk.

7-3.0302 APPLICATION FOR LICENSE. Unless otherwise provided, application for license under this chapter shall be made with the Town Clerk who will then issue the license upon the payment of the license fee affixed by this ordinance unless the issuance of the license is subject to Council approval. All licenses shall be numbered consecutively and record kept by the Clerk. All yearly licenses shall expire December 31 of each year and the others at the time fixed in the license.

7-3.0303 CONTENT OF LICENSE. Each license shall bear the date of issuance thereof and shall specify the persons, firms, or corporations to whom issued, the purpose for which issued, a description of the place where the business is to be conducted, the expiration date and the fee paid. The license shall be signed by the Clerk, attested by the Seal of the Town, and registered on a record kept for that purpose.

7-3.0304 DENIAL OF LICENSE. A license shall be refused when it shall appear that the business to be licensed will be or is detrimental to public morals, good order, or the public health. Any person, firm, or corporation prejudiced by such refusal may, upon application, be heard before the Council at its next regular meeting following the refusal of such license.

7-3.0305 LICENSES NONTRANSFERABLE. No license shall be transferable to another person, firm, or corporation, and no person shall be authorized to do business or act under the authority of such license except the person to whom it was issued except as hereinafter provided, nor shall any license authorize any person to act under it at more than one place at a time, or to act at a place different than that named therein, provided, however, that a transfer of location may be permitted upon proper application to the issuing officer.

7-3.0306 LIMITATION. All licenses granted in the Town shall, at all times, be subject to all ordinances in force at the time of the granting of the licenses or ordinances which may be subsequently passed by the Council in relation thereto. If any holder of the license shall violate any ordinance in relation thereto, he shall be liable to the fine and penalty imposed thereby, and, in addition thereto, the council may, upon conviction, revoke and cancel said license.

7-3.0307 LICENSE FEES FOR CERTAIN BUSINESS OR PROFESSION. The business and professions hereinafter set forth shall require a license and shall pay a fee therefor as follows:

1. Public Dance. Each person operating a public dance within the municipality shall pay a license fee of Five Dollars (\$5.00) provided that the annual license fee for a dance hall is hereby fixed in the sum of One Hundred Dollars (\$100.00).
2. Refreshment Stands and/or Booths. Each operator of a stand or booth, including a popcorn stand, shall pay a license fee of Five Dollars (\$5.00) per month or Twenty-five Dollars (\$25.00) per year.
3. Circuses or Menageries. The license for circuses shall be Ten Dollars (\$10.00) a day for each ring; for menageries, the license fee shall be Ten Dollars (\$10.00) a day; and for a side show, the license fee shall be Five Dollars (\$5.00) a day.
4. Minstrel Shows, Theatrical Plays, and Traveling Exhibitions and other Public Exhibitions shall be Ten Dollars (\$10.00) per day.
5. Transient Auctioneers. The license fee for transient auctioneers shall be Ten Dollars (\$10.00) per day.
6. Clairvoyants. The license fee for clairvoyants, fortune tellers, or other persons who purport to know or speculate of the future or the unknown shall be Ten Dollars (\$10.00) per day.
7. Carnivals. The license fee for a carnival shall be Twenty-five Dollars (\$25.00) per day or Five Dollars (\$5.00) per day for each concession such as shooting galleries, merry-go-round, swings, rides, booths, and refreshment stands, whichever is lesser.
8. The license fee of a skating rink shall be Twenty-five Dollars (\$25.00) per month or Forty Dollars (\$40.00) per year.
9. Pool Halls or Bowling Alleys. The license fee for the pool hall or bowling alley shall be \$5.00 per month for each pool table or each bowling alley. No permit shall be granted in any building located or situated within 200 feet of any church or school within the corporate limits of the Town. All pool halls and bowling alleys shall be closed not later than 1:30 A.M., and shall not open on Sunday prior to 12:00 noon. Minors shall not be permitted in pool halls or bowling alleys if said licensee is the holder of a beer permit, but if the licensee does not hold a beer permit, minors may be admitted.

#### 7-3.0308 RELIGIOUS, CHARITABLE AND CIVIC ORGANIZATIONS – EXEMPT.

Authorized representatives of religious, charitable, and civic organizations desiring to sponsor any person, firm, or corporation engaged in any business or profession referred to in Section 33.7 above shall be exempt from the operation of this ordinance. All such organizations shall be required to submit, in writing to the Clerk, the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees, or wages are to be charged by the solicitor for his efforts, and the amounts thereof.

If the Clerk shall find that the organization is a bonafide charity or religious organization, he shall issue, free of charge, a license containing the above information to the applicant.

7-3.0309 ADDITIONAL REQUIREMENTS. In addition to the license fees hereinafter provided, the operator of any of the foregoing activities shall pay to the Town the cost of the expense of a policeman to police the hall, building, or grounds where the entertainment licensed as hereinbefore provided is carried on, in case a building or place necessary for such entertainment, at a per diem not to exceed Fifteen Dollars (\$15.00) which amount shall be paid in addition to the license as otherwise provided for in this ordinance. Such public policing shall be in force at the discretion of the Marshal.

7-3.0310 REVOCATION OF LICENSE. The Council, after hearing and notice, may revoke any license issued under this ordinance where the Licensee in the application for the license or in the course of conducting his business has made fraudulent or incorrect statements or has violated this ordinance or has otherwise conducted his business in an unlawful manner. In the event of revocation, no rebate shall be made of any fee paid.

7-3.0311 EXPIRATION OF LICENSE. All licenses granted under this ordinance shall expire at 6:00 P.M. of the last day for which the license was issued.

7-3.0312 PENALTY. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be punished according to Chapter 24 of the Code. Each day that a violation is permitted to exist constitutes a separate offense.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING  
CHAPTER 5 – FRANCHISES

ARTICLE 4  
LYNNVILLE CABLE TELEVISION REGULATORY ORDINANCE

An Ordinance establishing all rules and regulations for the control and offering of cablevision services to Lynnville, Iowa.

BE IT HEREBY ORDAINED by the City Council of the City of Lynnville, Iowa.

7-5.0401 PURPOSE -- SHORT TITLE.

- (a) The purpose of this chapter is to provide regulatory provisions for cable television systems in the City.
- (b) The ordinance codified in this chapter shall be known and may be cited as the "Lynnville Cable Television Regulatory ordinance."

7-5.0402 DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words and derivations shall have the meaning given in this section. When not inconsistent with the content, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Company" means DOW-SAT of Iowa, Inc., an Iowa corporation maintaining its offices in Williamsburg, Iowa, the grantee of rights under the regulatory ordinance codified in this chapter. Any other firm granted a cable television franchise in the City of Lynnville would also be governed by this chapter.
- (b) "Federal Communications Commission" or "FCC" means that federal agency constituted by the Communications Act of 1934 as amended.
- (c) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (d) "System" means the lines, fixtures, equipment, attachments and appurtenances thereto which are used in the construction, operation and maintenance of the community antenna television system authorized in this chapter.

7-5.0403 FINDINGS -- GRANTING OF FRANCHISE. The regulatory ordinance codified in this chapter which grants to DOW-SAT of Iowa the nonexclusive right to construct, operate and maintain a cable television system in the City, was passed and adopted by the City Council after a full, open and public proceeding. Said proceeding was held after public notice was given and afforded all interested parties the opportunity to comment upon the legal, character, financial, technical and other qualification of the company. Having received at said proceeding all comments regarding the qualifications of the company, the City finds that the company possesses the necessary legal, technical, character, financial and other qualifications and that the company's construction arrangements are adequate and feasible. Therefore, the City grants to the company a nonexclusive franchise, right and privilege to construct, erect, operate, modify, and maintain, in,

upon, among, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the city, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a cable television system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes set forth in this chapter.

7-5.0404 COMPLIANCE -- REQUIRED GENERALLY. The company shall, at all times during the life of the regulatory ordinance codified in this chapter, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter by resolution or ordinance provide. The construction, operation and maintenance of the system by the company shall be in full compliance with such portions of the National Electrical Safety Code as may be applicable and as the same may be amended and revised from time to time, and in full compliance with all other applicable rules and regulations now in effect or hereinafter adopted by the Federal Communications Commission, the city or any other agency for the state or the United States, which may hereafter acquire jurisdiction of the operations of the company authorized in this chapter. The company will provide a minimum of 5 satellite signals with an additional 4 off-air channels.

7-5.0405 COMPLIANCE -- NATIONAL ELECTRICAL SAFETY CODE. All facilities and equipment of the company shall be constructed and maintained in accordance with the requirement and specifications of the National Electrical Safety Code and such applicable ordinances and regulations set forth by the City and/or any local, state or federal agencies.

7-5.0406 COMPLIANCE -- FCC RULES AND REGULATIONS. The company shall, at all time, comply with the rules and regulations governing CATV operations promulgated by the FCC, specifically those set out in Section 76.31 of the FCC Rules and Regulations. This shall include adherence by the company to FCC rules regarding technical and engineering specifications involved in the construction of the CATV system and signal carriage therein.

7-5.0407 MODIFICATION OF FCC RULES. Consistent with the requirements of Rule 76.31(a)(6) of the FCC, any modification of Rule 76.31 resulting from amendment thereto by the FCC and shall be incorporated in this chapter by specific amendments thereto by lawful action of the City Council within one year from the effective date of the FCC's amendment or at the time of renewal of the ordinance codified in this chapter, whichever occurs first.

7-5.0408 TRANSFER. The franchise shall not sell or transfer its system to another, or alter the composition of its individual partners or stockholders, nor transfer any rights under this chapter to another without written notice and approval by the City; provided, that such approval shall not be unreasonably withheld if the vendee, assignee or lessee has filed with the appropriate official of the City and instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this chapter and agreeing to perform all conditions thereof.

7-5.0409 COMPANY RULES AND REGULATIONS. The company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and perform its obligations under this chapter, and to assure an uninterrupted service to each and all of its customers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of federal and state laws.

7-5.0410 FRANCHISE – TERM. The franchise granted the company in this chapter shall terminate 25 years from date of grant, subject to renewal for periods of reasonable duration on the same terms and conditions as contained in this chapter, or on such different or additional terms and conditions as may be lawfully specified by the City Council and as are consistent with the requirements of Rule 76.31 of the FCC. This franchise shall not be exclusive and shall neither restrict the City Council in the exercise of its regulatory power, nor prevent it from granting any other cable television system franchise.

7-5.0411 FRANCHISE – RENEWAL. No renewal of the ordinance codified in this chapter shall be effective except pursuant to a public proceeding affording due process. The company shall be a party to any such proceedings and any other proceedings in which its rights, privileges or interests would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules and regulations.

7-5.0412 SYSTEM CONSTRUCTION, MAINTENANCE AND PROCEDURES.

- (a) Upon grant of the ordinance codified in this chapter to construct and maintain a cable television system in the City, and in furtherance of the company's execution of contracts with public utility companies or any other owner to lessee of any poles located within or without the city to whatever extent such contract or contracts may be expedient and of advantage to the company for use of poles and posts necessary for proper installation of the system, the company may obtain right-of-way permits from appropriate state, county and federal officials necessary to cross highways or roads under their respective jurisdictions, to supply main trunk lines from the company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a city, county, state or federal agency may require. The company shall construct its cable system using material of good and durable quality, and all work involved in the construction, installation, maintenance and repair of the cable system shall be performed in a safe, thorough and reliable manner. Any municipal property damage or destroyed shall be promptly repaired or replaced by the company and restored to serviceable condition.
- (b) The company's system, poles, wires and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of person, or interfere with any improvements the City may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.

- (c) However, in the event that the City annexes further territory as authorized by law, the company shall extend energized trunk cable to the remaining portions of the city so annexed within an acceptable time thereafter, unless additional time is granted by the City Council upon request of the company for good cause shown. Extension of service shall not be one of the requirements as set forth in this section.
- (d) All transmission and distribution structures, lines and equipment erected by the company within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. In the event electrical and phone lines are buried to the subscriber's residence, the company shall be required to also bury the cable.
- (e) In case of any disturbance of pavement, sidewalk, driveway, grass or other surfacing, the company shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, grass or surface of any street or alley or other public or private property in as good condition as before said work was commenced.
- (f) In the event that at any time during the period of the ordinance codified in this chapter the City lawfully elects to alter or change the grade of any street, alley or other public way, the company, upon reasonable notice by the City, shall remove, relay or relocate its poles, wires, cables underground conduits, manholes and other fixtures at its own expense.
- (g) The company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrants or mains, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys and public ways.
- (h) The company shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lower of wires shall be paid by the person requesting the same and the company shall have the authority to require such payment in advance. The company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.
- (i) The company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the direction of the City and at the expense of the company, all trimming to be done under the supervision and direction of the City and at the expense of the company.

- (j) The company shall provide, upon request and without charge, service to any municipal buildings owned and operated by the City and to any public or parochial elementary or secondary school. This shall mean only an energized cable to such building. The cost of any internal wiring shall be borne by the institution.

7-5.0413 CONSTRUCTION SCHEDULE. The company shall accomplish significant construction (at least twenty percent (20%)) within one (1) year after receiving FCC certification and other necessary federal approvals, and shall thereafter reasonably make cable service available to all residents of the City, subject to the line extension provisions of Section 67.14, within two (2) years after receiving above federal approval.

7-5.0414 LINE EXTENSIONS.

- (a) It shall be the obligation of the company to serve all residents of the City except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically unfeasible or economically non-compensatory. For purposes of determining compliance with the provisions of this section, and governing extensions of cable service with the City, the company shall extend service to new subscribers at the normal installation charge and monthly rate for customers of that classification where there are an average of fifty-five (55) homes per linear mile of new cable construction.
- (b) In the event the requirements of subsection A are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

7-5.0415 CITY RIGHTS

- (a) City Rules. The right is reserved by the City to adopt, in addition to the provisions contained in this chapter and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power; provided, that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights granted in this chapter, and shall not be in conflict with the applicable laws of the state or the United States.
- (b) Use of System by City. The City shall have the right, during the life of the ordinance codified in this chapter, of maintaining upon the poles or in the underground conduits of the company within the city limits wire and fixtures necessary for a traffic signal control system and/or a police and fire alarm system. Such wires and fixtures shall be installed and maintained at the sole expense of the City and shall at all times comply with all reasonable rules and regulations of the company so that there may be a minimum danger of contact or conflict between the wires and fixtures of the company and wires and fixtures used by the City.
- (c) Emergency or Disaster. In the case of any emergency or disaster, the company shall, upon request of the City Clerk make available its facilities to the City for emergency use during the emergency or disaster period.

- (d) **Liability.** The City shall not be liable for any damage occurring to the property of the company caused by employees of the City in the performance of their duties, except for damage caused to the company's facilities by the negligence of the City's employees. The City shall not be liable for the interruption of service by actions of City employees in the performance of their duties, nor shall the City be held liable for the failure of the company to be able to perform normal services due to acts of God or other factors beyond the control of the City.
- (e) **No Property Right.** Nothing in this chapter shall grant to the company any right of property in the City-owned property, nor shall the City be compelled to maintain and of its property any longer than, or in any fashion other than in the City's judgment, its own business or needs may require.
- (f) **Construction Approval by City.** Except for individual service drops, the company shall not erect any pole, install any underground lines or conduits, run any line, make an attachment, nor shall any construction of any kind be commenced without the prior approval of the director of engineering or appropriate department of the City, which approval shall not be unreasonable withheld, and City shall have and maintain the right to inspect the construction, operation and maintenance of the system by the company to insure the proper performance of the terms of the regulatory ordinance codified in this chapter.
- (g) **Correction of Defects.** In the event the company should violate any of the terms of the regulatory ordinance codified in this chapter, or any of the rules and regulations as may be from time to time lawfully adopted, the City shall immediately give to the company thirty (30) day's written notice to correct such violation and in the event the company does not make such correction within thirty (30) days from the receipt of such written notice, the City may make such correction itself and charge the cost of same to the company, and the company shall pay such charges within thirty (30) days after the receipt of a statement for such charge from the City.

**7-5.0416 PUBLICATION COSTS AND ATTORNEY FEES.** The company shall assume the costs of the publication of the ordinance codified in this chapter as such publication is required by law and reasonable fees of the City Attorney, not to exceed Five Hundred Dollars (\$500.00). A bill for publication costs and attorney fees shall be presented to the company by the appropriate City officials upon the company's filing of its acceptance of the ordinance codified in this chapter and the said publication costs and attorney fees shall be paid at that time by the company.

**7-5.0417 PAYMENTS TO THE CITY.**

- (a) The company shall, commencing one (1) year from the date of the first service, and during each year of operation under this chapter, pay to the City three percent (3%) of the annual gross subscriber revenues received by the company for monthly basic cable television services rendered to customers located within the City. At the time of this annual payment, the company shall furnish the City with an operating report

showing the company's annual gross subscriber revenues during the preceding year and such other information as the City shall reasonably require with respect to properties and expenses related to the company's services within the City for such period.

- (b) All payments as required by the company to the City shall be made annually and shall be due ninety (90) days after the close of the twelve (12) month period.

#### 7-5.0418 RATES AND CHARGES – DESIGNATED.

- (a) Except as otherwise provided in the chapter, the grantee shall have the right, privilege and authority to charge the rates and charges fixed in this section to its subscribers for its services.

- (b) At system turnon single-user rates and charges may be as follows:      Description:

Installation:    Not to exceed Twenty Dollars (\$20.00) per installation.

Service Charge -- Initial Outlet: Not to exceed Ten Dollars (\$10.00) monthly. In the event additional channels can be offered through the use of a set-top converter, a one-time deposit of Twenty Dollars (\$20.00) will be charged.

Service Charge -- Additional Outlet(s) Each: Not to exceed Three Dollars (\$3.00) monthly. In the event additional channels can be offered through the use of a set-top converter, a one-time deposit of Twenty Dollars (\$20.00) will be charged.

- (c) Multi-user rates and charges may be negotiated between the grantee and the subscriber, but in no event shall the multi-user rates and charges for any subscriber exceed the aggregate rates and charges for which would be charged to the multi-user if computed on the basis of single-user rates and charges. In addition to the specified monthly service rate, the company may add to that rate, taxes or fees imposed upon the company's gross subscriber revenues by city, state and federal governmental or legislative bodies and fees or charges imposed upon the company for the use and distribution of copyrighted program material.
- (d) Grantee may, at its own discretion, waive, reduce or suspend connection fees for specific or indeterminate periods and/or monthly service fees for promotional purposes.

#### 7-5.0419 RATES AND CHARGES – CHANGE.

- (a) For the purpose of this section, "basic monthly cable television service" is the provision of television broadcast signals and access and origination channels, if any, and does not include advertising services, rental or studios or equipment, provision of program production services, per-channel or per-program charges to subscribers

("pay cable"), rental of channels, sale of channel time, provision of commercial services such as security systems, or any other service of the system, the rates and charges for which shall not require approval by the City.

- (b) In consideration for the services rendered to the subscribers, grantee may have the right to charge and collect reasonable and just compensation which shall reflect, among other things, the grantee's need to attract new capital and provide a reasonable return on invested capital. No increase shall be implemented without the prior specific approval of the City Council.
- (c) Before approving such increase, the City shall hold a public hearing thereon, and shall cause to be published for two consecutive weeks in a newspaper of general circulation in the City a public notice setting forth the proposed rates and charges and the date, time and place of the public hearing. At such public hearing, any interested party shall have the right to give testimony and present evidence on the rates and charges proposed.
- (d) Before instituting any increase, grantee will furnish to the City Council a copy of the proposed new rates and charges, as well as information regarding Bureau of Labor Statistics figures on the Consumer Price Index, current operating reports and any other information reasonably required by the City. Such notification shall precede any increase by not less than thirty (30) days and not more than sixty (60) days.
- (e) In no event shall the basic rate be increased for a period of two (2) years following award of franchise.
- (f) The grantee shall pay all costs and expenses incurred by the City in connection with said application and said hearing.

7-5.0420 RECORDKEEPING. The company shall keep full, true, accurate and current books of account, which books and records and all other pertinent books, records, maps, plans, financial statements and other like materials, shall be made available for inspection and copying by the City upon reasonable notice and during normal business hours.

#### 7-5.421 SERVICE PROCEDURES.

- (a) During the term of the ordinance codified in this chapter, and any renewal thereof, the company shall maintain a 24-hour toll-free telephone number and provide the City Clerk's office with the name, address and telephone number of a person who will act as the company's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters. Any complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within four (4) business days of their receipt. The company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection of the City.

- (b) The company shall by appropriate means, such as a card or brochure, as subscribers are connected or reconnected to the system, furnish information concerning the procedures for making inquiries and/or complaints, including the name, address and telephone numbers of the employee or employees or agent to whom such inquiries or complaints are to be addressed.

#### 7-5.0422 PROTECTION OF PRIVACY.

- (a) Grantee shall not permit the transmission of any signal, aural, visual or digital, including "polling" the channel selection, from any subscriber's premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of transmission of signals useful only for the control or measurement of system performance.
- (b) Grantee shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services utilizing aural, visual or digital signals without first obtaining written permission of the subscriber.
- (c) It is unlawful for any person to attach or affix or cause to be attached or affixed any equipment or device which allows access or use of the cable television service without payment to the grantee for same. Such action shall be a simple misdemeanor.

7-5.0422 PROGRAM CONTENT RESTRICTION. In addition to providing basic cable television service consisting of broadcast, locally originated, access and automated signals, the company may offer subscribers optional services on a per-program or per-channel basis. However, the company shall not display X-rated motion pictures either as part of its basic cable or pay cable services.

7-5.0423 EMPLOYMENT -- DISCRIMINATION PROHIBITED. The grantee shall not refuse to hire, nor discharge from employment, nor discriminate against any person regarding compensation, terms, conditions, or privileges of employment because of sex, age, race, color, creed or national origin. The grantee shall take affirmative action to insure that employees are treated, during employment, without regard to their sex, age, race, color, creed or national origin.

7-5.0424 LIABILITY AND INDEMNIFICATION. The company shall indemnify the city for, and hold it harmless from all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to this chapter. The City shall notify the company's representative within fifteen (15) days by suit, or otherwise, made against the City, either by suit, or otherwise, made against the City on account of any negligence or contract as aforesaid on the part of the company. The company further agrees as follows:

- (a) Company shall carry Workmen's Compensation insurance with statutory limits, and Employers' Liability insurance with limits of not less than One Hundred Thousand Dollars (\$100,000.00), which shall cover all operations to be performed by company as a result of this chapter.
- (b) The amounts of insurance to be carried for liability due to property damage shall be Five Hundred Thousand Dollars (\$500,000.00) as to any one occurrence and against liability due to injury or death of persons, Five Hundred Thousand Dollars (\$500,000.00) as to any person and One Million Dollars (\$1,000,000.00) as to any one occurrence. The City shall reserve the right during the term of the franchise to increase or decrease the amount of insurance coverage required, provided that notice in writing is made to the franchisee of all increases or decreases in said insurance coverage requirements. The company shall, within sixty (60) days of receipt of that written notice, obtain such insurance coverage as is specified in said notice.
- (c) Company's Workmen's Compensation, Comprehensive General Liability and Comprehensive Automobile Liability insurance shall be written by an insurance company with a capital and/or surplus of not less than Three Million Dollars (\$3,000,000.00), and company agrees to furnish City with certified copies or certificates of insurance of said policies, which shall provide that insurance shall not be canceled unless ten (10) day's prior written notice shall first be given to City.
- (d) Company shall, within thirty (30) days subsequent to the effective date of the ordinance codified in this chapter, post a performance bond with the City, written by an approved corporation surety in the amount of Five Thousand Dollars (\$5,000.00) and in a form satisfactory to the City guaranteeing company's continued operation of the cable television system within the City and company shall well and truly observe, fulfill and perform each term and condition of the bond. All damages which may be directly occasioned by the failure of the company to perform under the chapter, up to the principal amount of the bond, shall be recoverable from the principals and sureties of said bond of the City.
- (e) If company should commit a minor breach of this chapter and not remedy such breach within thirty (30) days after having received written notice from the City to do so, the City, at its discretion, may declare a portion of the bond equivalent to the amount of damages sustained by the municipality which are directly attributable to such breach forfeited and company shall thereupon be required:
  - 1. To remedy the breach within reasonable dispatch; and
  - 2. Within thirty (30) days of such forfeiture replace the forfeited portion of the bond. Notwithstanding the foregoing, nothing contained in this subsection shall serve to absolve company of any of its obligations under this chapter or the rules and regulations of the Federal Communications commission.

- (f) The company shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times throughout the term of the ordinance codified in this chapter and during the removal of all poles, wires, cables, underground conduits, manholes and other conductors, converters, equipment and fixtures subsequent to the termination of the ordinance codified in this chapter. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the clerk or similar official of the City.
- (g) All insurance policies and bonds as are required of the company in the regulatory ordinance codified in this chapter shall be written by a company or companies authorized and qualified to do business in the state. Certificates of all coverage required shall be promptly filed by the company with the City.
- (h) Within sixty (60) days after the effective date of the ordinance codified in this chapter, the company shall file with the Federal Communications Commission such request, petition or other application as is then proper to secure from said Federal Communications Commission and all necessary permits, licenses, waivers or the like as may be necessary to be secured from said Federal Communications Commission to fully comply with the terms of this chapter. The company shall thereafter diligently pursue such application with the Federal Communications Commission and shall do all reasonable things necessary and proper to secure any such permit, license, waiver, approval or the like from it. The company shall keep the City advised, from time to time, of the progress of such application.

#### 7-5.0425 ACTIVITIES PROHIBITED.

- (a) The company, any and all of its officers, agents and employees are specifically prohibited from engaging in the sale, service, rental or leasing of television receivers or television or radio receiver related parts and accessories with any person anywhere in the City, whether for a fee or charge or not. The company shall prohibit any of its officers, agents and employees from violating the terms of the section at all times, whether in the performance of duties of the company or otherwise.
- (b) The company shall not allow its cable or other operations to interfere with television reception of persons not served by the company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the resident of the City.
- (c) The company shall not, as to rates, charges, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage; provided, that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

7-5.0426 VIOLATION – PENALTY.

- (a) Should the company, its successors or assigns violate any of the provisions of this chapter or any reasonable rules and regulations established by the City pursuant hereto and should such violation continue for more than thirty (30) days after the City has given the company written notice of such violation, failure or default, the same shall be cause for the forfeiture or revocation of the ordinance codified in this chapter and the termination of all rights hereunder; provided, however, any delay in correcting such violation which is caused by factors beyond the control of the company shall not be included in computing the length of the continuance of such violation.
- (b) In the event of the bankruptcy or receivership of the company, all rights herein given to the company shall, at the option of the City, be forfeited and terminated.

7-5.0427 REPEALER. That all ordinances in conflict herewith are hereby repealed. They are: None.

7-5.0428 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.

TITLE VIII - TRANSPORTATION  
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 1  
STREET REGULATIONS

8-1.0101 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other articles 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, 2001, Sec. 716.1)

8-1.0102 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person or obstruct, deface, or injure any public road in any manner.

(Code of Iowa, 2001, Sec. 716.6)

8-1.0103 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, 2001, Sec. 321.369)

8-1.0104 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 2001, Sec. 364.12(2))

8-1.0105 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by the chief of police for such purposes with approval of the council.

(Code of Iowa, 2001, Sec. 364.12(2))

8-1.0106 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any city official, police officer or member of the fire department.

8-1.0107 USE OF PARKING. It shall be unlawful to temporarily or permanently park, store, or place any car, truck, vehicle, junk or any other goods, wares and merchandise of any kind upon any street parking without permission of the council.

8-1.0108 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any machinery, or any other goods, wares, and merchandise of any kind upon any

street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.

8-1.0109 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street.

8-1.0110 DRIVEWAY CULVERTS. No person shall construct a driveway or other access from any public street so as to impede proper drainage and flow of surface waters. No culvert, or culvert like structure shall be constructed except in accordance with the following:

1. City to Provide Materials and Labor. The city shall provide all labor and necessary materials as required for proper construction of the culvert.
2. Owner to Reimburse City. The city shall be reimbursed by the property owner for all reasonable costs of labor and materials used in the construction of driveway culverts.
3. Owner to Repair. It shall be the responsibility of the property owner to make any necessary repairs, and in the event he fails to do so, the city shall have the right to make the repairs. If the property owner fails to reimburse the city for the costs of said repairs, as well as costs of materials and labor, the costs shall be certified to the county auditor and specifically assessed against the property by law.

TITLE VIII - TRANSPORTATION  
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 3  
STREET CLASSIFICATION

8-1.0301 NAMING. The streets in the Town which have heretofore been named either by the Council by resolution or by approval of the Council of a dedication of a plot bearing street names is hereby ratified, confirmed, and approved, and the names so designated are hereby adopted and confirmed.

8-1.0302 NAMING NEW STREETS. Any new streets dedicated to the public use within the Town may be named by the persons dedicating the property to public use subject to the approval of the Council, and, in the case of streets acquired in any other manner, the Council may by resolution designate a name for said streets.

8-1.0303 TOWN MAP. A scale map of the Town shall be on file in the office of the Clerk which map shall designate, by name, the streets of the Town.

8-1.0304 STREET MARKERS. The Council shall cause suitable markers to be erected at intersections so that all streets in the Town are properly identified.

8-1.0305 VACATED STREETS AND ALLEYS. The Council has heretofore, by ordinances, vacated certain street and alleys. The action of the Council vacating said streets and alleys is hereby ratified, approved, and confirmed, and all of said ordinances are declared to be in full force and effect. The Clerk shall maintain a book in which shall be recorded a record of the ordinances by which streets and alleys were vacated.

TITLE VIII - TRANSPORTATION  
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 4  
VACATION AND DISPOSAL

8-1.0401 POWER TO VACATE. When in the judgment of the council it would be in the best interest of the city to vacate a street or alley, or portion thereof, they may do so in accordance with the provisions of this article.

(Code of Iowa, 2001, Sec. 364.12(2)(a))

8-1.0402 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.

8-1.0403 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the council finds that:

1. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and, therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property, abutting on the street or alley reasonable access to their property.

(Code of Iowa, 2001, Sec. 364.15)

8-1.0404 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion thereof, they may do so by resolution following notice and hearing.

(Code of Iowa, 2001, Sec. 364.7)

8-1.0405 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, 2001, Sec. 364.7(3))

8-1.0406 DATUM PLANE AND GRADE ESTABLISHED.

1. Purpose. The purpose of this ordinance is to establish the datum plane, based on, and referenced to the center fold of the fire hydrant located at the southeast corner of the intersection of Park Avenue and Second Street N.E., hereby made the official bench mark of the City of Lynnville, Iowa, and reference point for all grades in said City and designated as Bench Mark "B".
2. That said bench mark elevation is established at 973.01 feet, which is approximately mean sea level.

3. That all grades established shall be the grade at the intersection of the center of the streets unless specifically established otherwise.
4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
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.

TITLE VIII - TRANSPORTATION  
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 5  
STREET AND SIDEWALK GRADES

8-1.0501 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

8-1.0502 RECORD MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

TITLE VIII - TRANSPORTATION  
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 6  
PLACEMENT OF MAILBOXES

8-1.0601 SPECIFICATIONS.

1. Type Mailbox. All mailboxes placed within the City of Lynnville upon the city streets and right-of-ways of the City of Lynnville, shall be of a quonset type, number 1 sized box as approved by the U.S. Department of Postal Service regulations.
2. Location of Boxes. All mailboxes meeting the above specifications shall be set in clusters of at least two and not more than twenty-four boxes per location. Boxes shall not be set closer than twenty-five feet to an intersection, said intersection shall be determined by measuring twenty-five feet from the middle of the intersecting street down the street the mailboxes are to be placed upon. Mailboxes shall not be placed closer than five feet from any alley or driveway approach.

Mailboxes meeting the above specifications may be placed in the street right-of-way provided that the support thereof shall be at least two feet behind the curb or edge of the traveled way and no portion of the box or support shall extend into the traveled way. Said boxes shall not obstruct a paved sidewalk for pedestrians and where the roadway has a shoulder to maintain, said box and support shall be placed so as to not interfere with the road maintenance or snow removal.

3. Maintenance of Approaches. All approaches to the mailboxes shall be maintained by the individual owners of the boxes at said approach and the city shall not be responsible for surfacing, grading or maintaining said approaches.
4. Non-conforming Existing Mailboxes. All existing mailboxes in the City of Lynnville which at the time of the passage of this ordinance will not be affected by this ordinance and shall be allowed to remain in place. Any mailboxes installed after the passage of this ordinance must meet the requirements and specifications of this ordinance.
5. Effect. This ordinance shall take effect and be in full force and effect from and after the passage and publication as provided by law.

## TITLE VIII - TRANSPORTATION

### CHAPTER 2 SIDEWALK REGULATIONS

8-2.0001 DEFINITIONS. For use in this chapter the following terms are defines:

1. "Sidewalk": shall mean all permanent public walks in business, residential or suburban areas.
2. "Broom Finish": shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
3. "Wood Float Finish": shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.
4. "Portland Cement": shall mean any type of cement except bituminous cement.
5. "One-course Construction": shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
6. "Established Grade": shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.
7. "Business District": shall have the same meaning as defined in Section 2.1-2.0102(5).

8-2.0002 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

(Code of Iowa, 2001, Sec. 364.12(2)(c))

8-2.0003 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. 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 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, 2001, Sec. 364.14)

8-2.0004 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required the council may serve notice on such owner, by certified mail, requiring him to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

8-2.0005 SIDEWALK STANDARDS. Sidewalk repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well drained soil. Where soil is not well drained, a three (3) 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 city.
4. Sidewalk Bed. The sidewalk bed shall be graded to the established grade.
5. Length, Width and Depth.
  - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.
  - B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length an width.
  - C. Driveway areas shall be not less than five (5) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the council shall establish a different distance due to circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half («) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope .25 inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Ramps for Handicapped. There shall be not 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 inches wide, shall be sloped at not greater than one (1) inch of rise per twelve inches lineal distance, except that a slope no greater than one (1) inch of rise per eight 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 handicapped persons using the sidewalk.

(Code of Iowa, 2001, Sec. 216C.9)

8-2.0006 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the city may do so and assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa, 2001, Sec. 364.12(2)(b) and (2)(c))

8-2.0007 AWNINGS: STANDARDS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

8-2.0008 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.

8-2.0009 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

8-2.0010 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

8-2.0011 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

8-2.0012 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, 2001, Sec. 364.12(2))

8-2.0013 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

8-2.0014 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the council.

## NOTICE TO ABATE NUISANCE

TO: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance.)

You are hereby notified to abate the nuisance existing at

\_\_\_\_\_  
(location of nuisance)

or file written request for a hearing with the undersigned officer within \_\_\_\_\_  
(hours or days) from service of this notice.

The nuisance consists of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(describe the nuisance) and shall be abated by:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(state action necessary to abate the particular nuisance.)

In the event you fail to abate or cause to be abated the above nuisance as directed, the Chief of Police will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THE CITY OF LYNNVILLE, IOWA

By: \_\_\_\_\_  
(Designate Officer initiating notice)