

**CODE OF ORDINANCES**

**ANITA, IOWA**

**2007**

**CODIFIED BY: SOUTHWEST IOWA PLANNING COUNCIL  
1501 SW 7TH STREET  
ATLANTIC, IOWA 50022-0348**

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## TITLE I GENERAL PROVISIONS

### CHAPTER 1 GENERAL PROVISIONS

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

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

2. "Clerk" means City Clerk - Treasurer.

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

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

5. "County" means the County of Cass, Iowa.

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

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

8. "May" confers a power.

9. "Month" means a calendar month.

10. "Must" states a requirement.

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

12. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
13. "Ordinance" means a law of the city; however, an administrative action, order, or directive, may be in the form of a resolution.
14. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.
15. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
16. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
17. "Preceding" and "following" mean next before and next after, respectively.
18. "Property" includes real and personal property.
19. "Property Owner" means a person owning private property in the City of Anita as shown by the County Auditor's plats of the city.
20. "Real property" includes any interest in land.
21. "Shall" imposes a duty.
22. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
23. "State" means the State of Iowa.
24. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
25. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.
26. "Title of Office". Use of the title of any officer, employee, board, or commission means that officer, employee, department, board, or commission of the city;
27. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail.
28. "Year" means a calendar year.

29. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

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

**1-1-2 GRAMMATICAL INTERPRETATION.** The following grammatical rules shall apply in the ordinances of the city;

1. Gender. Any gender includes the other gender.

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

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

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

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

**1-1-4 AMENDMENT.** All ordinances of the city council passed thereafter shall be in the form of an addition or amendment to the Anita Municipal Code, 2006, constituting this municipal code, and shall include proper references to chapter and section to maintain the orderly codification of the ordinances.

(Code of Iowa, Sec. 380.2)

**1-1-5 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.

**1-1-6 CITY POWERS.** The city may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city and of its residents, and preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents and each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, sec. 364.1)

## **TITLE I GENERAL PROVISIONS**

### **CHAPTER 2 RIGHT OF ENTRY**

#### **1-2-1 Right of Entry**

**1-2-1 RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any ordinance, or whenever there is reasonable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hour written notice of the authorized official's intention to inspect such building or premises. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**TITLE I GENERAL PROVISIONS**

**CHAPTER 3 PENALTY**

**1-3-1 General Penalty**

**1-3-2 Civil Penalty - Municipal  
Infraction**

**1-3-1 GENERAL PENALTY.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Anita is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Anita shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days.

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

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

(Code of Iowa, Sec. 364.22)

1. Definitions.

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

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

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

2. Violations, Penalties, and Alternate Relief.

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

Schedule of Civil Penalties

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

All other repeat offenses--Not more than one thousand dollars (\$1,000.00).  
(Code of Iowa, Sec. 364.22)

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

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

### 3. Civil Citations.

a. Any officer authorized by the city to enforce the code of ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service, by certified mail, addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.

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

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

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

(Code of Iowa, Sec. 364.22(4))

## TITLE I GENERAL PROVISIONS

### CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

#### **1-4-1 PURPOSE AND INTENT.**

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

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

#### **1-4-2 GENERAL.**

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

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

3. Continuances. The city council may grant continuances for good cause shown.

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

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

#### **1-4-3 FORM OF NOTICE OF HEARING.**

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

"You are hereby notified that an evidentiary hearing will be held before the \_\_\_\_\_ City Council at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit with the clerk-treasurer."

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

**1-4-5 CONDUCT OF HEARING.**

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

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

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

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

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

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

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

7. Official Notice.

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

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

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

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

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

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

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

#### **1-4-6 METHOD AND FORM OF DECISION.**

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

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

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

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 1 CITY CHARTER

2-1-1	<b>Charter</b>	2-1-5	<b>Term of Mayor</b>
2-1-2	<b>Form of Government</b>	2-1-6	<b>Nominations</b>
2-1-3	<b>Powers and Duties</b>	2-1-7	<b>Copies on File</b>
2-1-4	<b>Number and Term of City Council</b>		

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

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

(Code of Iowa, Sec. 372.4)

**2-1-3 POWERS AND DUTIES.** The city council and mayor and other city officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules, and regulations of the City of Anita, Iowa.

**2-1-4 NUMBER AND TERM OF CITY COUNCIL.** The city council consists of five (5) city council members elected at large for staggered terms of four (4) years each.

(Code of Iowa, Sec. 376.2 & Sec. 372.4)

**2-1-5 TERM OF MAYOR.** The mayor is elected for a term of four (4) years

(Code of Iowa, Sec. 372.4 & 376.2)

**2-1-6 NOMINATIONS.** All candidates for elective municipal offices shall be nominated by petition following the provisions of Chapter 45 of the Iowa Code.

(Code of Iowa, Sec. 376.3)

**2-1-7 COPIES ON FILE.** The clerk-treasurer shall keep an official copy of the charter on file with the official records of the clerk-treasurer, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the clerk-treasurer's office for public inspection.

(Code of Iowa, Sec. 372.1)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 2 CITY ELECTIONS

2-2-1	<b>Purpose</b>	2-2-6	<b>Filing, Presumption, Withdrawals, Objections</b>
2-2-2	<b>Nominating Method to be Used</b>	2-2-7	<b>Persons Elected</b>
2-2-3	<b>Nominations by Petition</b>	2-2-8	<b>Primary and Runoff Abolished</b>
2-2-4	<b>Adding Name by Petition</b>		
2-2-5	<b>Preparation of Petition</b>		

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

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

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

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

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

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.

2. Name of Ballot. A request that the name of the nominee be printed upon the official ballot for the election.

3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.

4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

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

**2-2-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS.** The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such

petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

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

**2-2-8 PRIMARY AND RUNOFF ABOLISHED.** The council has adopted Chapters 44 and 45 of the Code of Iowa for conducting elections and in accordance with Section 376.6(2), Code of Iowa, no primary or runoff election will be conducted for city offices.

**TITLE II POLICY AND ADMINISTRATION**

**CHAPTER 3 APPOINTMENT AND QUALIFICATIONS OF APPOINTIVE OFFICERS**

<b>2-3-1</b>	<b>Creation of Appointive Officers</b>	<b>2-3-5</b>	<b>Bonds Required</b>
		<b>2-3-6</b>	<b>Surety</b>
<b>2-3-2</b>	<b>Appointments of Officers</b>	<b>2-3-7</b>	<b>Blanket Position Bond</b>
<b>2-3-3</b>	<b>Terms of Appointive Officers</b>	<b>2-3-8</b>	<b>Bonds Filed</b>
<b>2-3-4</b>	<b>Vacancies in Offices</b>	<b>2-3-9</b>	<b>Gifts</b>

**2-3-1 CREATION OF APPOINTIVE OFFICERS.** There are hereby created the following appointive officers: clerk-treasurer, city attorney, public health officer, police chief, fire chief, zoning administrator, street superintendent, and wastewater systems superintendent, and other officers as may be provided for by ordinance.

**2-3-2 APPOINTMENT OF OFFICERS.** The mayor shall appoint a Mayor Pro Tempore and shall appoint and may dismiss the Police Chief with the consent of the majority of the city council. All other officers shall be appointed or selected by the city council unless otherwise provided by law or ordinance.

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

**2-3-3 TERMS OF APPOINTIVE OFFICERS.** The terms of all appointive officers that are not otherwise fixed by law or ordinance shall be one (1) year.

**2-3-4 VACANCIES IN OFFICES.** A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the city council, unless filled by election in accordance with state law.

(Code of Iowa, Sec. 372.13(2))

**2-3-5 BONDS REQUIRED.** Each municipal officer required by law or ordinance to be bonded shall, before entering upon the duties of the office, execute to the city a good and sufficient bond, to be approved by the city council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the city in the official's charge unless the city council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

**2-3-6 SURETY.** Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

**2-3-7 BLANKET POSITION BOND.** The city council shall provide for a blanket position bond to cover all officers and employees of the city, but the city council may provide by resolution for a surety bond for any other officer or employee that the city council deems necessary. The city shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

**2-3-8 BONDS FILED.** All bonds when duly executed shall be filed with the clerk-treasurer, except that the clerk-treasurer's bond shall be filed with the mayor.

(Code of Iowa, Sec. 64.23)

**2-3-9 GIFTS.**

1. Except as otherwise provided in Chapter 68B, Code of Iowa, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

2. A restricted donor shall not, directly or indirectly, offer to make a gift or a series of gifts to a public official, public employee, or candidate. A restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer to make a gift or a series of gifts to a public official, public employee, or candidate.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 4 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-4-1	<b>General Duties</b>	2-4-9	<b>Powers and Duties of the City Attorney</b>
2-4-2	<b>Books and Records</b>	2-4-10	<b>Powers and Duties of the Street Superintendent</b>
2-4-3	<b>Deposits of Municipal Funds</b>	2-4-11	<b>Powers and Duties of the Wastewater Systems Superintendent</b>
2-4-4	<b>Transfer of Records and Property To Successor</b>	2-4-12	<b>Powers and Duties of the Chief of Police</b>
2-4-5	<b>Powers and Duties of the City Council</b>	2-4-13	<b>Powers and Duties of the Fire Chief</b>
2-4-6	<b>Powers and Duties of the Mayor</b>	2-4-14	<b>Powers and Duties of the Public Health Officer</b>
2-4-7	<b>Powers and Duties of the City Manager</b>		
2-4-8	<b>Powers and Duties of the Clerk-Treasurer</b>		

**2-4-1 GENERAL DUTIES.** Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the city council unless contrary to state law or city charter.

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

**2-4-2 BOOKS AND RECORDS.** All books and records required to be kept by law or ordinance shall be open to public inspection , subject to confidential records in accordance with state law.

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

**2-4-3 DEPOSITS OF MUNICIPAL FUNDS.** Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the clerk-treasurer, together with receipts indicating the sources of the funds.

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

**2-4-5 POWERS AND DUTIES OF THE CITY COUNCIL.** The powers and duties of the city council include, but are not limited to the following:

1. Approve Action. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the city council members. A motion to spend public funds in excess of twenty-five thousand dollars (\$25,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less

than a majority of the city council members. Each council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

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

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

3. Measure Becomes Effective. Measures passed by the city council, other than motions, become effective in one of the following ways:

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

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

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

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

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

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

## MEETINGS.

1. Regular Meetings. The regular meetings of the city council are on the 2nd Wednesday of each month at 7:30 o'clock p. m. in the city council chambers at city hall. If such day falls on a legal holiday, the meeting will be held on such different day or time as determined by the city council.

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

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

3. Quorum. A majority of the city council members is a quorum.

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

4. Rules of Procedure. The city council shall determine its own rules and maintain records of its proceedings.

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

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

**2-4-6 POWERS AND DUTIES OF THE MAYOR.** The duties of the mayor shall be as follows:

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

(Code of Iowa, Section 372.14(1))

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

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

3. The mayor may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the city council. If the mayor vetoes a measure, the mayor must explain in writing the reason for such veto to the city council.

(Code of Iowa, Sec. 380.5, 380.6(2) & (3))

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

5. The mayor shall, whenever authorized by the city council, sign all contracts on behalf of the city.

6. The mayor shall call special meetings of the city council when the mayor deems such meetings necessary to the interests of the city.

Code of Iowa, Sec. 372.14(2))

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

8. Immediately after taking office, the mayor shall designate one member of the city council as mayor pro tempore. The mayor pro tempore shall be vice-president of the city council. Except for the limitations otherwise provided herein, the mayor pro tempore shall perform the duties of the mayor in cases of absence or inability of the mayor to perform the duties of the office. In the exercise of the duties of the office, the mayor pro tempore shall not have power to appoint, employ,

or discharge from employment officers or employees without approval of the city council. The mayor pro tempore shall have the right to vote as a member of the city council.

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

9. The mayor shall, upon order of the city council, secure for the city such specialized and professional services not already available to the city. In executing the order of the city council the mayor shall conduct said duties in accordance with the city ordinance and the laws of the State of Iowa.

10. The mayor shall sign all licenses and permits which have been granted by the city council, except those designated by law or ordinance to be issued by another municipal officer.

11. Upon authorization of the city council, the mayor shall revoke permits or licenses granted by the city council when their terms, the ordinances of the city, or the laws of the State of Iowa are violated by holders of said permits or licenses.

12. The mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by a law enforcement officer.

**2-4-7 POWERS AND DUTIES OF THE CITY MANAGER.** The City Manager is the chief administrative officer of the City. The duties shall be as follows:

(Code of Iowa, Sec. 372.8)

1. Supervise enforcement and execution of city laws.
2. Attend all meetings of the council.
3. Recommend to the council any measures as deemed necessary or expedient for the good government and welfare of the city.
4. Supervise the official conduct of all officers of the city appointed by the Manager, and take active control of the police, fire, and utility departments of the city.
5. Supervise the performance of all contracts for work to be done for the city, make all purchases of material and supplies and see that such material and supplies are received and are of the quality and character called for by the contract.
6. Supervise the construction, improvement, repair, maintenance and management of all city property, capital improvements and undertakings of the city, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements.
7. Cooperate with any administrative agency or utility board of trustees.
8. Provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by city law.

9. Keep the Council fully advised of the financial and other conditions of the city, and of its future needs.

10. Prepare and submit to the council annually the required budgets.

11. Conduct the business affairs of the city and cause accurate records to be kept by modern and efficient accounting methods.

12. Make to the council, not later than the tenth day of each month, an itemized financial report in writing showing the receipts and disbursements for the preceding month. Copies of financial reports must be available at the Clerk's office for public distribution.

13. Appoint a treasurer subject to the approval of the Council.

14. Determine the final employment status and classification of all employees and fix their compensation, subject to civil service provisions and Chapter 35C of the Code of Iowa, except the City Clerk and City Attorney.

15. Make all appointments not otherwise provided for.

16. Suspend or discharge summarily any officer, appointee or employee whom the Manager has power to appoint or employ, subject to civil service provisions and Chapter 35C of the Code of Iowa.

17. Summarily and without notice investigate the affairs and conduct of any department, agency, officer, or employee under the Manager's supervision, and compel the production of evidence and attendance of witnesses.

18. Administer oaths.

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

20. The City Manager shall not take part in any election for council members, other than by casting a vote, and shall not appoint a council member to city office or employment, nor shall any council member accept such appointment.

**2-4-8 POWERS AND DUTIES OF THE CLERK - TREASURER.** The duties of the clerk-treasurer shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

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

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

(Code of Iowa, Sec. 384.20)

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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

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

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

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

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

16. The City Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the City Clerk's control when it may be necessary to such officer in the discharge of the City Clerk's duty. The City Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The City Clerk 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 are required to be attested by the affixing of the seal.

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

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

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

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

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

19. The City Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.

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

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

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

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

(Code of Iowa, Sec. 376.4)

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.16)

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

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

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

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

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

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

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

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

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

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

**2-4-9 POWERS AND DUTIES OF THE CITY ATTORNEY.** The duties of the city attorney shall be as follows:

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

1. Upon request, the city attorney shall attend every regular meeting of the city council and attend those special meetings of the city council at which the city attorney is required to be present.

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

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

4. The city attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the city council, the mayor, members of the city council individually, municipal boards or the head of any municipal department.

5. The city attorney shall prepare those ordinances when the city council may desire and direct to be prepared and report to the city council upon all ordinances before their final passage by the city council and publication.

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

7. The city attorney shall, if directed by the city council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

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

9. The city attorney shall make a written report to the city council and interested department heads of the defects in all contracts, documents, authorized power of any city officer, and ordinances submitted to the city attorney or coming under the city attorney's notice.

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

**2-4-10 POWERS AND DUTIES OF THE STREET SUPERINTENDENT.** The duties of the street superintendent shall be as follows:

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

1. The street superintendent shall supervise the installation of all storm sewers in the city in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

2. The street superintendent shall maintain and repair all city-owned sidewalks, alleys, bridges and streets and keep them in a reasonably safe condition for travelers. The street superintendent shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass, or overpass, and is charged with the duty of correcting unsafe defects in them.

3. The street superintendent shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the city and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the city safe.

4. The street superintendent shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The street superintendent shall make monthly oral and written reports of the activities of the department to the mayor on or before the first day of each month.

5. The superintendent shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

**2-4-11 POWERS AND DUTIES OF THE WASTEWATER SYSTEMS SUPERINTENDENT.** The duties of the wastewater systems superintendent shall be as follows:

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

1. The wastewater systems superintendent shall be responsible for the management, operation, and maintenance of the municipal sanitary sewer system.

2. The wastewater systems superintendent shall keep records of depreciation of plant and equipment, and a continuous up-to-date inventory of all goods and supplies. The superintendent shall keep all other records ordered to be kept by the mayor in addition to those provided for by law or ordinance.

3. The wastewater systems superintendent shall make a report every month to the mayor and city council on the present state of the wastewater system. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities enterprise. The wastewater systems superintendent shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the municipal wastewater system of the city. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the

year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

4. The wastewater systems superintendent shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

**2-4-12 POWERS AND DUTIES OF THE CHIEF OF POLICE.** The duties of the chief of police shall be as follows:

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

1. The chief of police shall wear upon the chief of police's outer garment and in plain view a metal badge engraved with the name of the chief of police's office, and such uniform as may be specified by the city council.

2. The chief of police shall assist the city attorney in prosecuting any persons for the violation of an ordinance by gathering all the facts and circumstances surrounding the case.

3. The chief of police shall be sergeant-at-arms of the council chamber when requested by the city council.

4. The chief of police shall report to the city council upon activities as chief of police when requested.

5. The chief of police shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.

6. The chief of police shall have charge of the city jail when such is provided and of all persons held therein. The chief of police shall execute all orders of the court referring to the jail. The chief of police shall feed and shelter persons jailed in the usual manner and as required by law. When no city jail is provided, the chief of police shall make arrangements to convey any persons requiring detention to the county jail as provided by law and agreements with the county.

7. The chief of police shall, whenever any person is bound over to the district court, convey the prisoner to the county jail.

8. The chief of police shall execute all lawful orders of any board or commission established by the city council.

9. The chief of police shall be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles and equipment for the department.

10. The chief of police may appoint one or more assistant police chiefs, who may perform the police chief's duties and who shall be members of the police force.

11. The police chief shall make such rules, not in conflict with the provisions of this ordinance, as needed for the detailed operation of the police department, subject to the approval of the city council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the chief of police determines to be necessary for the operation of the police department. The chief of police shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the chief of police may make temporary rules for the protection of the health, safety, and welfare of the city and its citizens until due consideration by the city council may be had.

12. The chief of police shall, when requested, aid other municipal officers in the execution of their official duties.

13. The chief of police shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.

(Code of Iowa, sec. 321.266)

14. The chief of police shall keep a record of all arrests made in the city by police officers. The chief of police shall record whether said arrest was made under provisions of the laws of the State of Iowa or ordinances of the city. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

At least every year the chief of police shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

**2-4-13 POWERS AND DUTIES OF THE FIRE CHIEF.** The duties of the fire chief shall be as follows:

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

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

2. The fire chief shall enforce all rules and regulations established by the city council for the conduct of the affairs of the fire department.

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

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

5. The fire chief shall make annual written reports to the city council based upon the records maintained by the fire department and summarizing the activities of the fire department for the year concerning the general status and efficiency of the fire department, the number of alarms answered during the year previous, and additional information that may be requested by the city council. This report shall be filed with the clerk-treasurer. The annual report shall also contain recommendations for the improvement of the department.

6. The fire chief shall enforce all ordinances and, where enabled, state laws regulating the following:

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

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

(Code of Iowa, Sec. 100.12)

8. The fire chief shall make such recommendations to owners, occupants, caretakers, or managers of buildings necessary to eliminate fire hazards and other hazardous material.

(Code of Iowa, Sec. 100.13)

9. The fire chief shall, at the request of the state fire marshal, and as provided by law, aid said marshal in the performance of the marshal's duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

**2-4-14 POWERS AND DUTIES OF THE PUBLIC HEALTH OFFICER.** The duties of the public health officer shall be as follows:

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

1. The public health officer shall act as the medical and public health advisor to the mayor and city council.

2. Upon the order of the city attorney, the public health officer shall conduct physical examinations of any person claiming to have received injuries for which the city may be liable.

3. The public health officer shall inspect the premises upon which complaints have been received by the mayor, city council members, or other proper officials, or upon his own initiation, and make such inspections in a timely manner as required by ordinance or law in accordance with public health regulations

4. The public health officer shall issue such licenses and permits as required by this ordinance.

**TITLE II POLICY AND ADMINISTRATION**  
**CHAPTER 5 POWERS AND DUTIES OF THE**  
**MUNICIPAL UTILITIES BOARD**

<b>2-5-1 Board Established</b>	<b>2-5-5 Powers and Duties</b>
<b>2-5-2 Municipal Trustees</b>	<b>2-5-6 Oath and Bond</b>
<b>2-5-3 Qualifications of the Trustees</b>	<b>2-5-7 The Board of Trustees Shall Hire a Superintendent</b>
<b>2-5-4 Organization of the Board</b>	

**2-5-1 BOARD ESTABLISHED.** There is hereby established a Board of Trustees for the Anita Municipal Utilities for the city, to be known as the Anita Municipal Utilities Board of Trustees.

**2-5-2 MUNICIPAL TRUSTEES.** The board of trustees of the Anita Municipal Utilities, hereinafter referred to as the board, shall consist of three (3) members. All board members shall be appointed by the mayor with approval by the city council.

**2-5-3 QUALIFICATIONS OF THE TRUSTEES.** All of the members of the board shall be bona fide citizens and residents of Anita, Iowa and shall be over the age of eighteen (18).

**2-5-4 ORGANIZATION OF THE BOARD.**

1. Terms of office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the city or if said trustee is absent from three (3) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by appointment of the mayor, with approval of the city council, and the new trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive \$25.00 per meeting, or at such compensation as established by the city council.

**2-5-5 POWERS AND DUTIES.** The board shall have and exercise the following powers and duties:

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

2. To have charge, control, and supervision of the public utilities, its appurtenances, fixtures, and rooms containing the same upon approval of the city council.

3. To direct and control all the affairs of the municipal utilities.

4. To employ a superintendent, such assistants or employees as may be necessary for the proper management of the municipal utilities, and fix their compensation; provided, however, that prior to such employment, the compensation of the superintendent, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.

5. To remove by a two-thirds vote of the board the superintendent and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 70, Code of Iowa.

6. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with ordinances and the law, for the care, use, government, and management of the utilities and the business of the board, fixing and enforcing penalties for violations.

7. To have exclusive control of the expenditure of all funds collected, and of all monies available by gift or otherwise, and of all other monies belonging to the municipal utilities including fees and charges collected, under the rules of the board.

8. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the city; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the utilities.

9. To keep a record of its proceedings.

**2-5-6 OATH AND BOND.** Each Trustee before entering upon the duties as a member of the Municipal Utilities Board shall take and subscribe an oath to faithfully and impartially execute the laws of the State of Iowa, the ordinances of the City relative to the Municipal Utilities Board and the rules and regulations applicable to the Municipal Utilities Board. Each Trustee shall execute and furnish a bond in an amount fixed by the Council, to be approved by the Mayor and filed with the City Clerk. The cost of such bond shall be paid from the general fund of the city.

**2-5-7 THE BOARD OF TRUSTEES SHALL HIRE A SUPERINTENDENT.** The duties of the superintendent of public utilities shall be as follows:

1. The superintendent shall be responsible for the management, operation, and maintenance of the municipal electric and water utilities, for the collection of all departmental revenues, payment of all expenses, and the keeping of authorized records of said department.

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

3. The superintendent shall make a report annually in writing to the board on the present state of the public utilities. In this report shall be specifically stated the financial condition (including total monthly receipts, expenditures, and fund balances), production and the general condition of the

entire utility enterprise. At the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities provided to the city by the Anita Municipal Utilities. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a statement of the method of disposal of net profits; a statement of free utilities rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

A copy of the annual report will be filed with the city clerk-treasurer and a copy will be made available to the public upon request. Availability of said annual report shall be published.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 6 POLICE DEPARTMENT

- |   |  |
|---|--|
| <b>2-6-1 Establishment and Purpose</b>    | <b>2-6-6 Worker's Compensation and Hospitalization Insurance</b> |
| <b>2-6-2 Department Organization</b>      | <b>2-6-7 Liability Insurance</b>                                 |
| <b>2-6-3 Peace Officer Qualifications</b> | <b>2-6-8 Summoning Aid</b>                                       |
| <b>2-6-4 Required Training</b>            | <b>2-6-9 Taking Weapons</b>                                      |
| <b>2-6-5 Compensation</b>                 |  |

**2-6-1 ESTABLISHMENT AND PURPOSE.** A police department is hereby established to provide for the preservation of the peace and enforcement of the law within the corporate limits of the city. It is the purpose of this ordinance to create a police department and specify how it shall be organized and operated.

**2-6-2 DEPARTMENT ORGANIZATION.** The police department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the city council.

**2-6-3 PEACE OFFICER QUALIFICATIONS.** In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

**2-6-4 REQUIRED TRAINING.** All police officers shall have received the minimum training required by state law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law. The council may provide financial assistance for such attendance.

**2-6-5 COMPENSATION.** Members of the Police Department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

**2-6-6 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE.** The council shall contract to insure the city against liability for workers compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for members of the police department injured in the performance of their duties.

**2-6-7 LIABILITY INSURANCE.** The council shall contract to insure against liability of the city or members of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.

**2-6-8 SUMMONING AID.** Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

**2-6-9 TAKING WEAPONS.** Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 7 AIRPORT COMMISSION

#### 2-7-1 Airport Commission Created

#### 2-7-2 Term of Office

#### 2-7-3 Compensation

#### 2-7-4 Oath and Bond

#### 2-7-5 Officers

#### 2-7-6 Powers and Duties

#### 2-7-7 Tax Levies and Funds

#### 2-7-8 Rules and Regulations

**2-7-1 AIRPORT COMMISSION CREATED.** Pursuant to the provisions of Section 330 of the Code of Iowa, there is hereby created an Airport Commission composed of three (3) resident voters of the City of Anita, Iowa, or resident voters of the immediate rural area who shall be qualified by knowledge and experience to act in matters pertaining to the management and control of airports. Such members shall be appointed by the mayor and approved by the city council.

**2-7-2 TERM OF OFFICE.** The term of office of the Commission shall be six years. The expiration date for all terms of office shall be the tenth of January, provided, however, that all members shall hold over until their successors are appointed and approved. Vacancies shall be filled as original appointments are made.

**2-7-3 COMPENSATION.** Members of the Airport Commission shall serve without compensation.

**2-7-4 OATH AND BOND.** Each Commissioner before entering upon the duties as a member of the Commission shall take and subscribe an oath to faithfully and impartially execute the laws of the State of Iowa, the ordinances of the City relative to the Airport and the rules and regulations applicable to the Airport. Each Commissioner shall execute and furnish a bond in the amount fixed by the Council, to be approved by the Mayor and filed with the City Clerk. The cost of such bond shall be paid from the general fund of the City.

**2-7-5 OFFICERS.** The Commission shall elect from its own members, a chairman and a secretary who shall serve for such term as the Commission shall determine.

**2-7-6 POWERS AND DUTIES.** The Commission shall have and exercise all the powers granted to cities and towns under Chapter 330 of the Code of Iowa, except powers to sell the airport, and shall exercise all other powers and duties as may be granted to or required by it by law or conferred on it by the Council.

**2-7-7 TAX LEVIES AND FUNDS.** The Commission shall annually certify the amount of tax within the limitations of Chapter 330 of the Code of Iowa to be levied for airport purposes, and upon such certification the City Council shall include such amount in its budget. There is hereby established a special fund to be known as the Airport Commission Fund, to which the City Treasurer shall credit all monies appropriated by the Council and funds available from gifts, grants, donations, rentals, and payments of like fund. All funds derived from taxation or otherwise for airport purposes shall be under full and absolute control of said Commission for the

purposes prescribed by law, and shall be deposited with the City Treasurer to the credit of the Airport Commission, and shall be disbursed only on the written warrants or orders of the Airport Commission, including the payment of all indebtedness arising from the acquisition and construction of airport or airports and the maintenance, operation and extension thereof. The Commission shall have full and exclusive authority to expend on behalf of the City all money credited to the Airport Commission Fund but shall have no power to contract debts or incur expenses beyond the amount of money appropriated by the Council and funds readily available from gifts, grants, donations, rentals and payments of like kind.

**2-7-8 RULES AND REGULATIONS.** The powers conferred on cities and towns to make and enforce rules and regulations under Section 330.11 of the Code of Iowa is delegated to the Airport Commission. The Commission shall make and publish such rules and regulations as may be necessary or desirable for the control, supervision, and operation of the airport, and the rules and regulations when published once in an official newspaper of the City of Anita, Iowa, shall have the effect of an ordinance of the City of Anita, Iowa, and any violations shall be punishable as a violation of an ordinance of said City, fine not exceeding five hundred dollars and/or by imprisonment not exceeding thirty days. No such rule or regulation shall be in conflict with any State law or regulation or Federal law or regulation.

Should any part of provisions of this ordinance be held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of the ordinance.

**TITLE II POLICY AND ADMINISTRATION**

**CHAPTER 8 SALARIES OF MUNICIPAL OFFICERS**

**2-8-1 Council Member**

**2-8-3 Other Officers**

**2-8-2 Mayor**

**2-8-1 COUNCIL MEMBER.** The salaries of each city council member shall be \$25.00 for each regular or special meeting of the city council attended, payable twice annually, half due on June 30 and half due on Dember 31st of each year.

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

**2-8-2 MAYOR.** The mayor shall receive a monthly salary of \$100.00.

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

**2-8-3 OTHER OFFICERS.** The compensation of all other officers and employees shall be set by resolution of city council.

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

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 9 CITY FINANCE

<b>2-9-1 Budget Adoption</b>	<b>2-9-8 Budget Officer</b>
<b>2-9-2 Budget Amendment</b>	<b>2-9-9 Expenditures</b>
<b>2-9-3 Budget Protest</b>	<b>2-9-10 Authorizations to Expend</b>
<b>2-9-4 Accounts and Programs</b>	<b>2-9-11 Accounting</b>
<b>2-9-5 Annual Report</b>	<b>2-9-12 Budget Accounts</b>
<b>2-9-6 Council Transfers</b>	<b>2-9-13 Contingency Accounts</b>
<b>2-9-7 Administrative Transfers</b>	<b>2-9-14 Petty Cash Fund</b>

**2-9-1 BUDGET ADOPTION.** Annually, the city shall prepare and adopt a budget, and shall certify taxes as follows:

(Code of Iowa, Sec. 384.16)

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

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

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

(Code of Iowa, Sec. 384.16(1)(a-c))

2. Not less than ten (10) nor more than twenty (20) days before the date that the budget must be certified to the county auditor, the clerk-treasurer shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the mayor and city clerk and at the city library, if any, or at three places designated by ordinance for posting notices.

(Code of Iowa, Sec. 384.16(2))

3. The city council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing not less than ten (10) nor more than (20) days before the hearing in a newspaper published at least once weekly and having general circulation

in the city. A summary of the proposed budget shall be included in the notice. Proof of publication shall be filed with the county auditor.

(Code of Iowa, Sec. 384.16(3))

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

(Code of Iowa, Sec. 384.16(4))

5. After the hearing, the city council shall adopt by resolution a budget for at least the next fiscal year, and the city 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, unless an additional tax levy is approved at a city election. Two copies of the complete budget as adopted shall be transmitted to the county auditor.

(Code of Iowa, Sec. 384.17(5))

**2-9-2 BUDGET AMENDMENT.** The city budget as finally adopted for the following fiscal year becomes effective July first and constitutes the city appropriation for each program and purpose specified therein until amended.

The city budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

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

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

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

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

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in section 2-6-3 of this chapter, except that the city finance committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

(Code of Iowa, Sec. 384.18(1-4))

**2-9-3 BUDGET PROTEST.** Within a period of ten days after the final date that the budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes

cast for governor in the last preceding general election in the city, but not less than ten persons, and the number need not be more than one hundred persons.

(Code of Iowa, Sec. 384.19)

**2-9-4 ACCOUNTS AND PROGRAMS.** The city shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the city finance committee.

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

(Code of Iowa, Sec. 384.20)

**2-9-5 ANNUAL REPORT.** Not later than December first of each year, the city shall publish an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of this report shall be furnished to the auditor of state no later than December first of each year.

(Code of Iowa, Sec. 384.22)

**2-9-6 COUNCIL TRANSFERS.** When the city clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the city clerk shall inform the city council, or if the city council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the city council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the mayor, as provided by law for resolutions, the city clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the city council. Thereupon the city clerk, and where applicable, the city treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the city, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

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

**2-9-7 ADMINISTRATIVE TRANSFERS.** The city clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior city council approval.

The city clerk shall have the power to make transfers between activities, or between sub-programs without prior city council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out city council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed ten percent 10% at any one time of

the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent (10%) greater or ten percent less than the original appropriation, it shall be presented to the city council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the city council.

(IA, Sec. 545.2.4(384.388))

**2-9-8 BUDGET OFFICER.** The city clerk shall be the city budget officer and is responsible for preparing the budget data in cooperation with the city council or mayor. The city clerk shall be responsible for carrying out the authorizations and the budget as set forth in the budget, subject to city council control and the limitations set out in this ordinance.

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

**2-9-9 EXPENDITURES.** No expenditure shall be authorized by any city officer or employee except as herein provided. All purchases of services, supplies, and equipment shall be made only after issuance of a purchase order. No invoice shall be accepted unless authorized by such an order. Purchases not exceeding ten dollars (\$10.00) may be made by those officials authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the City Clerk within twenty-four (24) hours, weekends, and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the City Clerk. Purchases from petty cash shall be excepted.

**2-9-10 AUTHORIZATIONS TO EXPEND.** All purchase orders other than those excepted herein shall be authorized by the city budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other city council approval. The city clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase may be made only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated a budget amendment to transfer of appropriation must be made in accordance with power delegated by city council and within the limits set by law and the city council. The city clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, a signed receipt or other certification indicating the material have been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

**2-9-11 ACCOUNTING.** The city clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The city clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the city clerk and mayor.

(Code of Iowa, Sec. 384.20)

**2-9-12 BUDGET ACCOUNTS.** The city clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information

and control for budgetary purposes as planned and approved by the city council. Each individual account shall be maintained within its proper fund as required by city council order or state law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

**2-9-13 CONTINGENCY ACCOUNTS.** Whenever the city council shall have budgeted for a contingency account the city clerk shall set up in the accounting records but the city clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by city council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

All administrative transfers shall be reported in writing at the next regular meeting of the city council after being made and the fact set out in the minutes for the information of the mayor and city council.

**2-9-14 PETTY CASH FUND.** The city clerk shall establish a petty cash fund not to exceed \$25.00 for the 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 city 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 city clerk shall draw a warrant/check for replenishment in the amount of the accumulated expenditures and said warrant 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. The petty cash fund shall not be used for salary payments or other personal services or personal expenses.

## TITLE III COMMUNITY PROTECTION

### CHAPTER 1 OFFENSES

<b>3-1-1</b>	<b>Violations of Chapter</b>	<b>3-1-4</b>	<b>Streets</b>
<b>3-1-2</b>	<b>Public Peace</b>	<b>3-1-5</b>	<b>Public Safety and Health</b>
<b>3-1-3</b>	<b>Public Morals</b>	<b>3-1-6</b>	<b>Public Property</b>

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

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

1. Engage in fighting or violent behavior in any public place , provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

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

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

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

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

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

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

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

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

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

6. 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.

(Code of Iowa, Sec. 723.4(5))

7. Knowingly and publicly uses the flag of the United States in such a manner s 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.

(Code of Iowa, Sec. 723.4(6))

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

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

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

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

**3-1-3 PUBLIC MORALS** Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in the presence of or in view of another, if the person knows or reasonably should know that such behavior would be offensive to a reasonable person.

(Code of Iowa, Sec. 709.9)

### **3-1-4 STREETS**

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

(Code of Iowa, Sec. 716.5)

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

(Code of Iowa, Sec. 716.1)

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

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

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

### **3-1-5 PUBLIC SAFETY AND HEALTH**

1. Expectorating. No person shall expectorate on the ground or on the floor of any structure within the city limits.

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)

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

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

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

6. Discharging firearms and fireworks.

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

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

(Iowa Code, Sec. 727.2)

c. The city council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

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

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

7. Possession of Fireworks.

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

(Iowa Code, Sec. 727.2)

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

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

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

10. Harassment of City Employees.

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

(Iowa Code, Sec. 718.4)

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

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

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

12. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the city council.

(Code of Iowa, Sec. 364.1)

13. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the mayor or city council for such purposes.

(Code of Iowa, Sec. 364.12)

### **3-1-6 PUBLIC PROPERTY**

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

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

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

(Code of Iowa, 364.12(2))

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

7. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.  
(Code of Iowa, Sec. 716.1)

8. Injury to City Ambulance or Paramedic Apparatus. No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.  
(Code of Iowa, Sec. 716.1)

9. Obstructing or defacing roads. No person shall obstruct, deface, or injure any public road by breaking up, plowing, or digging within the boundary lines thereof, except by written authorization of the mayor.  
(Code of Iowa, Sec. 716.1)

10. Injury to roads, railways, and other utilities. No person shall maliciously injure, remove, or destroy any electric railway or apparatus belonging thereto, or any bridge, rail, or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.  
(Code of Iowa, Sec. 716.1)

11. Utility transmission cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.  
(Code of Iowa, Sec. 727.8)

12. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.  
(Code of Iowa, Sec. 716.1)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 2 NUISANCES

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

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

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

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

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

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

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

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

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

l. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the city so as to constitute a health, safety, or fire hazard including any city owned property between the abutting property line and the street right-of-way. Growth of grass over 12” of height constitutes a health and safety hazard.

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

m. Trees infected with Dutch Elm disease.

(Code of Iowa, Sec. 657.2(13))

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 657.2)

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

(Code of Iowa, Sec. 368.1(6))

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

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

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

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

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

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

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

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

6. The numbering of buildings.

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

7. Drug paraphernalia.

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

**3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION.** Whenever the mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3 of this chapter, the mayor or officer shall cause to be served upon the property owner as shown by the records of the county auditor a written notice to abate the nuisance within a reasonable time after notice.

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

**3-2-5 CONTENTS OF NOTICE TO ABATE.** The notice to abate shall contain:  
(Code of Iowa, Sec. 364.12(3)(h))

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

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

**3-2-6 METHOD OF SERVICE.** The notice may be served by certified mail or personal service to the property owner as shown by the records of the county auditor.  
(Code of Iowa, Sec. 364.12(3)(h))

**3-2-7 REQUEST FOR HEARING AND APPEAL.** Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

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

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

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

**3-2-9 ABATEMENT BY MUNICIPALITY.** If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the clerk-treasurer, who shall pay such expenses on behalf of the municipality.  
(Code of Iowa, Sec. 364.12(3)(h))

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

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

**3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT.** If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the city may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the county treasurer.

(Code of Iowa, Sec. 364.13)

**3-2-12 CONDEMNATION OF NUISANCE.** The city may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 3 TRAFFIC CODE**

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

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

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
3. "Stop", when required means complete cessation of movement.

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

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

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

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

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

## **ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

**3-3-4 AUTHORITY OF POLICE, FIRST RESPONDERS, AND FIRE DEPARTMENT OFFICIALS.** Provisions of this chapter and Iowa law relating to motor vehicles and the laws of the road shall be enforced by officers of the police department. The law enforcement officers are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of a fire or other emergency, officers may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the first responders and fire department may direct or assist law enforcement personnel in directing traffic thereat or in the immediate vicinity.  
(Code of Iowa, Sec. 321.229)

**3-3-5 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.** Any person who shall willfully fail or refuse to comply with any lawful order of a law enforcement officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.32, 321.174, 321.189, 321.193, and 321.218 through 321.224 -- display of registration and license to drive.

2. 321.229 through 321.234A -- obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations.

3. 321.256 through 321.260 -- traffic signs, signals and markings, including right or left turns on red.

4. 321.261 through 321.266 and 321.268 -- accidents and accident reporting.
5. 321.275 -- operation of motorcycles.
6. 321.277, 321.277A, 321.278 321.285 321.288, 321.290, 321.294, and 321.295 -- reckless driving, drag racing, speed, control of vehicle and minimum speed.
7. 321.297 through 321.299, 321.302 through 321.310 -- driving on right, meeting, overtaking, following, or towing.
8. 321.311 through 321.318 -- turning and starting, signals on turning and stopping.
9. 321.319 through 321.324 -- right of way, left turns, entering through highways, and approaching certain stationery vehicles.
10. 321.325 through 321.334 and 321.340 -- pedestrian rights and duties and safety zones.
11. 321.341 through 321.344 -- railroad crossings.
12. 321.353 through 321.360 -- stop at sidewalks, stopping, standing, and parking.
13. 321.362 through 321.371 -- unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting debris on streets.
14. 321.384 through 321.390, 321.392 through 321.398, 321.402 through 321.406, 321.408, 321.409, 321.415, 321.418 through 321.423 -- lighting equipment required and time of use. (Under the provisions of Section 321.395, motor vehicles parked where permitted by this ordinance need not have parking lamps lighted if the vehicle is within one hundred sixty (160) feet of a city street light ahead and to the rear of the vehicle and the permitted speed on said street is twenty-five (25) miles per hour or less.)
15. 321.430 through 321.434. 321.436 through 321.446, 321.449 and 321.450 -- brakes, horns, sirens, mufflers, wipers, mirrors, tires, windows, safety belts, and special markings for transporting explosives.
16. 321.452 through 321.463, 321.465 and 321.466 -- size, weight, and load.

## **TRAFFIC CONTROL DEVICES**

**3-3-6 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.** The mayor or city council shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other ordinances of this city to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

The mayor or city council shall keep a record of all traffic-control devices maintained by the department.

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

(Code of Iowa, Sec. 321.255)

**3-3-7 CITY COUNCIL TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES.** The city council is hereby authorized:

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

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

(Code of Iowa, Sec. 372.13(4) & 321.255)

**3-3-8 PLAY STREETS.** The city council has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

(Code of Iowa, Sec. 321.255)

## **SPEED REGULATIONS**

**3-3-9 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES.** It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Business or residential district: 25 miles per hour.
2. School zones, parks, cemeteries and parking lots: 15 miles per hour.

(Code of Iowa, Sec. 321.290)

3. Excessive Acceleration. It shall be unlawful for any person in the operation of a motor vehicle, including motorcycles, to accelerate such vehicle as to cause audible noise by the friction of

tires on the pavement, or to cause the tires of the vehicle to leave skid marks on the pavement, or to cause the front wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

## **TURNING MOVEMENTS**

**3-3-10 TURNING MARKERS, BUTTONS, AND SIGNS.** The city council may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

**3-3-11 AUTHORITY TO PLACE RESTRICTED TURN SIGNS.** The city council is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

**3-3-12 OBEDIENCE TO NO-TURN SIGNS.** Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

**3-3-13 "U" TURNS.** It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

(Code of Iowa, Sec. 321.236(9))

## **ONE-WAY STREETS AND ALLEYS**

**3-3-14 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS.** Whenever any traffic code of this city designates any one-way street or alley, the mayor or city council shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

**3-3-15 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS.** The mayor is authorized to determine and recommend to the city council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The chief of police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

### **SPECIAL STOPS REQUIRED**

**3-3-16 THROUGH HIGHWAYS.** Streets or portions of streets described below are declared to be through highways:

1. Iowa State Highway 83.
2. Iowa State Highway 148.

(Code of Iowa, Sec. 321.345 & 321.350)

**3-3-17 AUTHORITY TO ERECT STOP SIGNS.** Whenever any ordinance of this city designates and describes a through highway it shall be the duty of the chief of police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

**3-3-18 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 city council is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the mayor, and, upon approval of the mayor, shall cause to be erected an appropriate sign at every place where a stop or yield is required.

**3-3-19 STOP WHEN TRAFFIC IS OBSTRUCTED.** Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

**3-3-20 SCHOOL STOPS.** When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

### **PEDESTRIANS' RIGHTS AND DUTIES**

**3-3-21 PROHIBITED CROSSING.** Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

**3-3-22 PEDESTRIANS ON LEFT.** Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

## **METHOD OF PARKING**

**3-3-23 STANDING OR PARKING CLOSE TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

**3-3-24 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS.**

No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

**3-3-25 SIGNS OR MARKINGS INDICATING ANGLE PARKING.** The city council, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by city council resolution.

Motor vehicles shall angle park on the following streets:

1. Main Street, both sides, from Locust to Cherry Street, inclusive.
2. Chestnut Street, both sides, between First Street and Main Street; and between Main Street and the alley located between Main Street and Third Street.
3. Walnut Street, both sides, between First Street and Main Street; and on the westerly side between Main Street and the alley located between Main Street and Third Street.

(Code of Iowa, Sec. 321.361)

**3-3-26 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.** Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

## **STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES**

**3-3-27 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.**

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the city in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.
13. At any place where official signs or curb markings prohibit stopping, standing, or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the city.
15. In an alley under any fire escape at any time.
16. Airport Parking. It shall be unlawful for a driver to park any vehicle other than an airplane, or any other than one used for emergency purposes, or any other than one used for maintenance purposes on any runway or taxiway of the Anita Municipal Airport. It shall be unlawful for any driver of any motor vehicle to park said motor vehicle on any part of the airport of the City of Anita or within fifty (50) feet thereof in any direction and in any area that is designated as "restricted",

provided however, that no area shall be deemed to be designated "restricted" unless signs labeling such area as "restricted" are in place.

**3-3-28 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING.** When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the council may cause curbing to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

**3-3-29 AUTHORITY TO IMPOUND VEHICLES.** Members of the council are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated by the city, under the following circumstances:

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

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

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

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

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

## **STOPPING, STANDING OR PARKING**

**3-3-30 PARKING SIGNS REQUIRED.** Whenever by this or any other chapter of this city code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the mayor to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

**3-3-31 PROHIBITED PARKING DURING SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or city-owned off-street parking area during any snow emergency proclaimed by the mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

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

(Code of Iowa, Sec. 321.236)

**3-3-32 ALL-NIGHT PARKING PROHIBITED.** No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

**3-3-33 TRUCK PARKING LIMITED.** Trucks weighing five (5) tons or more, loaded or empty, shall not be parked on any interior streets within the city.

#### **MISCELLANEOUS DRIVING RULES**

**3-3-34 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS.** The driver of a vehicle shall not drive upon or within any sidewalk area.

**3-3-35 CLINGING TO VEHICLES.** No person shall drive a motor vehicle on the streets of this city unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

**3-3-36 PARKING FOR CERTAIN PURPOSES PROHIBITED.** No person shall park a vehicle upon the roadway for the principal purpose of:

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

**3-3-37 DRIVING THROUGH FUNERAL OR OTHER PROCESSION.** No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

**3-3-38 DRIVERS IN A PROCESSION.** Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

**3-3-39 FUNERAL PROCESSIONS TO BE IDENTIFIED.** A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by law enforcement officers.

**3-3-40 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS.** When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the load restriction specified on the signs at any time on any street.

**3-3-41 TRUCK ROUTES.**

1. Every motor vehicle weighing five (5) tons or more, having no fixed terminal within the city or making no schedule or definite stops within the city for the purpose of loading or unloading, shall travel over or upon the following streets within the city and none other:

- a. Iowa State Highway 83.
- b. Iowa State Highway 148.
- c. Locust Street from 2nd Street to the NCL.
- d. Walnut Street from 2nd Street to the NCL.

2. Any motor vehicle weighing five tons or more, having a fixed terminal, making a scheduled or definite stop within the city for the purpose of loading or unloading, shall proceed to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.

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

## **SNOWMOBILES & ALL-TERRAIN VEHICLES**

### **3-3-42 DEFINITIONS**

1. "All-Terrain Vehicles" means a motorized flotation-tire vehicle with not less than three low pressure tires, but not more than six low pressure tires, or a two-wheeled off-road motorcycle, that is limited in engine displacement to less than eight hundred cubic centimeters and in total dry weight to less than seven hundred fifty pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis, or runners.

3. "Operate" means to control the operation of a snowmobile.

4. "Operator" means a person who operates or is in actual control of a snowmobile.

**3-3-43 PERMITTED AREAS OF OPERATION.** Snowmobiles and all-terrain vehicles will be allowed to operate in the city as follows:

1. As shown on the approved snowmobile and all-terrain vehicle route map contained in the addendum hereto.

The routes established herein shall be the only permitted snowmobile and all-terrain vehicle routes and said vehicles shall be operated within the roadways of public streets and shall also be subject to the following regulations.

**3-3-44 REGULATIONS.** It shall be unlawful for any person to operate a snowmobile or all-terrain vehicle under the following circumstances:

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

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

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

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

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

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

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

**3-3-45 EQUIPMENT REQUIRED.** All snowmobiles and all-terrain vehicles operated within the city shall have the following equipment:

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

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

3. At least one headlight and one taillight in good operating condition.

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

**3-3-46 UNATTENDED VEHICLES.** It is unlawful for the owner or operator to leave or allow a snowmobile or all-terrain vehicle to be or remain unattended on public property while the motor is running or the key left in the ignition.

**3-3-47 RESTRICTION OF OPERATION.** The city council may, by resolution, prohibit the operation of snowmobiles or all-terrain vehicles within the right-of-way of the public roads, streets, or alley or other city property within the city when the public safety and welfare so requires.

**3-3-48 TRAFFIC REGULATION.** Each person operating a snowmobile or all-terrain vehicle shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any law enforcement officer of the city authorized to direct or regulate traffic.

## **BICYCLE REGULATIONS**

**3-3-49 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this state regarding rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

**3-3-50 RIDING ON BICYCLES.** A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

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

**3-3-51 RIDING ON ROADWAYS AND BICYCLE PATHS.** Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

**3-3-52 SPEED.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

**3-3-53 EMERGING FROM ALLEY OR DRIVEWAY.** The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

**3-3-54 CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

**3-3-55 PARKING.** Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

**3-3-56 RIDING ON SIDEWALKS.** No person shall ride a bicycle on a sidewalk within a business district.

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

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

**3-3-57 LAMPS AND OTHER EQUIPMENT ON BICYCLES.** Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, and clean pavement.

## **GOLF CARTS**

**3-3-58 OPERATION OF GOLF CARTS.** Operating golf carts on city streets is allowed in accordance with the following rules for operation and restrictions set forth in this chapter.

**3-3-59 RULES OF OPERATION.** The following rules shall apply to the operation of golf carts within the city limits:

1. Golf carts may only be operated on city streets by persons possessing a valid motor vehicle license.

2. Any golf cart operated on the city's streets shall be equipped with a slow moving vehicle sign, a bicycle safety flag, and be equipped with adequate brakes.

3. Golf carts shall only be operated on city streets from sunrise to sunset.

4. Golf carts shall not be subject to the registration provisions of Chapter 321 of the Code of Iowa.

**3-3-60 USE RESTRICTIONS.** Golf carts shall not be operated on the following City streets:

## **PENALTIES AND PROCEDURE ON ARREST**

**3-3-61 CITATION PLACED ON ILLEGALLY PARKED VEHICLE.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any ordinance of this city or state law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this chapter at the city clerk's office as provided therein.

**3-3-62 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.** In any prosecution charging a violation of any parking ordinance or state law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

**3-3-63 LOCAL PARKING FINES.** Scheduled fines as follows are established, payable by mail or in person at the city clerk's office within thirty (30) days of the violation, for the following parking violations:

- |                       |         |
|-----------------------|---------|
| 1. Overtime parking   | \$ 5.00 |
| 2. Prohibited parking | \$ 5.00 |
| 3. No parking zone    | \$ 5.00 |
| 4. Blocking alley     | \$ 5.00 |

- |                                      |          |
|--------------------------------------|----------|
| 5. Illegal parking                   | \$ 5.00  |
| 6. Street cleaning                   | \$ 5.00  |
| 7. Snow removal ban                  | \$ 5.00  |
| 8. Persons with disabilities parking | \$100.00 |

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

**3-3-64 FAILURE TO PAY PARKING CITATIONS.** If a violator of the restrictions on stopping, standing, or parking under the parking ordinances of this city or of state law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the seven days, the city shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

**3-3-65 VEHICULAR NOISE.**

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

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

**3-3-66 ENGINE AND COMPRESSION BRAKES.**

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

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

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 4 FIRE PROTECTION**

**3-4-1 Establishment and Purpose**

**3-4-2 Volunteer Fire Fighters**

**3-4-3 Fire Fighter's Duties**

**3-4-4 Worker's Compensation and**

**Hospitalization Insurance**

**3-4-5 Liability Insurance**

**3-4-6 Fires Outside City Limits**

**3-4-1 ESTABLISHMENT AND PURPOSE.** A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

**3-4-2 VOLUNTEER FIRE FIGHTERS.** Thirty (30) residents of Cass County, Iowa, at least age eighteen (18) may be appointed to serve as a volunteer fire fighter. Prior to appointment as a volunteer fire fighter and every four (4) years thereafter a volunteer fire fighter must pass a medical physical examination.

(Code of Iowa, Sec. 362.10)

**3-4-3 FIRE FIGHTER'S DUTIES.** When called by the fire chief, all fire fighters shall report for duty immediately in the manner directed by the fire chief. All firefighters shall be subject to call at any time. They shall obey strictly the commands of any other fire fighter who has been appointed by the fire chief to be in command temporarily. Fire fighters shall report for training as ordered by the fire chief.

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

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

**3-4-5 LIABILITY INSURANCE.** The city council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

**3-4-6 FIRES OUTSIDE CITY LIMITS.** The department shall answer calls to fires and other emergencies outside the city limits if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits.

(Code of Iowa, Sec. 364.16)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 5 JUNK AND ABANDONED VEHICLES

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

**3-5-1 PURPOSE.** The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this city by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 364.1)

**3-5-2 DEFINITIONS.** For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:

a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle totally inoperable or unsafe;

(Code of Iowa, Sec. 321.89(1)(a)(1))

b. A vehicle that has remained illegally on public property for more than twenty-four hours;

(Code of Iowa, Sec. 321.89(1)(a)(2))

c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours;

(Code of Iowa, Sec. 321.89(1)(a)(3))

d. A vehicle that has been legally impounded by order of the chief of police and has not been reclaimed for a period of ten days; or

(Code of Iowa, Sec. 321.89(1)(a)(4))

e. Any vehicle parked on the street determined by the chief of police to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(a)(5))

2. "Private property" means any real property within the city which is not public property as defined in this section.

3. "Public property" means any public right-of-way open for the purposes of vehicular travel.

4. A "junk vehicle" means any vehicle without current license plates or has any one of the following characteristics:

a. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

b. Any vehicle with a broken or loose fender, door, bumper, hood, , door handle, window handle, steering wheel, trunk top, trunk handle, or tail pipe .

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

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

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

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

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

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

### **3-5-3 REMOVAL OF ABANDONED VEHICLES.**

1. The police chief may, without prior notice or hearing, cause to be removed and impound any abandoned vehicle as defined in section 3-5-2 (1). The police chief may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

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

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the chief of police shall maintain a record of the vehicle, listing the color, year of manufacture,

manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

### **3-5-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.**

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of state law, the chief of police shall notify, within twenty days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

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

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

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

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

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

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the chief of police or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of section 3-5-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by section 3-5-5.

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

2. The owner, lienholders, or any person receiving notice may, by written request received by the police chief prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

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

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

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

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

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

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

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

### **3-5-5 IMPOUNDMENT FEES AND BOND.**

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

- a. an impoundment fee,
- b. towing charges,
- c. preservation charges,

- d. storage charges, and
- e. notice charges.

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

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

3. If a hearing is requested under section 3-5-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

a. the fees required by Sec. 3-5-5(1), and

b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

**3-5-6 HEARING PROCEDURES.** The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the city council pursuant to Section 1-4-1.

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

**3-5-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES.** The chief of police shall follow the procedures as provided in Section 321.89(4) of the Iowa Code for the auction or disposal of abandoned vehicles.

**3-5-8 JUNK VEHICLES DECLARED A NUISANCE.** Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Anita, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of or the person occupying the property upon which it is located shall be *prima facie* liable for said violation.

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

**3-5-9 NOTICE TO ABATE.**

1. Whenever the mayor shall find a junk vehicle placed or stored on public or private property within the city in violation of 3-5-8, the mayor shall notify, by certified mail with five-days return receipt, the following persons:

- a. the owner of the property; and
  - b. the occupant of the property.
2. The notice to abate shall:
- a. describe, to the extent possible, the year, make, model, and color of the vehicle;
  - b. describe the location of the vehicle;
  - c. state that the vehicle constitutes a nuisance under the provisions of this chapter; and
  - d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

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

**3-5-10 ABATEMENT BY MUNICIPALITY.** If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform the required action to abate. The city shall keep an accurate account of the expense incurred. The itemized expense account shall be filed with the city clerk who shall pay expenses on behalf of the municipality.

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

**3-5-11 COLLECTION OF COST OF ABATEMENT.** The city clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within thirty days, the city clerk shall certify the costs to the county treasurer and the costs shall then be collected with, and in the same manner as general property taxes.

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

**3-5-12 EXCEPTIONS.** This chapter shall not apply to the following:

1. A vehicle in an enclosed building;
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Restricted Residence District of this city, when necessary to the operation of said business enterprise; and
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this city.

**3-5-13 INTERFERENCE WITH ENFORCEMENT.** No person shall interfere in any way with the enforcement provision of this chapter.

**3-5-14 ENFORCEMENT BY CIVIL PENALTY.** This ordinance may be enforced by civil penalty as described in Title I, Chapter 3 of this code of ordinances.

(Code of Iowa, Sec. 346.22(3))