CITY OF GEORGE
CODE OF ORDINANCES
2012

UPDATED DECEMBER 9, 2020

TABLE OF CONTENTS

TITLE I MUNICIPAL GOVERNMENT, STRUCTURE AND OFFICERS 1
CHAPTER 1: GENERAL ORGANIZATION 2
ARTICLE 1 - MUNICIPAL CODE 2
ARTICLE 2 - BOUNDARIES 7
ARTICLE 3 - CHARTER 8
ARTICLE 4 - CORPORATE SEAL 9
ARTICLE 5 - ELECTIONS 10
ARTICLE 6 - OFFICERS AND EMPLOYEES 12
CHAPTER 2: ADMINISTRATIVE CODE - EXECUTIVE 18
ARTICLE 7 - MAYOR 18
ARTICLE 8 - MAYOR PRO TEM 21
CHAPTER 3: ADMINISTRATIVE CODE - LEGISLATIVE 22
ARTICLE 9 - COUNCIL 22
CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION 26
ARTICLE 10 - CITY CLERK/TREASURER 26
ARTICLE 11 - CITY ATTORNEY 30
ARTICLE 12 - SUPERINTENDENT OF PUBLIC WORKS/SEWER 32
ARTICLE 13 - STREET SUPERINTENDENT 34
ARTICLE 14 - POLICE DEPARTMENT 35
ARTICLE 15 - EMERGENCY MEDICAL SERVICES 36
CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS 38
ARTICLE 16 - TREE BOARD 38
ARTICLE 17 - LIBRARY BOARD 39
ARTICLE 18 - FIRE DEPARTMENT 43
ARTICLE 19 - CEMETERY 47
ARTICLE 20 - PLANNING AND ZONING COMMISSION 48
CHAPTER 6: FISCAL MANAGEMENT 50
ARTICLE 21 - BUDGET 50
ARTICLE 22 - FUNDS 53
ARTICLE 23 - ACCOUNTING 55
ARTICLE 24 - FINANCIAL REPORTS 56
ARTICLE 25 - PURCHASING 57
CHAPTER 7: IOWA INCOME OFFSET PROGRAM 60
ARTICLE 26 - GENERAL PROVISIONS 60
CHAPTER 8: CITY RECORDS 61
ARTICLE 27 - CUSTODY OF THE CITY'S PUBLIC RECORDS 61

TITLE II PUBLIC SERVICE AND PUBLIC HEALTH 63
CHAPTER 1: SOLID WASTE CONTROL 64
ARTICLE 1 - GENERAL PROVISIONS 64
ARTICLE 2 - COLLECTION AND TRANSPORTATION OF SOLID WASTE 71
ARTICLE 3 - SOLID WASTE DISPOSAL 78
CHAPTER 2: SANITARY SEWER SYSTEMS 80
ARTICLE 4 - PUBLIC SEWER SYSTEMS 80
ARTICLE 5 - PRIVATE SEWER SYSTEMS 89
ARTICLE 6 - SEWER RENTAL 91
CHAPTER 3: WATER SERVICES 93
ARTICLE 7 - PUBLIC WATER SYSTEM 93
ARTICLE 8 - WATER METERS 98
ARTICLE 9 - WATER RATES 100
CHAPTER 4: STORM SEWER 104
ARTICLE 10 - STORM SEWER 104
CHAPTER 5: EMERGENCY SERVICES 105
ARTICLE 11 - EMERGENCY SERVICES 105
CHAPTER 6: PUBLIC WATER WELLS 106
ARTICLE 12 - PROTECTION OF PUBLIC WATER WELLS 106
CHAPTER 7: EXCAVATION 110
ARTICLE 13 - EXCAVATION 110

TITLE III PUBLIC, ORDER PROTECTION AND LAW ENFORCEMENT 112
CHAPTER 1: MISDEMEANORS 113
ARTICLE 1 - PUBLIC PEACE 113
ARTICLE 2 - PUBLIC MORALS 118
ARTICLE 3 – MINORS 119
ARTICLE 4 - PUBLIC HEALTH & SAFETY 121
ARTICLE 5 - PUBLIC PROPERTY 125
ARTICLE 6 - PRIVATE PROPERTY 127
ARTICLE 7 - EXECUTION OF PROCESS 129
CHAPTER 2: NUISANCES CHAPTER 2: NUISANCES 130
ARTICLE 8 - GENERAL PROVISIONS 130
ARTICLE 9 - ABATEMENT PROCEDURE 133
CHAPTER 3: ANIMAL CONTROL AND PROTECTION 136
ARTICLE 10 - GENERAL PROVISIONS 136
ARTICLE 11 - REGULATION OF DOGS 138
ARTICLE 12 - KEEPING OF DANGEROUS AND VICIOUS ANIMALS PROHIBITED 141
CHAPTER 4: WEEDS 145
ARTICLE 13 – GENERAL PROVISIONS 145

CHAPTER 5: DRUG PARAPHERNALIA....147
ARTICLE 14 – DRUG PARAPHERNALIA....147
CHAPTER 6: EXCESSIVE NOISE....150
ARTICLE 15 - GENERAL PROVISIONS....150
CHAPTER 7: PARK REGULATIONS....154
ARTICLE 16 - PARK REGULATIONS....154
CHAPTER 8: MUNICIPAL INFRACTIONS....155
ARTICLE 17 - MUNICIPAL INFRACTIONS....155

TITLE IV TRAFFIC AND STREETS....157
CHAPTER 1: TRAFFIC CODE....158
ARTICLE 1 - GENERAL PROVISIONS....158
ARTICLE 2 - REGULATIONS AND VIOLATIONS....161
ARTICLE 3 - SPEED REGULATIONS....171
ARTICLE 4 - TURNING REGULATIONS....173
ARTICLE 5 - PARKING REGULATIONS....174
ARTICLE 6 - STOP AND YIELD....179
ARTICLE 7 - ONE WAY STREETS....184
ARTICLE 8 - TRAFFIC CONTROL DEVICES....185
ARTICLE 9 - LOAD AND WEIGHT REQUIREMENTS....187
ARTICLE 10 - PEDESTRIANS....189
ARTICLE 11 - BICYCLES....190
ARTICLE 12 - ENFORCEMENT....192
CHAPTER 2: STREETS AND ALLEYS....194
ARTICLE 13 - STREET AND ALLEY REGULATIONS....194
ARTICLE 14 - NAMING OF STREETS....196
ARTICLE 15 - VACATION AND DISPOSAL....198
ARTICLE 16 - STREET GRADES....199
ARTICLE 17 - DRIVEWAYS....200
ARTICLE 18 - SNOW REMOVAL AND STREET CLEANING....202
ARTICLE 19 - BUILDING NUMBERING....203
CHAPTER 3: SIDEWALKS....205
ARTICLE 20 - SIDEWALK REGULATIONS....205
HAPTER 4: SNOWMOBILES....210
ARTICLE 21 - GENERAL PROVISIONS....210
CHAPTER 5: RECREATIONAL TRAIL....216
ARTICLE 22 - RECREATIONAL TRAIL....216
CHAPTER 6: ATV's AND ORV's....217
ARTICLE 23 - GENERAL PROVISIONS....217
CHAPTER 7: GOLF CARTS ON CITY STREETS....220
ARTICLE 24- GENERAL PROVISIONS....220

TITLE V BUSINESS, OCCUPATIONS, AND BUILDING REGULATIONS 221
CHAPTER 1: LIQUOR AND BEER CONTROL 222
ARTICLE 1 - GENERAL PROVISIONS 222
ARTICLE 2 - BEER AND WINE PERMITS AND LIQUOR LICENSES 225
CHAPTER 2: CIGARETTE PERMITS 238
ARTICLE 3 - GENERAL PROVISIONS 238
CHAPTER 3: PERMIT REQUIREMENTS 242
ARTICLE 4 - GENERAL PROVISIONS 242
ARTICLE 5 - SPECIAL REQUIREMENTS 246
ARTICLE 6 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS 250
CHAPTER 4: RESTAURANTS – No current ordinances 254

TITLE VI - BUILDING REGULATIONS 255
CHAPTER 1: BUILDING CODE 256
ARTICLE 1 - GENERAL PROVISIONS 256
ARTICLE 2 - PUBLIC BUILDINGS - TOILET FACILITIES 265
ARTICLE 3 - MOBILE HOMES & MOBILE HOME PARKS 266
ARTICLE 4 - MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES 268
CHAPTER 2: FIRE LIMITS 270
ARTICLE 5 - GENERAL PROVISIONS 270
CHAPTER 3: SIGNS 272
ARTICLE 6 - GENERAL PROVISIONS 272
ARTICLE 7 - TYPES OF SIGNS 276
ARTICLE 8 - PERMITS 280
CHAPTER 4: TREES 282
ARTICLE 9 - GENERAL PROVISIONS 282
ARTICLE 10 - DISEASE CONTROL 284
CHAPTER 5: ABANDONED AND JUNKED VEHICLES AND MACHINERY 286
ARTICLE 11 - ABANDONED VEHICLES 286
ARTICLE 12 – JUNK, JUNKED VEHICLES AND MACHINERY 290
CHAPTER 6: JUNK DEALER 293
ARTICLE 13 - GENERAL PROVISIONS 293
CHAPTER 7: FIRE PREVENTION CODE AND FIRE FIGHTING 295
ARTICLE 14 - GENERAL PROVISIONS 295
CHAPTER 8: FLOODPLAIN REGULATIONS 298
ARTICLE 15 - GENERAL PROVISIONS 298

TITLE VII - COMMUNITY DEVELOPMENT 313
CHAPTER 1: SUBDIVISION CONTROL 314
ARTICLE 1 - GENERAL PROVISIONS 314
CHAPTER 2: INDUSTRIAL TAX CREDITS 315
ARTICLE 2 - INDUSTRIAL TAX CREDITS 315
CHAPTER 3: URBAN RENEWAL 317
ARTICLE 3 – URBAN RENEWAL DISTRICT 1 (LOCKER PARK) 317
ARTICLE 4 – URBAN RENEWAL DISTRICT 2 (SUNSET ADDITION) 320
ARTICLE 5 URBAN RENEWAL DISTRICT - Reserved for future use 325
CHAPTER 4 REAL ESTATE TAX EXEMPTION 326
ARTICLE 6 - GRANTED UNDER CODE OF IOWA 427 326

APPENDICES 327
APPENDIX A - FRANCHISES APPENDIX 328
CHAPTER 1: FRANCHISES 328
ARTICLE 1 - ELECTRIC FRANCHISE 328
ARTICLE 2 - GAS FRANCHISE 330
ARTICLE 3 - GENERAL TELEPHONE COMPANY 332
ARTICLE 4 - CABLE TELEVISION REGULATIONS 334
ARTICLE 5 - CABLE TV FRANCHISE 343
APPENDIX B – ZONING 345
APPENDIX C - FEE SCHEDULE 346
APPENDIX D - JOB DESCRIPTIONS 349
CHAPTER 1: STREET SUPERINTENDENT 349
CHAPTER 2: SUPERINTENDENT OF PUBLIC WORKS 352
CHAPTER 3: CUSTODIAN 355
CHAPTER 4: CITY CLERK 357
CHAPTER 5: DEPUTY CLERK 359
CHAPTER 6: SWIMMING POOL MANAGER 360
CHAPTER 7: SWIMMING POOL ASSISTANT MANAGER 362
CHAPTER 8: SWIMMING POOL LIFEGUARDS 363
CHAPTER 9: PUBLIC WORKS TECHNICIAN 365

PERMITS/LICENSES

ORDINANCES

TITLE I MUNICIPAL GOVERNMENT, STRUCTURE AND OFFICERS

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 1 - MUNICIPAL CODE

1.01 TITLE. These ordinances will be known and cited as the Municipal Code of George, Iowa.

1.02 DEFINITIONS. Terms used within this Municipal Code shall have the meanings defined below, unless specifically defined otherwise.

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.

2. "City" means the City of George, Iowa.

3. "City Code" or "Municipal Code" means the current Municipal Code of the City of George, Iowa.

4. "Clerk" means the City Clerk of George, Iowa.

5. "Code" means the specific chapter in which a specific subject is covered and bears a descriptive title word.

6. "Council" means the City Council of George, Iowa.

7. "County" means Lyon County, Iowa.

8. "Measure" means an ordinance, resolution, amendment or motion.

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

10. "Occupant, Tenant" applied to a building or land, shall include any person who inhabits the whole or part of such building or land, whether alone or with others.

11. "Ordinances" means the ordinances of the City of George, as incorporated by the Municipal Code, ordinances not repealed by the ordinance adopting the Municipal Code and those passed hereafter.

12. "Parking" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.

13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity and includes a trustee, receiver, assignee, or similar representative but does not include a governmental body.

14. "Property" shall include real property and tangible and intangible personal property unless clearly indicated otherwise.

15. "Property Owner" means a person owning private property in the city as shown by the county auditor's plats of the city.

16. "Public Place" includes but is not restricted to any city-owned space or property, either open or enclosed.

17. "Public Property" means any and all property owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government.

18. "Public Way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

19. "Sidewalk" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.

20. "State" means the State of Iowa.

21. "Statutes, Laws" means the latest edition of the Code of Iowa as amended.

22. "Street" means and includes any public way, highway, street, avenue, boulevard or other public thoroughfare, and includes the entire width between property lines.

1.03 RULES OF CONSTRUCTION. In the construction of the Municipal Code, the following rules shall be observed:

1. Tense: words used in the present tense include the future.
2. May: grants a power.
3. Must: states a requirement.
4. Shall or Will: imposes a duty.
5. Gender: masculine gender shall include the feminine and neuter genders.
6. Interpretation: All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.
7. The singular includes the plural, and the plural includes the singular.
8. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1.04 AMENDMENTS. All ordinances which amend, repeal or affect the Municipal Code will include proper reference to title, division, chapter, article, section, and subsection to maintain an orderly classification of ordinances of the city. Any amendment of an ordinance shall include in full the language of the section, subsection, or paragraph as amended.

(Code of Iowa, Sec. 380.2)

1.05 CATCH LINES AND NOTES. The catch lines of the several sections of the city code, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1.06 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions any part or portion of the Municipal Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Municipal Code in any manner which will cause the law of the City to be misrepresented.

1.07 STANDARD PENALTY. Unless provided for elsewhere in the Municipal Code, any person failing to perform a duty, obtain a required license, or violating any provision of the Municipal Code, or rule or regulation adopted by reference shall be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of not less than ~~fifty ($50.00~~) sixty-five ($65.00) dollars and not to exceed more than ~~five-hundred dollars ($500)~~ six hundred twenty-five dollars ($625.00).~~and/or imprisonment not to exceed thirty (30) days~~. The criminal penalty surcharge imposed by section 911.2 of the Iowa Code shall be added to a city fine and is not a part of any fine imposed by the City. Editor's Note: Ordinance 236, 12/13/2017

1.08 SEPARATE OFFENSE. If a violation of this code is committed on more than one calendar day, a separate offense shall be deemed to have occurred on each such calendar day.

1.09 SINGLE OFFENSE. In cases where action or inaction is made punishable by more than one provision of this code, the city may select the provision or provisions of this code under which to proceed. In such a circumstance, a single offense shall result in no more than one conviction and penalty, subject to the provisions of section 1.08 of this chapter.

1.10 LIABILITY OF OFFICERS. No provision of this code designating the duties of any officer or employee of the city shall be construed to make such officer or employee liable for any fine or penalty for a failure to perform such duty, unless the intention of the council to impose such a penalty is specifically and clearly expressed in this code.

1.11 LICENSE REVOCATION; INFRACTION CHARGES; CIVIL REMEDIES. A violation of this code, in addition to the penalties provided in this chapter, may subject the violator to loss of license or permit, a municipal infraction charge, or other civil remedies provided in other sections of this code. Conviction and imposition of sentence under this chapter shall not bar any such other civil remedies.

1.12 LIABILITY OF OFFICERS. No provision of this code designating the duties of any officer or employee of the city shall be construed to make such officer or employee liable for any fine or penalty for a failure to perform such duty, unless the intention of the council to impose such a penalty is specifically and clearly expressed in this code.

1.13 LICENSE REVOCATION; INFRACTION CHARGES; CIVIL REMEDIES. A violation of this code, in addition to the penalties provided in this chapter, may subject the violator to loss of license or permit, a municipal infraction charge, or other civil remedies provided in other sections of this code. Conviction and imposition of sentence under this chapter shall not bar any such other civil remedies.

1.14 WARRANTS. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

1.15 EXTENSION OF AUTHORITY. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1.16 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.17 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1.18 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

1.19 SEVERABILITY. If any section, provision, or part of the Municipal Code is judged invalid or unconstitutional, such judgment will not affect the validity of the Municipal Code as a whole or any section, provision, or part not judged invalid or unconstitutional.

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 2 - BOUNDARIES

2.01 CORPORATE LIMITS. The corporate limits of the City of George are described as follows:

The Corporate limits of the City are hereby declared to be such as having been heretofore or hereafter legally established by law or the acts of the City. Said territory is and the same is hereby declared to be "The City of George." The inhabitants of said territory be and do hereby constitute a body politic and corporate, possessed of all the powers, immunities, and rights of a City existing under and by virtue of the laws of Iowa. The force and authority of all ordinances and the jurisdiction of the officers of said City shall be co-extensive therewith in all cases, and in special cases to such extent as may be provided by the general laws of the State.

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 3 - CHARTER

3.01 PURPOSE. The purpose of this article is to provide for a Charter incorporating the form of government existing in the City of George, Iowa.

3.02 CHARTER. This article may be referred to as the Charter of the City of George, Iowa.

3.03 FORM OF GOVERNMENT. The City of George, Iowa, shall have the mayor-council form of government.
(Code of Iowa, Sec. 372.4)

3.04 POWERS AND DUTIES. The council, the mayor, and other city officers have such powers and perform such duties as authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of George, Iowa.

3.05 NUMBER AND TERM OF COUNCIL. The council consists of five (5) council members elected at large for terms of four (4) years.
(Code of Iowa, Sec. 376.2)

3.06 TERM OF MAYOR. The mayor is elected for a term of four (4) years.
(Code of Iowa, 376.2)

3.07 COPIES ON FILE. The clerk shall keep an official copy of this Charter on file with the official records of the city clerk, and make available copies at the clerk's office for public inspection.
(Code of Iowa, Sec. 372.1)

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 4 - CORPORATE SEAL

4.01 SEAL AND CUSTODY. The council shall provide a seal, in the center of which shall be the words "City Seal" and around the margin the words "George, Iowa", and the same is hereby declared to be the corporate seal. The clerk shall keep the corporate seal in his or her charge.

4.02 USE. The corporate seal shall be attached to all transcripts, orders, and certificates which it may be necessary or proper to authenticate.

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 5 - ELECTIONS

5.01 MUNICIPAL ELECTION. The regular municipal election shall be held on the first Tuesday following the first Monday of November of each odd-numbered year.
(Code of Iowa, Sec. 376.1)

5.02 TERMS. Terms of elected officers begin at noon on the first day in January which is not a Sunday or a legal holiday following their election.
(Code of Iowa, Sec. 376.2)

5.03 NOMINATIONS. Candidates for elective city offices must be nominated as provided in (Sections 376.4 to 376.9) or (Chapter 44 or 45) of the Code of Iowa.
(Code of Iowa, Sec. 376.3)

5.04 PERSONS ELECTED IN CITY ELECTION. In a regular city election held for a city where the council has chosen to have nominations made in a manner provided by Chapter 45 of the Code of Iowa, 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.

5.05 RUNOFF ELECTION – Deleted per Ordinance 196, October 14, 2009

5.06 TIE VOTE. In case of a tie vote resulting in failure of one candidate to receive a majority vote, the tie shall be determined by lot by the Board of Canvassers.
(Code of Iowa, Sec. 43.75)

5.07 CONTEST. A nomination or election to an office may be contested as provided in the Code of Iowa, except the Statement of Intent to Contest must be filed with the city clerk within ten (10) days after the nomination or election. At the trial of a nomination or election, the mayor is presiding officer except when the mayor's nomination or election is contested, in which case the council shall elect one of its members to serve as presiding officer.
(Code of Iowa, Sec. 376.10)

5.08 OATHS. Each officer, elective, or appointive, before entering upon his or her duties, shall qualify by taking the prescribed oath before noon of the first day in January of the first year of the term of which such officers was elected or as provided in Code of Iowa, Sections 63.3 and 63.4. (Code of Iowa, Sec. 63.1)

1. PRESCRIBED OATH: I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in George, Iowa, as now or hereinafter required by law.
(Code of Iowa, Sec. 63.10)

2. OFFICERS EMPOWERED TO ADMINISTER OATHS: The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

   A. Mayor
   B. Clerk
   C. Members of all boards, commissions or bodies created by law.
   (Code of Iowa, Sec. 63A.2)

5.09 SURETY BONDS. The following shall apply to surety bonds of municipal officers:

1. CONDITIONS. All city officers and employees, except as otherwise provided, shall be bonded under a blanket bond in accordance with the conditions stated in the Code of Iowa.
   (Code of Iowa, Sec. 64.2)

2. BOND NOT REQUIRED. Bonds shall not be required of council members.
   (Code of Iowa, Sec. 64.1)

3. REQUIRED. The Council shall provide by resolution for a surety bond or blanket position bond running the City and covering the Mayor, Clerk, Treasurer and such officers and employees as may be necessary and advisable.
   (Code of Iowa, Sec. 64.13)

4. BOND APPROVED. Bonds shall be approved by the Council.
   (Code of Iowa, Sec. 64.19)

5. BONDS FILED. All bonds, after approval and proper record, shall be filed with the Clerk.
   (Code of Iowa, Sec. 64.23[6])

6. RECORD. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective and appointive.
   (Code of Iowa, Sec. 64.24[3])

5.10 UNAVOIDABLE CASUALTY. When on account of sickness, inclement weather, or unavoidable absence or casualty an officer has been prevented from qualifying within the prescribed time, the officer may do so within ten days after that fixed time.

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 6 – OFFICERS AND EMPLOYEES

6.01 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the Council, unless contrary to State law or City charter.
(Code of Iowa, Sec. 372.13(4))

6.02 OFFICERS TO BE APPOINTED. The following appointments shall be made:

1. CITY CLERK/TREASURER. The council shall appoint a City Clerk/Treasurer to perform duties prescribed by State or City law.
(Code of Iowa, Sec. 372.13(3))

2. CITY ATTORNEY. The council shall appoint an attorney to perform duties prescribed by State of City law.

3. MAYOR PRO TEM. The mayor shall appoint a council member as mayor pro tem.
(Code of Iowa, Sec. 372.4)

4. OTHER OFFICERS AND EMPLOYEES. The council may appoint other city officers and employees and prescribe their powers, duties, compensation, and terms unless provided otherwise by law.
(Code of Iowa, Sec. 372.13(4) & 372.4)

6.03 BOOKS AND RECORDS. The public has the right, upon request, to examine, copy, or publish all books and records required to be kept by law or ordinance, unless the records are required to be kept confidential or this right is limited by other provisions in the Code of Iowa.
(Code of Iowa, Sec. 22.7)

6.04 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, papers, records, documents, and property in his or her possession pertaining to his or her office.

6.05 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for his or her city unless expressly permitted by law. A contract entered into in violation of this section is void.
(Code of Iowa, Sec. 362.6)

6.06 RESIGNATIONS. Resignations may be made by all council members and officers to the City Clerk or Mayor.
(Code of Iowa, Sec. 69.4(5))

6.07 NON-ELIGIBILITY FOR REAPPOINTMENT. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected if, during that time, the compensation for the office has been increased.

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

6.08 VACANCIES. A vacancy in an elective office during a term of office shall be filled by the council within thirty (30) days after the vacancy occurs, or as otherwise provided by law.

(Code of Iowa, Sec 372.13(2))

6.09 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed with the city clerk, and a copy shall be sent by certified nail to the person removed. Upon request filed with the city clerk within thirty (30) days of the date of mailing the copy, the removed person shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request if filed, unless the person removed requests a later date.

(Code of Iowa, Dec. 372.15)

6.10 POSITIONS COMBINED. The powers and duties of an appointed office or employment may be delegated to any other officer or employee or may be combined with each or any other office or position by resolution passed by a majority vote of the entire council.

(Code of Iowa, Sec. 63.3)

6.11 MEETINGS. All meeting of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

4. Closed Session. A closed session may be held only be affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the Code of Iowa.
(Code of Iowa, Sec. 21.5)

5. Cameras and Recorders. The public may use cameras or recording devices at any open session.
(Code of Iowa, Sec. 21.7)

6. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Code of Iowa.
(Code of Iowa, Sec. 21.8)

6.12 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:
(Code of Iowa, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another pubic office or is not prohibited by law.
(Code of Iowa, Sec. 362.5[1])

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
(Code of Iowa, Sec. 362.5[2])

3. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section or both, if the contract is for professional service not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.
(Code of Iowa, Sec. 362.5[5])

4. Newspaper. The designation of an official newspaper.
(Code of Iowa, Sec. 362.5[6])

5. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.
(Code of Iowa, Sec. 362.5[7])

6. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.
(Code of Iowa, Sec. 362.5[8])

7. Corporations. A contract with a corporation in which a City officer of employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.
(Code of Iowa, Sec. 362.5[9])

8. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.
(Code of Iowa, Sec. 362.5[4])

9. Cumulative Purchases. Contracts Benefiting. Contracts not otherwise permitted by this section for the purchase of goods or services by a city having a population of two thousand five hundred or less, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars in a fiscal year.
(Code of Iowa, Sec. 362.5[10])

10. Cumulative Purchases. Contracts not otherwise permitted by this section for the purchase or goods or services by a city having a population of two thousand five hundred or less, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars in a fiscal year.
(Code of Iowa, Sec. 362.5[11])

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.
(Code of Iowa, Sec. 362.5[12])

6.13 GIFTS. Except as otherwise provided in Chapter 68B of the 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" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.
(Code of Iowa, Sec. 68B.22)

6.14 DONEE REPORTING OF GIFTS.

A. An elected or appointed official or employee of the city, or the spouse of minor child of an elected or appointed official or employee of the city, or a firm of which the elected or appointed official or the employee of the city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing, on a report form developed by the Secretary of State, the nature, date and the name of the donor, and the name of such person as donee to which a gift or gifts were made where the gift or gifts exceed fifteen dollars in cumulative value in anyone calendar day. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor.

B. By the fifteenth day of the month following the month I which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed in the office of the county auditor of the county or counties in which the city is located.

DONOR REPORTING OF GIFTS.

A. A donor of a gift to an elected or appointed official or to an employee of the city, or to the spouse, or to a minor child of an elected or appointed official or employee of the city, or to a firm of which the elected or appointed official or the employee of the city is a partner, or to a corporation of which the elected or appointed official or the employee of the city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on the form developed by the Secretary of State the nature, amount, date, and name of the donor, and the name of the donee of a gift or gifts made by the donor which gift or gifts exceeds fifteen dollars in cumulative value in any on calendar day. However, the donor need not report food and beverage provided for immediate consumption in the presence of the donor.

B. However, “gift” does not mean any of the following:

1. Campaign contributions;

2. Informational material relevant to a public servant’s official function, sucha books, pamphlets, reports, documents, or periodicals, and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in the state, at which the public servant receives information relevant to the public servant’s official functions. Informational material or participation at seminars or other public meetings received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee’s regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars;

3. Anything received from a person related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;

4. Any inheritance;

5. Anything available to or distributed to the public generally without regard to official status of the recipient;

6. Food, beverages registration, and scheduled entertainment at group events to which all members of either house or both houses of the general Assembly are invited. "Member of the General Assembly" means an individual duly elected to the Senate or House of Representatives of the State of Iowa;

7. Actual expenses for food, beverages, travel, lodging, registration, and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting;

8. Plaques or items of negligible resale value given as recognition for the public services.

C. The Value of the gift is determined as follows:

1. An individual making a gift on behalf of more that one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made.

2. The value of a gift to the donee is the value actually received.

3. For the purposes of the reporting requirements of this chapter, a donor of a gift made by more than one individual to one or more donees, shall report the gift if the total value of the gift to the donee exceeds fifteen dollars.

6.17 REPORTING FOR GROUP EVENTS. Expenses for food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the General Assembly have been invited and where an elected or appointed official or employee of the city has been invited shall be reported by the donor for each such event. The donor shall report the date, location, and total expense incurred by the donor or donors. By the fifteenth day of the month following the month in which the group event occurred, a copy of the report shall be filed by the donor with the county auditor of the county or counties in which the city of the invited city official or employee is located.

6.18 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use City property owned or leased by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2(5))

CHAPTER 2: ADMINISTRATIVE CODE – EXECUTIVE

ARTICLE 7 – MAYOR

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

(Code of Iowa, Sec. 372.14)

1. SUPERVISE DEPARTMENT HEADS. Supervise and give direction to all city department heads concerning departmental functions. The mayor may examine all department functions and records and call for special reports from department heads at any time.

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

2. PRESIDING OFFICER. Act as presiding officer at all regular and special council meetings. The mayor may call special meetings of the council when necessary to the interests of the city.

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

3. ACTION ON ORDINANCE. May sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. The mayor may veto an ordinance, amendment, or resolution within fourteen (14) days after the passage by the council. The mayor shall explain the reasons for the veto in a written message to the council at the time of the veto.

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

4. REPORTS. Make oral and written reports to the council at the first meeting of every month which concern municipal affairs, department, and recommendations suitable for council action.

5. ANNUAL BUDGET. Prepare and submit annually to the council an itemized budget of revenues and expenditures.

6. CONTRACTS. Sign all contracts on behalf of the city when authorized by the council.

7. REPRESENT CITY. Represent the city in all negotiations legally entered, unless this duty is otherwise delegated by law or ordinance.

8. SECURE SERVICES. Secure special or professional services not available to the city, upon order of the council.

9. AUTHORIZE LICENSES AND PERMITS. Under council authorization, sign all licenses or permits, except those designated by law or ordinance to be issued by another officer, or revoke permits or licenses granted by the council when their terms, the city ordinances, or the State laws are violated by the holders of the permits or licenses.

10. REVOKE LICENSES AND PERMITS. Under council authorization, revoke permits or licenses granted by the council when their terms, the city ordinances, or the state laws are violated by the holders of the permits or licenses.

11. MAYOR PRO TEM. Designate one member of the council as mayor pro tem.

12. ABSENTEE OFFICER. Provide that the duties of an absentee officer are carried on during the officer's absence.

13. REMOVE NUISANCES. Order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. The order shall be in writing and carried out by the Lyon County Sheriff's Department.

14. SPECIAL MEETING. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.
(Code of Iowa, Sec. 372.1491))

15. ADMINISTER OATHS. Administer oaths of office to any city officer who is required to give an oath.
(Code of Iowa, Sec. 63A.2)

16. PROCLAMATION OF EMERGENCY. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers to confer upon the sheriff to suppress disorders.
(Code of Iowa, Sec. 372.14(2))

7.02 VOTING. The mayor is not a member of the Council and may not vote as a member of the council.
(Code of Iowa, Sec. 372.4)

7.03 COMPENSATION. The salary of the mayor shall be three thousand six hundred dollars ($3,600.00) per year.
(Editor/s note: Ordinance 216 was passed and approved March 14, 2012 amending 7.03)
(Code of Iowa, Sec. 372.13(8))

7.04 APPOINTMENTS. The mayor shall appoint the following officials:
(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. Library Board of Trustees -- with council approval
3. Lyon County Sheriff Dept. -- contract with the county
4. Tree Board -- with council approval
5. Cemetery Board of Trustees -- with council approval
6. Standing Committees – Council
7. Special Committees – Council

Appointed or Approved by the City Council:

1. APPOINT:
   - Street Superintendent – approved by the Council, serves at the discretion of the Council, Title I, Chapter 4, Article 13.01
   - Superintendent of Public Works – works under the direction and supervision of the Council and Mayor-appointed by the Council, Title I, Chapter 4, Article 12.01
   - City Attorney – Appointed yearly in January, Title I, Chapter 4, Article 11, 11.01 (11)

2. APPROVE:
   - Tree Board Members – 3-year term appointed by the Mayor and approved by the City Council, Title I, Chapter 5, Article 16.02
   - Library Board Member – Vacancies filled by appointment of the Mayor, approved by the Council – 6-year term, with 1/3 the board appointed every two years, Title I, Chapter 5, Article 16.05
   - Fire Department Chief/E.M.S. Chief – The Chief positions are elected by the respective members and subject to approval by the Council, Title I, Chapter 5, Article 17.04; Title I, Chapter 5, Article 15.03
   - Cemetery Board – Appointed by the Mayor, approved by the Council, one Trustee if appointed every two years, Title I, Chapter 5, Article 18.02
   - City Clerk/Treasurer – Appointed by majority of Council, serves at the discretion of the Council, Title I, Chapter 4, Article 10.01
   - Standing Committee – Appointed by the Mayor, approved by the Council, Title I, Chapter 3, Article 9.03
   - Special Committee – Appointed by the Mayor, approved by the Council, Title I, Chapter 3, Article 9.03

CHAPTER 2: ADMINISTRATIVE COED – EXECUTIVE

ARTICLE 8 – MAYOR PRO TEM

8.01 POWERS AND DUTIES. The duties of the mayor pro tem shall be as follows:
(Code of Iowa Sec. 372.14(3))

1. VICE-PRESIDENT. Service as vice-president of the council.

2. PERFORM IN MAYOR'S ABSENCE. Perform the duties of the mayor in case of absence or inability of the mayor to perform his or her duties.

3. LIMITED POWER. Shall not have power to employ or discharge officers or employees that the mayor has the power to appoint, employ or discharge without approval of the council.

4. VOTING. May vote as a member of the council.

8.01 COMPENSATION. If the mayor pro-tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen (15) days or more, the mayor pro-tem shall be paid for that period such compensation as determined by the council, based upon the mayor pro-tem's performance of the mayor's duties and upon the compensation of the mayor.
(Code of Iowa, Sec. 372.13(8))

CHAPTER 3: ADMINISTRATIVE CODE - LEGISLATIVE

ARTICLE 9 - COUNCIL

9.01 POWERS AND DUTIES. The powers and duties of the council shall be as follows:

1. GENERAL. All powers of the city are vested in the council unless otherwise provided by law or ordinance.
(Code of Iowa, Sec. 364.2(1))

2. FUNDS. Apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs may be specially assessed.
(Code of Iowa, Sec. 384.16)

3. PUBLIC IMPROVEMENTS. Make all orders for the doing of public improvements, and award contracts for construction of any public improvements.

4. CONTRACTS. Make or authorize all contracts. No contract shall bind or obligate the city unless authorized by resolution of the council, and be in writing. Contracts authorized by resolution shall be drawn or approved by the city attorney or an attorney representing the city before they are entered into. Any contracts based upon bidding would require bidding according to the Code of Iowa requirements.
(Code of Iowa, Sec. 384.95-384.102)

5. OFFICERS AND EMPLOYEES. Appoint and remove city officers and employees unless otherwise provided by law or ordinance, and prescribe their powers, duties, compensation and terms of employment.
(Code of Iowa, Sec. 372.13(5))

6. PRESCRIBE COMPENSATION. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor does not become effective during the term in which the change is adopted, and the council shall not adopt an ordinance changing the compensation of the mayor, council members, or other elected officers during the months of November and December in the year of a regular city election. A change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. By resolution the council shall prescribe the compensation of appointed city officers and employees.
(Code of Iowa, Sec. 372.13 (8))

7. RECORDS. The council shall maintain records of its proceedings.
(Code of Iowa, Sec. 372.13 (5))

9.02 EXERCISE OF POWER. The council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at open session. Such powers shall be exercised as follows:

1. APPROVED ACTION BY COUNCIL. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of all the council members. A motion to spend public funds in excess of forty-five thousand dollars ($45,000) 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 council members. Each councilperson's vote on an ordinance, amendment, or resolution must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

As used in this chapter, "all of the members of the council" refers to all of the seats of the council including a vacant seat and a seat where the member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest.

A measure voted upon by a councilperson is not invalid by reason of a conflict of interest, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.
(Code of Iowa, Sec. 380.4)

2. OVERRIDING MAYOR'S VETO. Within thirty (30) days after the mayor's veto, the council may re-pass the ordinance or resolution by a vote of not less than two-thirds (2/3) of the council members; and the ordinance or resolution becomes effective upon re-passage and publication.
(Code of Iowa, Sec. 380.6(2))

3. MEASURES BECOME EFFECTIVE. Measures passed by the council, other than motions, become effective in one of the following ways:

a. If the mayor signs the measure, a resolution becomes effective immediately upon signing; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.
(Code of Iowa, Sec. 380.6(1))

b. If the mayor vetoes a measure and the council re-passes the same measure after the mayor's veto, a resolution becomes effective immediately upon re-passage; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

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

9.03 COUNCIL COMMITTEES. The mayor shall appoint with approval of the council any council standing committees established by council resolution, and any special committees of the council. The standing committees shall consist of two (2) council members; the first named shall be chairman. The mayor shall name the chairman of special committees and such other members as he or she deems appropriate. The mayor shall be an ex-official member of each committee. The mayor shall appoint the standing committees at the first meeting in January following each municipal election. Special committees may be named by the mayor when deemed useful to the city.

9.04 MEETINGS. Meetings of the council shall be as follows:

1. REGULAR MEETINGS. The regular meetings of the council shall be held on the second Wednesday of each month at 7:00 p.m. in the Council Chambers, City Hall.

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

(Code of Iowa, Sec. 21.4)

3. OPEN MEETINGS. All meetings of the council, standing committees and city boards or commissions, or special committees shall comply with the open meeting laws of Iowa.

(Code of Iowa, Chapter 21)

4. QUORUM. A simple majority of all councilmen is a quorum.

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

5. RULES OF PROCEDURE. The council shall determine the rules of its own proceedings by resolution, and the clerk shall keep such rules on file for public inspection.

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

9.05 ELIGIBILITY FOR APPOINTMENT. A councilperson is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which he or she is elected.

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

9.06 COMPENSATION. The salary of each council member shall be fifty-five dollars ($55.00) for each official council meeting attended.

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

9.07 TENTATIVE AGENDA. The City Clerk shall prepare and post a tentative agenda for each meeting at a place, or places, designated by the council, one of which shall be near the place of meeting at the city hall. The posting shall be made at least twenty-four (24) hours before the meeting except as permitted under state law in case of emergencies.

9.08 SERVING AS CHIEF OF VOLUNTEER FIRE DEPARTMENT. If volunteer fire department for the City serves an area with a population of not more than two thousand (2,000) then a council member may also hold the office of chief of the volunteer fire department, provided that no other person who is not a council member is available to hold such office.

(Code of Iowa, Sec. 372.13(10))

9.09 REVIEW APPOINTMENTS MADE BY MAYOR. The Council shall review and approve all appointments as set forth in Title I, Chapter 2, Article 7 – Mayor, Appointments 7.04

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 10 - CITY CLERK/TREASURER

10.01 CREATION OF OFFICE. There is hereby created the office of city clerk-treasurer to be appointed by a majority of the city council and to serve at the discretion of the Council. The City Clerk-Treasurer is appointed at the first meeting of January following a regular city election for a two-year term commencing on that date and continuing until a successor is appointed and qualified.

10.02 POWERS AND DUTIES. The City Clerk, or in the City Clerk's absence or inability to act, the Deputy Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

1. ADMINISTER OATHS. Administer oaths of office to any city officer who is required to give an oath.
   (Code of Iowa, Sec. 63A.2)

2. ATTEND MEETINGS. Attend all meetings of the council and its committees.

3. RECORD PROCEEDINGS. Record and preserve a record of each meeting's proceedings and publish a summary of council proceedings after each regular or special meeting; and where applicable, indicate whether the mayor signed, vetoed or took no action on a measure passed by the council, and whether a measure was re-passed after the mayor's veto.
   (Code of Iowa, Sec. 380.7(1))

4. ORDINANCES. Publish all ordinances immediately after passage and approval by council, and enter each ordinance in an ordinance record book, authenticating each ordinance and certifying as to the time and manner of publication.
   (Code of Iowa, Sec. 380.7(2) & 362.3)

5. RESOLUTIONS. Keep an official resolution record book, and enter each resolution therein.

6. COUNCIL COMMUNICATIONS. Keep and date all communications and petitions directed to the council or city, and endorse thereon council action taken on matters presented in such documents.
   (Code of Iowa, Sec. 372.13(4))

7. CORPORATE SEAL. Affix the corporate seal to those public documents or instruments as directed by the mayor or council, or as required by law.
   (Code of Iowa, Sec. 380.7(3))

8. ELECTIONS. Accept the nomination petition of a candidate for a city office for filing if on its face it appears to have the requisite number of signatures and it is timely filed. He or she shall deliver all nomination petitions to the county commissioner of elections no later than five o'clock p.m. (5:00) on the day following the last day on which nomination petitions can be filed.
(Code of Iowa, Sec. 376.4)

9. ISSUE LICENSES AND PERMITS. Issue all council-approved licenses and permits and keep records of them showing the date, number, to who issued and for what purpose.

10. OTHER DUTIES. Perform such other duties as specified by council resolution or ordinance.

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

10.03 CHIEF ACCOUNTING OFFICER. The City Clerk/Treasurer shall be chief accounting officer of the city and:

1. SEPARATE ACCOUNTS. Keep separate accounts for every appropriation, department, public improvement or undertaking.

2. ACCOUNTS RECEIVED. Keep an account of any cash, investment, account receivable and property received by, due to, or in the custody of the city.

3. RECEIPT. Give a receipt for all cash or checks received, specifying the date received, from whom and for what account.

4. ACCOUNTS DISBURSED. Keep accounts for cash disbursed, purchase or contract commitments, and property disposed of or sold by the city, and record each transaction in the correct fund, specifying the date and to whom paid.

5. BUDGET ACCOUNTS. Maintain the budgetary accounts required by law and as directed by the council.

6. BUDGET REPORTS. Prepare and publish all financial and budgetary reports and the list of claims, as required by law.

10.04 CUSTODY OF TREASURY. The City Clerk/Treasurer shall have custody of the treasury and perform the following functions:

1. DEPOSITS. Deposit in banks authorized by the council any money held in his or her custody and belonging to the municipality in amounts not exceeding limits set by the council.
(Code of Iowa, Sec. 453.1)

2. BALANCE ACCOUNTS. Reconcile the bank statements with the city books, and certify monthly to the council the balance of cash and investments and amounts received and disbursed for each fund.

3. INVESTMENTS. Invest all idle funds and other funds as directed by the council in accordance with law.
(Code of Iowa, Sec. 453.9)

4. PAY CLAIMS. Pay all claims against the city only upon council order or other council authorization.

5. AUTHENTICATE DOCUMENTS. Sign all evidences of indebtedness, coupons, or certificates as required by law.
(Code of Iowa, Sec. 380.7(3))

10.05 CUSTODY OF RECORDS. The City Clerk/Treasurer shall have custody of all records and documents pertaining to the municipality unless otherwise directed by law or ordinance and:
(Code of Iowa, Sec. 372.13(3))

1. FILE AND RECORD TRANSACTIONS. File and preserve all receipts, vouchers, and other documents kept or required to be kept so as to prove the validity of every transaction and identity of any person having a beneficial relation thereto.

2. DESTROY OLD RECORDS. Destroy all vouchers and minor records over five (5) years old except those specified for retention by law. Anything that concerns land must be kept permanently.
(Code of Iowa, Sec. 372.13(3&5)

3. FURNISH COPIES. Furnish, upon request, to any municipal officer a copy of any record, paper, or public document under the clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment set by law or council resolution; under the direction of the mayor or his/her authorized officer, affix the seal of the City to those public documents or instruments which by ordinance are required to be attested by the fixing of the seal.
(Code of Iowa, Sec. 380.7(4))

4. CERTIFY MEASURES. Certify to the county recorder all ordinances establishing zoning district, building lines, or fire limits, and a plat showing each district, lines, or limits.

(Code of Iowa, Sec. 380.11)

5. BONDS. Keep a register of all bonds outstanding, and record all payments made of interest and principal.

6. RECORD APPOINTMENTS. Keep a record of all appointments, notifying all persons appointed by the mayor or council of such appointments and the time of taking office.

7. ORDINANCES AND CODES. Maintain copies of all effective City ordinances and codes for the public use.

10.06 PUBLICATION. The City Clerk/Treasurer shall cause to be published all ordinances, enactments, proceedings, and official notices requiring publication as follows:

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

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

2. MANNER OF PUBLICATION. A publication required by the city code or law must be in a newspaper published at least once weekly and having general circulation in the city (except that ordinances and amendments may be published by posting in the official places set by ordinance).

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

3. PUBLICATION OF MINUTES. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. Matters discussed in closed session pursuant to section Code of Iowa, Section 21.3 shall not be published until entered on the public minutes. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

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

10.07 COMPENSATION. The City Clerk/Treasurer shall be paid such compensation as specified by resolution of the council.

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

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 11 - CITY ATTORNEY

11.01 POWERS AND DUTIES. The duties of the city attorney shall be as follows: (Code of Iowa, Sec. 372.13(4)

1. ATTEND MEETINGS. Attend those meetings of the council at which he or she is requested to be present.

2. DRAFTS. Formulate drafts for contracts, forms, and other writings which may be required for the use of the city upon request.

3. DOCKET AND RECORD OF OPINIONS. Keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings related to said actions.

4. LEGAL OPINION. Give his or her opinion in writing upon all questions of law relating to municipal affairs submitted by the council, the mayor, members of the council individually, municipal boards, or the head of any municipal department upon request.

5. PREPARE ORDINANCES. Prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all ordinances before their final passage by the council and publication.

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

7. REPRESENT MUNICIPAL OFFICERS AND EMPLOYEES. Not appear on behalf of any municipal officer or employee before any court or tribunal for the purely private benefit of said officer or employee. He or she shall, however, if directed by the 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 said office or employment.

8. CERTIFY BONDS. 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. REVIEW CONTRACTS AND ORDINANCES. Make a written recommendation to the council and interested department heads concerning all contracts, documents, authorized power of the city officer, and ordinances submitted to him or her or coming under his or her notice before they go into effect.

10. POWER OF ATTORNEY. 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.

11. APPOINTMENT OF ATTORNEY. The City Attorney shall be appointed by the Council during the January Council meeting each year.

11.02 COMPENSATION. The city attorney shall charge a fee that he or she and the council agree upon.

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

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 12 - SUPERINTENDENT OF PUBLIC WORKS/SEWER

12.01 SUPERINTENDENT OF PUBLIC WORKS. A superintendent of public works/sewer shall be appointed by the council to serve at its pleasure. He or she shall work under the direction and supervision of the council and mayor.

12.02 POWERS AND DUTIES. The powers and duties of the superintendent of public works/sewer shall be as follows:
(Code of Iowa, Sec. 372.13(4))

1. AUTHORITY. Superintend all public works for council consideration, or as directed by the council.

2. SUPERVISE STORM SEWERS. Supervise and inspect the installation of all storm sewers in the city in accordance with good practice; and supervise the maintenance of all storm drainage.

3. SUPERVISE WATER SYSTEM. Supervise and inspect the installation and connection of city water mains and water taps.

4. SHUT OFF WATER. Shut off water supply when deemed necessary or in accordance with the city's water ordinance.

5. UNCOVER MANHOLES. Uncover manholes that are buried, raising them where necessary to keep them accessible.

6. ABATE INCOMPLETE WORK. Finish or correct any work on any private sewer connection to public system as authorized by Section 4.17, Chapter 2, Title II, of this Municipal Code.

7. WATER METERS. Be in charge of the installation and repair of water meters and read water meters monthly.

8. RECORDS. Maintain written records of the inspections of water and sewer work, of the purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.

9. REPORTS. Make to the mayor monthly oral or written reports on departmental activities.

12.03 SUPERINTENDENT OF PUBLIC WORKS. The Superintendent OF Public Works shall be in charge of sewer operations for the city follows:
(Code of Iowa, Sec. 372.13(4))

1. SUPERVISE STORM SEWER INSTALLATION. Supervise the installation of all sanitary sewers in the city and supervise the storm drainage system in the city.

2. INSPECT CONNECTIONS. Inspect all sewer connections and sewer interceptors and keep records of these inspections.

3. UNCOVER MANHOLES. Uncover manholes that are buried, raising them where necessary to keep them accessible.

4. COMPLETE WORK. Finish or correct work on any private connection to the public sewer system as authorized by Section 4.17, Chapter 2 of Title II of this Municipal Code.

5. RECORDS. Maintain written records of inspections of sewer work, of purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.

6. REPORTS. Make to the mayor monthly oral or written reports on departmental activities on or before the first day of each succeeding month.

12.04 COMPENSATION. The superintendent of public works shall be paid such compensation as specified by resolution of the council.
(Code of Iowa, Sec. 372.13(8))

A detailed job description is on record in the City Clerk's office.

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 13 - STREET SUPERINTENDENT

13.01 STREET SUPERINTENDENT APPOINTED. A street superintendent shall be appointed by the council to serve at its pleasure. He or she shall work under the direction and supervision of the council and mayor.

13.02 POWERS AND DUTIES. The powers and duties of the street superintendent shall be as follows:

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

1. GENERAL DUTIES. The street superintendent shall be superintendent of all improvements upon the streets, alleys and public grounds.

2. MAKE REPAIRS. Make all repairs upon the streets, alleys and sidewalks, necessary to keep the same safe and passable and see that they are so kept, and shall receive all complaints made of a dangerous, impassable or unsafe condition on any street, alley, crossing, bridge or sidewalk in the city.

3. MAINTAIN PUBLIC WAYS. Be in charge of maintaining and repairing the alleys, bridges, sidewalks, and streets and keep them in reasonably safe condition for travelers and the same are kept free and clear of all deposits of dirt, waste, grass, wood, brush or other refuse, including the removal of snow and ice that imperils travel of public ways.

4. SUPERVISE EXCAVATIONS. Supervise the making of all excavations in the streets and alleys for laying sewer or water mains, or making of connections, see that proper barricades with warning lights are maintained, and that such excavations are refilled and pavement replaced as required by ordinance and subject to his or her approval.

5. RECORDS. Keep a record of work accomplished by himself or under his or her supervision, showing the street, alley or public ground on which work was performed, and the name of each laborer.

6. REPORT. Report to the council all persons refusing to comply with or violating any ordinance in relation to streets, alleys or public grounds.

7. INVESTIGATE COMPLAINTS. Investigate all complaints of dangerous or impassable conditions on any sidewalk, street, alley, bridge, underpass or overpass, and repair the same, or report those findings that require its decision to the council.

13.03 COMPENSATION. The street superintendent shall be paid such compensation as specified by resolution of the council.

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

A detailed job description is on record in the City Clerk's office.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 14 - POLICE DEPARTMENT

The City of George contracts with the Lyon County Sheriff's Department for law enforcement protection and services.

CHAPTER 5: EMERGENCY MEDICAL

ARTICLE 15 - EMERGENCY MEDICAL SERVICES

15.01 ESTABLISHMENT AND PURPOSE. A volunteer Emergency Medical Services Department is established to provide initial emergency medical care and rescue services, to promote the participation of the citizens in health-related programs, and to answer all fire and other emergency calls for which there is no other established agency.

15.02 ELECTION OF OFFICERS/MEMBERSHIP. The E.M.S. Department shall consist of a Chief, and Assistant Chief, Training Officer and Secretary/Treasurer. The Department shall elect a Chief and such other officers as required and set forth in the Department's by-laws. The person elected Chief shall be subject to the approval of the Council. In case of the absence of the Chief, the officer next in rank shall be in charge and will have and exercise all the powers of the Chief.

A person who is age eighteen (18) and older and meets membership criteria developed by the department and approved by the Council shall be eligible to membership as long as they are physically & mentally able to perform their duties.

The Department election to select officers shall be held in January each year, with newly elected officers assuming their positions at the next regular Department meeting.

15.03 E.M.S. CHIEF. The E.M.S. Chief shall serve for a term of one (1) year or for the balance of a term if to fill a vacancy. The Chief, before entering upon the duties of his or her office, shall qualify for office by taking the oath prescribed in Title I, Chapter I, Section 5.08, of this Municipal Code.

The Chief shall submit to the Council in February each year the information listed as follows:

- List of membership. – 22 members
- List of Officers elected no later than January 20.
- Number of department meetings – regular and special.
- Number of calls – City – Rural – other communities.
- Summarize mayor department activities and accomplishments.
- Recognize outstanding performance by member.
- List of department recommendations along with budget requests.
- Other information as may be requested by the Council and/or Mayor.

(Editor's Note: Ordinance 205 passed and approved April 14, 2010 amends Section 15.03)

The Council may remove the E.M.S. Chief by written order setting out the reasons for removal, which shall be filed with the City Clerk.

15.04 E.M.S. CHIEF'S DUTIES. The E.M.S. chief shall command all operations of the department. The duties of the Chief shall be as follows:

1. Every member shall be provided a copy of all rules, regulations and policies that govern the operation of this department.
2. Shall appoint selected volunteer members, fill vacancies and discharge them.

3. Keep a record of the names, ages, and residencies of all members, their level of training and responsibilities.
4. Responsible for the care, maintenance and use of all vehicles and department equipment.
5. Maintain departmental rules to carry out the requirements of this ordinance.
6. Responsible for maintaining attendance records for training sessions and meetings and a record of their duty time.

(Editor's Note: Ordinance 205 passed and approved April 14, 2010 amends Section 15.03)

15.05 TECHNICIAN'S DUTIES. When called by the chief or another officer in charge, or by the Lyon County Sheriff Department dispatcher or 911, the technicians on duty shall report immediately in the manner directed by the chief. They shall obey strictly the commands of any other department member who has been appointed by the chief to be in command. Technicians shall attend training sessions and other activities as directed by the chief.

15.06 REMOVAL. If any technician refuses or neglects to attend any training program, without submitting a sufficient and satisfactory excuse to the chief of the department, or shall neglect or refuse to do his or her duty as a technician, or obey the orders of the chief or his or her proper commanding officer, or shall leave his or her post of duty without permission of the chief or officer in charge, or violates or ignores any rule or regulation established by the department, or becomes physically unable to perform his or her duties, he or she shall be subject to removal from the emergency medical services department either by action of the chief of the department or by the city council.

15.07 WORKMEN'S COMPENSATION AND HOSPITALIZATION INSURANCE. The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer technicians injured in the performance of their duties as emergency rescue technicians. All members of the department shall be covered by the contract.

15.08 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.

15.09 EMERGENCIES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the city limits but within the normal designated response area. The department shall answer calls to fires and other emergencies outside the normal designated area upon the request of the Lyon County Sheriff's Department, emergency center dispatcher, or other official if its determined that such emergency exists and that such action will not endanger persons within the normal response area.

15.10 INTERFERENCE WITH TECHNICIANS. It shall be unlawful to hinder or interfere with any officer or technician in the performance of his or her duty at a fire or other emergency, or going to or returning there from, or while attending to his or her duties as a member of the emergency medical services department.

15.11 REFUSE TO ASSIST. It shall be unlawful to neglect or refuse to assist the technician, in their duties, at any emergency, when called upon to do so by the chief or other officer in charge.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 16 - TREE BOARD

16.01 TREE BOARD CREATED. A tree board is created to advise the council on needed planting and maintenance of trees. It shall oversee city programs for planting trees and encourage other programs to involve citizen's participation through education about enhancing tree community resources.

16.02 ORGANIZATION. The board shall consist of six (6) members, all citizens of the city, appointed by the mayor with council approval. Terms shall be for three (3) years commencing on July first of the applicable term. The first two members appointed to the first board shall be one year. Thereafter, the next two members shall serve two years and the last two members elected shall serve three year terms.

16.03 POWERS AND DUTIES. The tree board shall have the following powers and duties:

1. REVIEW. Review and update the comprehensive tree plan.

2. INVESTIGATE. Consider, investigate, make finding, report and recommend upon any special matter of question within the scope of its work.

3. AUTHORITY. Have authority over programs relating to planting trees.

4. REPORTS. Make written activity reports to the council at least once yearly or as the board deems advisable. Revenues and expenditures shall be reported once a year by the City Clerk, and a copy be provided to each board member and provided in the City Clerk's report to the council.

5. RULES AND REGULATIONS. Make rules and regulations governing the planting of trees for the conduct of tree programs, with approval by the council. The rules shall be posted or publicized for adequate public notice.

16.04 OPEN MEETINGS. All meetings of the tree board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

16.05 QUALIFICATIONS. The board shall choose its own officers, make rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 17 - LIBRARY BOARD

17.01 PUBLIC LIBRARY. The free public library established for the City of George is to be known as the George Public Library.

17.02 BOARD OF LIBRARY TRUSTEES. The Board of Library Trustees is established and shall consist of four resident members and one non-resident member.
(Code of Iowa, Sec. 392.5)

17.03 QUALIFICATIONS. All board members shall be bona fide citizens, over the age of eighteen (18), and residents of the city.

17.04 TERMS. All appointments to the board shall be for terms of six (6) years, except to fill vacancies. Each term shall commence on July 1st. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms.

17.05 VACANCIES. A board position shall become vacant if the trustee moves permanently from the city, or is absent from four (4) consecutive regular board meetings, except in the case of illness or temporary excused absence from the city. Vacancies shall be filled by appointment of the mayor with council approval, and the new trustee shall fill the unexpired term for which the appointment was made.

17.06 POWERS AND DUTIES. The board shall have the following powers and duties:

1. OFFICERS. Meet and elect a chairperson, vice-chairperson, and secretary from its members.

2. RESPONSIBLE FOR LIBRARY. Take charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms for library purposes.

3. DIRECT AFFAIRS. Direct and control library affairs.

4. LIBRARIAN. Employ a librarian and fix the librarian's compensation.

5. OTHER EMPLOYEES. Authorize the librarian to employ assistants and other employees necessary to operate the library properly.

6. REMOVAL. Remove the librarian, assistants, or employees by a two-thirds vote of the board.

7. SELECT LIBRARY MATERIALS. Select, or authorize the librarian to select, and make purchases of all library materials and supplies, within budgetary units set by the board.

8. NONRESIDENT USE. Authorize the use of the library by nonresidents of the city and to fix charges thereof.

9. FUNDS. Have exclusive control of all expenditures for library purposes including all monies available by gift or otherwise within council appropriations for library services.

10. GIFTS. Accept and control the expenditure of all gifts, devises, and bequests to the library, and require the council to appropriate such monies to the library. (Code of Iowa, Sec. 392.5)

11. RULES AND REGULATIONS. Make and adopt, amend, modify, or repeal rules and regulations for the care, use, and management of the library, and prescribe penalties for rule violations.

12. RECORD. Keep a record of its proceedings.

13. HISTORICAL ASSOCIATIONS. May make agreements with local county historical associations when applicable, to set apart room for and care for articles of historical or educational interest in the possession of the association, and purchase with library funds such materials necessary to preserve and protect such articles.

17.07 POWER TO CONTRACT. The board may contract with any other board of trustees of a free public library and any school, corporation, city, and county. If there is a county library district, the city may contract with it for the use of the library by city residents. Such contract may be terminated at any time by mutual consent of the contracting parties, or by a majority vote of the electors represented by either contracting party.

17.08 TERMINATION. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

17.08 NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents by:

1. TERMS OF LOAN. Lending library materials to nonresidents on the same terms as to residents of the city, or upon payment of a special nonresident fee.
2. DEPOSITORIES. Establishing depositories of library materials to be loaned to nonresidents.
3. BOOKMOBILES. Establishing bookmobiles or a traveling library.
4. BRANCH LIBRARIES. Establishing branch libraries.

17.09 LIBRARY ACCOUNT. The council shall appropriate in the general fund a library account to be used for the operation and maintenance of the library. Expenditures shall be paid only on board-orders, signed by the president and secretary. The warrant-writing officer is the city clerk.

17.10 ANNUAL REPORT. The board shall submit an annual comprehensive report to the council after the close of the municipal fiscal year.

17.11 OPEN MEETINGS. All meetings of the library board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

17.12 LIBRARY MATERIALS. Library materials include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:

a. A public library.
b. A library of an educational, historical, or eleemosynary institution, organization, or society.
c. A museum.
d. A repository of public records.

(Iowa Code, Sec. 702.22(1))

17.13 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any library materials (i.e. newspaper, periodical, book. map, pamphlet, chart, picture or other property belonging to the library or reading room), or equipment.

17.14 LIBRARY EQUIPMENT. Library equipment includes audio, visual, or audiovisual machines, machinery or equipment belonging to, on loan to or otherwise in the custody of one of the institutions or agencies listed in section 16.12 of this Article.

(Iowa Code, Sec. 702.22(2))

17.15 THEFT OF LIBRARY MATERIALS. The fact that a person has concealed library materials or equipment as defined in sections 16.12 and 16.14 of this Chapter, or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if person conceals or causes to be concealed library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same is also material evidence of intent to deprive on the part of the person concealing the library materials or goods.

17.16 DETENTION AND SEARCH.

1. Persons concealing property as set forth in section 16.15 may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property set forth in section 16.15.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 18 - FIRE DEPARTMENT

18.01 PURPOSE. A volunteer fire department is established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency. This chapter is also adopted to provide the city with the rules, administration, and enforcement powers to protect persons and property against the dangers of fire or explosion by measures to enhance prevention of such occurrences and to maintain buildings in a safe condition by the proper and safe storage of materials, the preservation of adequate exits clear of obstruction, use of safe practices in furnishing buildings for the public safety and welfare of the citizens of the City.

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

1. RESIDENT CITIZEN. Is a citizen of the United States, a resident of the City or Fire District, or intends to become a resident upon acceptance as a member of the department.
2. AGE. Is at least eighteen (18) years of age.
3. DRIVER'S LICENSE. Has a current active Iowa driver's license.
4. All persons being considered for a position of city government shall be subject to a background check performed by the Sheriff department.

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

18.04 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as named in the fire departments Health and Safety Manual. The person elected chief shall be subject to the approval of the Council. In case of the absence of the Chief, the officer next in rank shall be in charge and will have and exercise all the powers of Chief.
The Department election to select officers shall be held in January each year, with the newly elected officers assuming their respective position at the next regular department meeting. The Fire Department membership shall be limited to a maximum of 30 active and probationary members.

(Editor's note: Ordinance 242 passed and approved February 13, 2019 amends Section 18.08)

18.05 LIABILITY INSURANCE. The council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the city. The council shall contract to insure the city against liability for workmen's compensation and against liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61, 410.18 & 517A.l)

18.06 FIRES OUTSIDE THE CITY. 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. 364.4(2&3))

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

18.08 FIRE CHIEF. The fire chief shall serve for a term of one year (1) or for the balance of a term if to fill a vacancy. The chief, before entering into the duties of his or her office, shall be qualified for office by taking the oath required in Title 1, Chapter 1, Section 5.08 of this Municipal Code.

The Chief shall submit to the Council in February each year the information listed as follows:

- List of membership – limited to 30 members.
- List of officers elected no later than January 20th.
- Number of department meetings – regular and special.
- Number of calls – City – Rural – other communities.
- Summarize major department activities and accomplishments.
- Recognize outstanding performance of members.
- List of department recommendations along with budget requests.
- Other information as may be requested by the Council and/or Mayor.

(Editor's note: Ordinance 242 passed and approved February 13, 2019 amends Section 18.08)

The Council may remove the Fire Chief by written order setting out the reasons for removal which shall be filed with the City Clerk.

18.09 POWERS AND DUTIES. The duties of the fire chief shall be as follows:

1. DIRECT DEPARTMENT. 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. ENFORCE DEPARTMENT REGULATIONS. Enforce all rules and regulations established by the council for the conduct of the affairs of the fire department.

3. CONTROL DEPARTMENT PROPERTY. 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. KEEP RECORDS. Keep 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. REPORTS. Make yearly written reports to the mayor and council concerning the general status and efficiency of the fire department, the number of alarms answered during the previous month, and any additional information. He or she shall compile and file with the mayor an annual report summarizing the department's activities for the year and containing recommendations for improvements in the department.

6. ENFORCE ORDINANCES AND STATE LAWS. Enforce all ordinances and, here 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 exit 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.
   e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

7. RIGHT OF ENTRY. Have the right of entry into any building or premises within his or her jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. He or she shall conduct such investigation or inspection that he or she considers necessary in light of state law, regulation or ordinance.

8. MAKE RECOMMENDATIONS. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. AID STATE FIRE MARSHAL. Aid the state fire marshal when requested in the performance of his or her duties by investigating, preventing and reporting data pertaining to fires.

10. APPOINT FIREMEN. Appoint carefully selected volunteer firemen, with council approval, fill vacancies among them and discharge them when necessary.

11. INVESTIGATIONS. Investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. If death, serious bodily injury or property damage in excess of two hundred thousand dollars occurs as a result of a fire, or if arson is suspected, he or she shall notify the state fire marshal's division immediately. Within ten (10) days following the end of each month the chief shall file a report of all fire incidents with the state fire marshal's division in the form required by the state fire marshal.

12. AUTHORITY AT FIRES. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec.102.2)

13. CONTROL OF SCENE Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec.102.2)

14. AUTHORITY TO BARRICADE. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right -of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire-fighting effort of the fire department, to control the scene until any required investigation is complete or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec.102.3)

15. TECHNICAL ASSISTANCE. Upon request, gives advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

18.10 AUTHORITY TO CITE VIOLATIONS. Fire officials acing under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of State and/or local fire safety regulations.

(Iowa Code, Sec. 100.41)

18.11 COMPENSATION. The compensation of the fire chief shall be determined by the council.

18.12 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

18.13 ADMINISTRATIVE RULES. The department shall adopt administrative rules as they deem calculated to accomplish the object contemplated, and such administrative rules and any change or amendment to such administrative rules before being effective, must be approved by Council.

18.14 PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person having charge of any of the fire apparatus belonging to the city to allow or permit the same to be used for private benefit.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 19 - CEMETERY

19.01 BOARD OF TRUSTEES. All powers and duties of the council over cemeteries and the burial of the dead, provided by state law, are transferred to a board of trustees.

19.02 MEMBERSHIP. The board of trustees shall consist of the mayor, the clerk, and three (3) persons appointed by the mayor and approved by the council. Of the three (3) trustees first appointed, one shall be appointed for two (2) years, one shall be appointed for four (4) years and one shall be appointed for six (6) years from the first day of January following their appointment. On the expiration of such terms of the first appointed members the new member shall be appointed for six (6) years.

19.03 VACANCY. Any vacancy occurring in the board of trustees shall be filled, for the unexpired term, in the same manner in which the original appointment is made.

19.04 COMPENSATION. The members of the board of trustees shall receive compensation in the following amounts:

1. Caretaker - Negotiable.

2. Sexton - Negotiable.

3. Treasurer - Negotiable.

4. Superintendent - Negotiable.

19.05 ACT WITH TOWNSHIP TRUSTEES. The cemetery board of trustees shall constitute, with the township trustees, a joint cemetery board in common purpose of improving, maintaining and supporting a township cemetery, and the two (2) official bodies shall have equal voting power.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 20 - PLANNING AND ZONING COMMISSION

20.01 PLANNING AND ZONING COMMISSION CREATED. There is hereby created a city planning and zoning commission composed of five residents of the city who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning, none of whom shall hold any elective position in the city. Such members shall be appointed by the city council. While the jurisdiction of the city zoning ordinance is extended beyond the city limits into Lyon County, there shall be added to the commission two nonresident members for overlapping three-year terms. All members shall have the same rights, privileges and duties regardless of residency.

20.02 TERM OF OFFICE. The term of office of commission members shall be three years, except that the members first named shall hold office for such terms not exceeding three years that the terms of not more than one-third of the members will expire in any one year. Any vacancy occurring on the commission caused by resignation or otherwise, shall be filled by the council for the unexpired term. All members of such commission shall serve without compensation except their actual expenses which shall be subject to the approval of the council. The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman to serve in the absence of the chairman.

20.03 POWERS. Said commission shall have and possess the following powers and such powers as may be incidental to the successful carrying out of the powers invested in it herein or such as may be expressly conferred upon it by law:

1. PLANS. To make such surveys, studies, maps, plans, or plats of the whole or any portion of the city and of any land outside thereof, which in the opinion of such commission bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendations and it may publish the same.

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

3. RECOMMEND CHANGES. To recommend to the council, from time to time, as conditions require, amendments, supplements, changes, or modifications in the comprehensive plan prepared by it, and recommend changes to the zoning regulations.

4. OFFICIAL MAP. To study and make recommendations on all subdivisions submitted for approval to the city and to make surveys and plans for an official map as a guideline for such approval.

5. TRENDS. To study trends of development in industrial, physical and social aspects of the community and make such reports as it may deem necessary.

6. SURVEY. To survey street and traffic problems and make recommendations thereon to the mayor and council.

7. RECOMMENDATIONS. To review and make recommendations on proposed vacations of streets and alleys.

CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 21 - BUDGET

21.01 FINANCE OFFICER. The City Clerk/Treasurer shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this chapter.

21.02 PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. ANNUAL BUDGET BY CITY CLERK. The City Clerk shall be responsible for helping the mayor prepare the annual budget detail of revenues and expenditures, for review and adoption by the council in accordance with directives of the mayor and council.
   (Code of Iowa, Sec. 384.16)

2. BOARDS AND COMMISSIONS BUDGETS. All boards, commissions, and other administrative agencies of the city that are authorized to prepare and administer budgets must submit their budget proposals to the City Clerk for consideration in the proposed city budget no later than December 1 of each year and in such form as may be required by the clerk.
   (Code of Iowa, Sec. 384.20)

3. SUBMISSION TO COUNCIL. The City Clerk shall submit the completed budget proposal to the council no later than February 1 of each year.

4. COUNCIL REVIEW. The mayor and council shall review the proposed budget and may make any adjustments in the budget which they deem appropriate before accepting such proposal for publication of notice, hearing, and final adoption.

5. NOTICE OF HEARING. Upon adopting a proposed budget, the council shall set a date for public hearing thereon to be held before March 15, and cause notice of such hearing and a summary of the proposed budget to be published no less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the county auditor.
   (Code of Iowa, Sec. 384.16(3))

6. COPIES OF BUDGET. Not more than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the City Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests or taxpayers and organizations, and have them available for distribution at the offices of the mayor and clerk and at the city library.
   (Code of Iowa, Sec. 384.16(2))

Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the City Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and City Clerk and at the City library.

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

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

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

8. ADOPTION AND CERTIFICATION. After the hearing, the 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. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor.

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

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

(Code of Iowa, Sec. 384.18)

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

2. TRANSFER OF APPROPRIATION BETWEEN PROGRAMS. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.

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

3. TRANSFER WITHIN PROGRAMS. When the clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures, he or she shall inform the council; or if the council upon its own investigation so determines, and another account within the same program 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 account can provide the needed appropriations, the 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 council. Thereupon, the clerk shall cause the appropriations to be revised upon the appropriation expenditure ledgers of the city, but in no case shall the total of the appropriation to a program be increased 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.

(Code of Iowa, Sec. 384.15(1))

4. TRANSFER BETWEEN FUNDS. Transfers between funds may be approved by council resolution or as planned in the budget if permitted or required by law.

CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 22 - FUNDS

22.01 FUND CONTROL. The City Clerk/Treasurer shall establish and maintain separate and distinct funds only as required or permitted by law, and account to them as follows:

1. REVENUES. All monies received by the city shall be credited to the proper fund as required by law, ordinance, or resolution.
(Code of Iowa, Sec. 384.3)

2. EXPENDITURES. No disbursements shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, or was properly budgeted and supported by a claim approved by the council.

22.02 SPECIAL FUNDS; CASH FUNDS.

1. PETTY CASH FUND. The clerk shall be custodian of a petty cash fund not to exceed fifty dollars ($50.00) 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. The clerk shall obtain some form of receipt or bill acknowledging payment by the vendor of his or her agent.

At such time as the petty cash fund is approaching depletion, the clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.
(Code of Iowa, Sec. 384.9)

2. DEPOSIT OF FUNDS. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the City Clerk. If any said fees are due to a person, they shall be paid to the person by check drawn by the City Clerk and approved by the Council only upon such person's making adequate reports relating thereto as required by law, ordinance or Council directive.

3. DEPOSITS AND INVESTMENTS. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.
(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)

22.03 FUND SURPLUS. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally-accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfers shall be made that is in violation of State law or rules of the City Council.

(Code of Iowa, Sec. 384.89)

22.04 INVESTMENT POLICY. The Council shall establish an Investment Policy to comply with the standards set in Chapter 12B of the Code of Iowa. Copies of this Investment Policy shall be distributed to all appropriate officials.

CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 23 - ACCOUNTING

23.01 BOOKS OF ORIGINAL ENTRY. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.

23.02 GENERAL LEDGER. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts, and for recording un-appropriated surpluses.

23.03 CHECKS. Checks shall be pre-numbered and signed by the City Clerk following council approval, except as provided by Section 22.05 hereof.

23.04 BUDGET ACCOUNTS. There shall be established such individual accounts to record receipts by source and expenditures by program, subprogram and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates, and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
(Code of Iowa, Sec. 384.20)

23.05 IMMEDIATE PAYMENT AUTHORIZED. The council may by resolution authorize the City Clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll, and bond principal and interest.

23.06 UTILITIES. The City Clerk shall perform and be responsible for accounting functions of the municipally-owned utilities.

CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 24 - FINANCIAL REPORTS

24.01 MONTHLY REPORTS. There shall be submitted to the council at the first meeting of each month a report showing the activity and status of each fund, program, subprogram, and activity for the preceding month.

24.02 ANNUAL REPORT. Not later than December 1 of each year, there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of the annual report must be furnished to the Auditor of the State by December 1 of each year.

(Code of Iowa, Sec. 384.22)

CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 25 - PURCHASING

25.01 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

1. "Estimated total cost of a public improvement" or "estimated total cost" means the estimated total cost to the governmental entity to construct a public improvement, including cost of labor, materials, equipment, and supplies, but excluding the cost of architectural or engineering design services and inspection.

2. "Governmental entity" means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding the state board of regents and the state department of transportation.

3. "Public improvement" means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal demolition and low-rent housing projects, industrial aid projects authorized under Code of Iowa, Chapter 419, emergency work or repair or maintenance work performed by employees of a governmental entity, and excluding a highway, bridge, or culvert project, and excluding construction or repair or maintenance work performed for a city utility under Code of Iowa, Chapter 388 by its employees or performed for a rural water district under Code of Iowa, Chapter 357A by its employees.

4. "Repair or maintenance work" means the preservation of a road, street, bridge, culvert, storm sewer, sanitary sewer, or other public facility so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility to its original condition with the same design.

25.02 COMPETITIVE BIDS FOR PUBLIC IMPROVEMENT CONTRACTS.

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold as follows: horizontal infrastructure $45,000 and up; vertical infrastructure $100,000. Competitive quotes required for projects costing $45,000 but less than $100,000.
   The City shall advertise for sealed bids for the proposed improvement by publishing a notice to bidders as provided in Code of Iowa, Section 362.3. The notice to bidders shall be published more than twenty (20) days but not more than forty-five (45) before the date for filing bids.
   The current language establishes this threshold at $100,000.

2. A governmental entity shall have an engineer licensed under chapter Code of Iowa, Chapter 542B or an architect registered under Code of Iowa, Chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement.

25.03 EXEMPTIONS FROM COMPETITIVE BIDS AND QUOTATIONS. Architectural or engineering design services procured for a public improvement are not subject competitive bid requirements.

25.04 PROHIBITED CONTRACTS. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or as established in Code of Iowa, section 314.1B, a governmental entity shall not divide the public improvement project into separate parts, regardless of intent, if a resulting part of the public improvement project is not let in accordance with section 24.06.

25.05 PROCEDURES FOR COMPETITIVE BID LETTING. The City will follow Code of Iowa, Chapter 38 for competitive bid letting pertaining to Bid Security, Notice to Bidders, Bid Security, Award of Contract, Opening and Considering Bids, Delegation of Authority and When a Hearing is Necessary.

25.06 COMPETITIVE QUOTATIONS FOR PUBLIC IMPROVEMENT CONTRACTS.

1. Competitive quotations shall be required for a public improvement having an estimated total cost that exceeds the amount provided in this section, but is less than the competitive bid threshold established in Section 24.02 of this Chapter.

2. The City will adhere to the competitive bid quotation threshold dollar amount set by the State of Iowa Bid Threshold Committee and this dollar amount is subject to annual adjustments by the Committee pursuant to Code of Iowa, section 314.1B.

3. a. When a competitive quotation is required, the governmental entity shall make a good faith effort to obtain quotations for the work from at least two contractors regularly engaged in such work prior to letting a contract. Quotations may be obtained from contractors after the governmental entity provides a description of the work to be performed, including the plans and specifications prepared by an architect or engineer, if required under Code of Iowa, Chapter 542B or 544A, and an opportunity to inspect the work site. The contractor shall include in the quotation the price for labor, materials, equipment, and supplies required to perform the work. If the work can be performed by an employee or employees of the governmental entity, the governmental entity may file a quotation for the work to be performed in the same manner as a contractor.

b. The governmental entity shall designate the time, place, and manner for filing quotations, which may be received by mail, facsimile, or electronic mail. The governmental entity shall record the approved quotation in meeting minutes. Quotations approved outside a meeting of the governing body of a governmental entity shall be included in the minutes of the next meeting of the governing body. The governmental entity shall award the contract to the contractor submitting the lowest responsive, responsible quotation subject to section, or the governmental entity may reject all of the quotations.

c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax which a contractor identifies in its quotation shall be deducted from the contractor's price for determining the lowest responsible bidder. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest responsive, responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

25.07 HORIZONTAL INFRASTRUCTURE. The State of Iowa Horizontal Infrastructure Bid Threshold Subcommittee for highway, bridge, or culvert projects will review the competitive bid thresholds applicable to city and county highway, bridge, and culvert projects. The subcommittee shall review price adjustments for all types of city and county highway, bridge, and culvert construction, reconstruction, and improvement projects, based on changes in the construction price index from the preceding year. Upon completion of the review the subcommittee may make adjustments in the applicable bid thresholds for types of work based on the price adjustments. The City will base its bid threshold for highway, bridge, or culvert projects as set by the Committee.

(Code of Iowa, Sec. 314 1A & Sec. 314.1B)

CHAPTER 7: IOWA INCOME OFFSET PROGRAM

ARTICLE 26 – GENERAL PROVISIONS

26.01 PARTICIPATION IN THE IOWA INCOME OFFSET PROGRAM. The City may participate in the Iowa Income Offset Program and may enter into a Memorandum of Understanding with the Iowa Department of Administrative Services, State Accounting Enterprise for such purposes in accordance with the following procedures:

1. The City Administrator or designee shall provide the Iowa Department of Administrative Services with a liability file on a qualifying liability owed to the City by a debtor.

2. When notified by the Department of Administrative Services that there is a match with a debtor the debtor shall be sent a notification within ten (10) calendar days including the following:
   a. The City's right to the payment in question.
   b. The City's right to recover payment through this offset procedure.
   c. The basis of the City's case in regard to this debt.
   d. The right of the debtor to request a split of the payment between parties when the payment in question is jointly owned or otherwise owned by two or more persons (i.e. tax refund).
   e. The debtor's right to appeal the offset and the procedure to follow in that appeal.

3. A debtor wishing to appeal the offset shall file a written notice of appeal specifying the grounds for appeal with the City Council and the City Administrator or designee, within ten (10) calendar days from the date on which the debtor was sent the notification of the offset. Upon the filing of an appeal the debtor shall be entitled to a hearing at the next regularly scheduled Council meeting or at a special meeting to be scheduled at the discretion of the Council. The debtor shall be given notice of the time and place of the hearing and shall be entitled to present evidence to the Council. A vote of three Council members shall be required to reverse or modify the offset. A debtor aggrieved by any decision of the City Council may, within thirty (30) days from the date of the filing of the decision by the City Council, appeal there from to the district court in accordance with the Iowa Rules of Civil Procedure, Division XIV, Certiorari.

Editor's Note: Ordinance 192 created and established Article 26 pertaining to Iowa Income Offset Program and was approved by Council on April 14, 2009.

CHAPTER 8: CITY RECORDS

ARTICLE 27 - CUSTODY OF THE CITY'S PUBLIC RECORDS

27.01 RECORDS - CUSTODY AND CONFIDENTIALITY RULINGS. In compliance with Chapter 22, Code of Iowa, the officers and employees bearing the titles named herein shall be in custody of the particular records or class of records assigned to the positions named in Section 26.03 of this article and are directed to familiarize themselves with the requirements of the law in Chapter 22, as amended. Whenever there is a doubt concerning whether a record is an open or confidential public record the custodian thereof shall withhold the record and immediately ask for an opinion of the city attorney interpreting the law. Every effort shall be made to expedite a decision and all doubts should be resolved in favor of openness.

27.02 CITY CLERK'S DUTY - INFORMATION. The City Clerk shall obtain and place in the hands of each named custodian a copy of the public records, law and any interpretations available to the city. The City Clerk shall also keep himself informed of any amendments or new interpretations and distribute such agenda to the named custodians promptly upon receipt thereof.

27.03 CUSTODIANS NAMED FOR SPECIFIED RECORDS.

1. POSITIONS NAMED. The following city positions named shall be custodians of the specific records and related items assigned to each position:

   a. City Clerk/Treasurer.* Council minutes and proceedings and related papers, ordinance and resolution records, reports filed, surety bonds, deeds, abstracts for city-owned property, petitions, correspondence, special assessment schedules, bond register, all budget papers, accounts, receipts, invoices, purchase orders, warrants/checks, utility accounting records, personnel records and customer information.

   b. City Attorney (solicitor).* Legal opinions, records of legal cases, investigations.

   c. Fire Chief. Inspection reports, incident records, correspondence, etc.

   d. Cemetery (sexton) (superintendent). Cemetery plats, records of burials, copies, deeds to cemetery lots.

   e. Librarian. Library circulation and accession lists or records.

   f. Water/Waste Water/Sanitation Superintendent (operator, in a one-person department). Operating records, volume pumped, water quality tests, billings, activity and cost records, etc.

2. CITY CLERK CUSTODIAN. The city clerk shall be custodian of any papers, records or documents that are named for a position where the position is vacant or does not exist and shall be custodian of any records not named until and unless the council amends the foregoing list.

*May withhold papers dealing with anticipated purchases of real property.

**Must withhold "personal" data of officers and employees unless officer or employee permits release. Name, address, salary, social security number and years worked are not "personal".

TITLE II PUBLIC SERVICE AND PUBLIC HEALTH

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 1 - GENERAL PROVISIONS

1.01 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection, and disposal of solid wastes in order to protect the health, safety, and welfare of the citizens of this city from the hazards which may result from the uncontrolled disposal of solid wastes.

1.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Solid Waste" means garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to materials generating from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by the Code of Iowa.
(Code of Iowa, 455B.301(20))

a. Garbage means all solid and semisolid, putrid animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.
(IAC, 567-100.2)

b. Refuse means putrid and non-putrid wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
(IAC, 567-100.2)

c. Rubbish means non-putrid solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery, or litter of any kind.
(IAC, 567-100.2)

2. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires, and trade wastes.
(IAC, 567-20.2)

3. "Landscape Waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
(IAC, 567-20.2)

4. "Toxic and Hazardous Wastes" means waste materials including, but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials, and similar harmful wastes, which require special handling and careful disposal to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

5. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.

(Code of Iowa, Sec. 455B.361(1))

6. "Rubble" means stone, brick, or similar inorganic material.

(IAC, 567-100.2)

7. "Sanitary Disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

8. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

(Code of Iowa, Sec. 455B.301(18))

9. "Sanitary Landfill" means a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.

(IAC, 567-100.2)

10. "Salvage Operation" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to chemicals, drums, metals, motor vehicles, or shipping containers.

(IAC, 567-20.2)

11. "Approved Incinerator" means equipment facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the city based on recommendations of the Environmental Protection Commission (EPC) of the Iowa Department of Natural Resources (IDNR).

12. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

1.03 HEALTH HAZARD. It shall be unlawful for any person to permit, to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

1.04 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

1.05 OPEN BURNING. The following shall apply to open burning:

1. DEFINITIONS.

a. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passage through a chimney or stack.
(IAC, 567-20.2)

b. Refuse. Garbage, rubbish, and all other putrid and non-putrid wastes, except sewage and water-carried trade wastes.

c. Rubbish. All waste materials of non-putrid nature.

d. “Backyard Burning” means the disposal of residential waste by open burning on the premises of the property where such waste is generated.
(IAC, 567-20.2)

e. Trade Waste. All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry or trade, including but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid and solid waste materials.

2. REGULATIONS

a. No person shall allow, cause, or permit open burning of refuse, including trade wastes, nor shall he or she conduct a salvage operation by open burning, except where a variance has been granted by the air pollution control authority of the State of Iowa.

b. No person shall burn garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter, as provided hereafter. Equipment or facilities for enclosed burning of refuse shall have a stack adequate to maintain a draft sufficient for efficient combustion, and the stack shall have a screen sufficiently fine to prevent ejection of particles of burning material. Such installations shall not be installed until approved by the city fire marshal. Such equipment and facilities shall be maintained and operated so that no objectionable smoke or odor shall result, in accordance with state law and rules on particulate and smoke density.

c, No person shall kindle or maintain any premise fire or authorize any such fire to be kindled or maintained on any private land.

d. The city fire marshal is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

3. PERMITTED EXCEPTIONS. No person shall allow, cause or permit open burning of combustible materials. The following shall be permitted exceptions:
(IAC, 567-23.2)

a. DISASTER RUBBISH. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.
(IAC, 567-23.2(3a))

b. DISEASED TREES. The open burning of diseased trees; however, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.
(IAC, 567-23.2(3b))

c. FLARE STACKS. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the EPC of the IDNR.
(IAC, 567-23.2(3c))

d. RECREATIONAL FIRES. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the EPC of the IDNR.
(IAC, 567-23.2(3e))

e. TRAINING FIRES. Fires set for the purpose of bona fide training of public or industrial employees in fire-fighting methods, provided that the Executive Director of the EPC of the IDNR receives notice in writing at least one (1) week before such action commences.

(IAC, 567-23.2(3g))

f. VARIANCE. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the Executive Director of the EPC of the IDNR.

(IAC, 567-23.2(2))

1.06 LITTERING PROHIBITED. No person shall discard any litter on or in any water or land, except when and where authorized. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

1.07 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the City Council, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the City Council. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

1.08 TOXIC AND HAZARDOUS WASTES. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2) (IAC, 567-102.14(2) and 400-27.14(2))

1.09 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. CONTAINER SPECIFICATION.

   a. COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrid waste or refuse containing such materials shall be leak proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair. All containers shall not weigh more than 65 lbs. when filled. All containers shall have lids and shall prevent entrance of rain water. The city of George will collect up to 2 containers (4 bags) per residential unit at the normal rate charged for collection. Each additional container/bag must display a sticker that has been purchased at the City Office for $1.00. All additional containers placed for collection must be made known to the contractor for pickup with additional fees made directly to the contractor.

   (Editor's Note: Section 1.09(1)(a) was amended at time updating Code in 2008 to be consistent with section 1.09 in this Chapter.)

   b. Every person owning, managing, operating, leasing, or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. LOCATION OF CONTAINERS. Residential solid-waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public-health personnel, and fire-inspection personnel.

3. NONCONFORMING CONTAINERS. Solid waste containers, which are not approved, will be collected together with their contents and disposed of after due notice to the owner.

1.10 STORAGE OF YARD WASTES. All yard wastes shall be taken to the City of George yard waste pile at the City refuse site. Individuals who fail to comply will be assessed a $25 violation fee for the first offense and a $50 fee for each occurrence thereafter.

1.11 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or taken to the City of George yard waste pile. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps

1.12 SANITARY DISPOSAL REQUIRED OF OWNER. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. If such accumulation becomes a nuisance, the city shall proceed to abate the nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Sec. 657.2)

1.13 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. UNLAWFUL USE OF CONTAINERS. Depositing refuse in any solid-waste containers other than his or her own without the written consent of the owner of such containers.

2. INTERFERE WITH COLLECTORS. Interfere in any manner with solid waste collection equipment or with solid-waste collectors in the lawful performance of their duties, whether such equipment or collectors be those of the city or those of any other authorized waste-collection service.

3. UNLAWFUL DISPOSAL. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.

4. UNLAWFUL COLLECTION. Engage in the business of collecting, transporting, processing, or disposing of refuse within the city without a contract with the city, or possessing a city solid waste hauler permit.

5. INCINERATORS. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

6. SCAVENGING. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 2 - COLLECTION AND TRANSPORTATION OF SOLID WASTE

2.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Solid Waste Collection" shall mean the gathering of solid wastes from public and private places.
(IAC, 567-100.2)

2. "Solid Waste Transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail, car, water vessel, conveyor, or other means.
(IAC, 567-100.2)

3. "Residential Premises." A single-family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of each such apartments or units which may be included in a given housing development.

4. "Dwelling Unit." Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

5. "Property Served." Any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided by this chapter.

6. "Collectors." Any person authorized by the city to gather solid waste from public and private places.

7. "Independent Contractors": Any person, firm or corporation engaged in the business of gathering, transporting and disposing of residential solid waste for hire under contract with the city or gathering, transporting and disposing of commercial and industrial solid waste for hire by private agreement as provided for by this article.

8. "Owner-Collector": Any person, firm or corporation which gathers, transports and disposes of its own use of private, commercial, or industrial property.

9. "Hazardous Materials": Shall include explosive material, materials contaminated by infectious or contagious disease, fly ash or other fine or powdery material, and other material that may present a special hazard to sanitary landfill personnel, equipment or to the public.

10. "Owner": When used in this article shall, in addition to the record titleholder, include any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

11. "Person": An individual, firm, partnership, domestic or foreign corporation, company, association, trust or other legal entity and includes a trustee, receiver, assignee or similar representative thereof, but does not include a governmental body.

12. "Sanitary Disposal": A method of treating and handling solid waste so that it does not produce a hazard to the public health, safety, welfare, or create a nuisance including the recycling of solid waste to regain material for human use.

13. "Sanitary Landfill": A method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary so that no nuisance or hazard to the public health is created.

13. "Site": Any location, place or tract of land for collection, storage, conversion, utilization, incineration or burial of solid waste.

14. "Solid Wastes": Garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to, such materials resulting from industrial, commercial, agricultural and domestic activities.

15. "Garbage": Any animal or vegetable wastes or scraps from a kitchen, waste foods or putrid material waste.

16. "Recyclable Materials": Solid waste determined from time to time by the city to be recyclable including but not limited to plastics, newsprint, corrugated cardboard or glass.

2.02 COLLECTION SERVICE. The City shall provide for the collection of refuse from residential, commercial, industrial or institutional premises within their jurisdiction which are not exempted by law.

(Code of Iowa, Sec. 455.302)

2.03 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrid waste or refuse containing such materials shall be leak proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair. All containers shall not weigh more than 65 lbs. when filled. All containers shall have lids and shall prevent entrance of rain water. The city of George will collect up to 2 containers (4 bags) per residential unit at the normal rate charged for collection. Each additional container/bag must display a sticker that has been purchased at the City Office for $1.00. All additional containers placed for collection must be made known to the contractor for pickup with additional fees made directly to the contractor.
(Editor's Note: Section 2.03 was amended by Ordinance 174, passed & approved on August 7, 2007)
(Section 1.09(1)(a) in this Chapter was amended to be consistent with Section 2.03.)

2.04 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

2.05 FREQUENCY OF COLLECTION. All refuse shall be collected from residential premises at least once a week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.

2.06 BULKY SOLID WASTE. Bulky solid waste which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.

2.07 RIGHT OF ENTRY. Solid waste collectors are authorized to enter upon private property for the purpose of collecting refuse as required by this chapter. However, solid waste collectors shall not enter dwelling units or other residential buildings.

2.08 CONTRACT WITH COLLECTOR. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than the person's own solid waste within the City without first obtaining from the City an annual contract in accordance to the following:

(Code of Iowa, Sec. 455B.302)

1. REQUIRED INFORMATION. The following information shall be required on the contract with the city:

   a. Name and address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers.

b. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

c. Collection program. A complete description of the frequency, routes and method of collection and transportation to be used.

d. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. INSURANCE. No collector's contract shall be entered into unless the applicant shall file and maintain with the city, in addition to all other requirements, evidence of satisfactory public liability insurance. His or her insurance must cover all pertinent operations of the applicant related to the business, equipment and vehicles to be operated in the following minimum amounts:

Bodily injury -	$300,000.00 per person
	$500,000.00 per occurrence
Property damage	$100,000.00

Each insurance policy required shall include provisions requiring the insurance agent to notify the city of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. PERMIT FEE. A one-hundred dollar ($100.00) fee shall be required of every solid waste hauler, whether or not covered by a city solid waste contract.

4. CONTRACT NEGOTIATED. If the council upon investigation finds the collector to be in order and determines that the collector will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the contract shall be negotiated to be effective for a period of at least three (3) years from the date approved.

5. ANNUAL RENEWAL. The contract may be renewed upon council review of the contractor's compliance with its terms.

6. CONTRACT NOT TRANSFERABLE. No contract authorized by this chapter may be transferred to another person without council approval.

7. OWNER MAY TRANSPORT. Nothing within this chapter is to be construed as to prevent an owner from transporting solid waste accumulating upon premises owned, occupied or used by him or her, provided such refuse is disposed of properly in an approved sanitary disposal project.

8. GRADING OR EXCAVATION ACCEPTED. No contract or permit shall be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public right-of-way.

9. PAYMENT TO COLLECTOR. The City shall pay the collector by the month the amount due for that month.

2.09 COLLECTION FEES. The collection and disposal of refuse as provided by this chapter is declared to be a benefit to the property served and therefore, a mandatory fee shall be levied and collected in accordance to the following:

1. SCHEDULE OF FEES. The schedule of fees for refuse collection and disposal services will be determined by the Council upon consideration of landfill fees, City budget requirements relating to refuse collection and the negotiated rate with the collection service. The fees for refuse collection and disposal services are hereby set as follows:

NON-RECYCLABLE WASTE

a. For each single-family or multi-family residence for non-recyclable waste --$16.00 per month for a 65 gallon can -OR-
--$20.00 per month for a 95 gallon can.
b. For each commercial, industrial or institutional establishment for non-recyclable waste, the fee will be set by the collector according to the amount of solid waste accumulated.

RECYCLABLE WASTE

a. For each single-family or multi-family residence for recyclable waste -- $2.00 per month for a 95 gallon can.
b. For each commercial, industrial or institutional establishment that provides proof of service for recyclable waste, the fee will be set by the collector according to the amount of recycle waste accumulated.

(Editor's Note: Ordinance 253, passed & approved September 9, 2020 amended Section 2.09)

2. PAYMENT OF FEES. The fees provided shall be due and payable at the office of the clerk on or before the 10th day of the month and correspond with the water and sewer payments.

3. LATE PAYMENT PENALTY. Fees not paid when due shall be deemed delinquent and a late penalty of 10% the amount due shall be added.

2.10 DELINQUENT ACCOUNTS. The City may take one or both of the following courses of action if the account for solid waste collection services becomes delinquent by more than sixty (60) days:

1. The City may discontinue solid waste collection services to the property for which the account is delinquent; provided that prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least thirty (30) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to be given to the account holder. If the account holder wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.

2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:

    a. Written notice has been sent by ordinary mail to the account holder at least ten (10) days prior to certification of the lien to the County Treasurer. The notice shall state the intention of the City to certify to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the city.

    b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.

3. No lien shall be imposed for delinquent charges of less than $5.00. However, the City will charge an administration fee of up to fifty dollars ($50.00) at the time of payment of the assessment.

(Editor's Note: Section 2.10(3) was amended at time of updating Code Book in 2008)

2.11 COMBINED SERVICE ACCOUNT. The City may combine charges for solid waste collection with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

2.12 LOCATION OF CONTAINERS. Containers will be placed according to the collection services direction. Containers or other solid waste placed at the curb or alley line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb or alley line following collection.

(Editor's Note: Section 2.12 was added per Ordinance 206, passed & approved June 15, 2010.)

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 3 - SOLID WASTE DISPOSAL

3.01 DEFINITIONS. For use in this article, the following terms are defined:

1. "Processing facility" shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume or change the characteristics of, solid waste prior to final disposal.

2. "Site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.
(IAC, 567-100.2)

3. "Operator" shall mean the person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.

4. "Resident" shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.

5. "Radioactive material" shall mean any solid, liquid, or gaseous material which emits radiation spontaneously.
(Code of Iowa, Sec. 455B.331(2))

3.02 SANITARY DISPOSAL REQUIRED. Solid wastes generated or produced within the city shall be disposed of at a sanitary disposal or processing facility approved by the city and by the Executive Director of the EPC of the Iowa DNR.
(Code of Iowa, Sec. 455B.307(1)

3.03 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrid or other waste materials, and further providing that such fill is leveled and seeded with grass or other non-offensive vegetation, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

3.04 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only in accordance with explicit instructions first obtained from the Executive Director of the EPC of the Iowa DNR.
(IAC, 567-102.14(2))

3.05 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.
(IAC, 567-102.14(1))

3.06 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the approved operator are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the city.

3.07 PRIVATE SANITARY DISPOSAL PROJECT. No person may establish and operate a private sanitary disposal project within the city without approval of the council.

3.08 NEW SITE APPROVAL. Prior to the siting of a proposed new sanitary landfill or infectious waste incinerator within the city limits, a request for approval shall be submitted to the council. The applicant shall submit information to the council to demonstrate compliance with the requirements prescribed by Chapter 455B of the Code of Iowa.

(Code of Iowa, Sec. 455B.305A)

3.09 OPEN DUMPING PROHIBITED. No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city owned or occupied by him or her unless such place has been designated by the city as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.

(Code of Iowa, Sec. 455B.305A)

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 4 - PUBLIC SEWER SYSTEMS

4.01 PURPOSE. The purpose of this article is to provide for the regulation of public and private sewer systems.

4.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Sewer System" means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the Federal Water Pollution Control Act as amended, ditches, pipes, and drains that serve only to collect, channel, direct, and convey non-point runoff from precipitation are not considered as sewer systems for the purposes of this chapter.
   (Code of Iowa, Sec. 455B.171(32))

2. "Sewage" means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.
   (Code of Iowa, Sec. 455B.171(29))

3. "Public Sewer" means a common sewer which is directly controlled by a public authority.

4. "Private Sewer" means a sewer privately owned and not directly controlled by a public authority.

5. "Sanitary Sewer" means a sewer which carries sewage and excludes storm, surface and ground water.

6. "Sanitary Sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water and industrial wastes.

7. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

8. "Industrial Wastes" means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource.
(Code of Iowa, Sec. 455B.171(9))

9. "Garbage": shall mean solid wastes from the preparation, cooking and dispersing of food, and from the handling, storage and sale of produce.

10. "Properly Shredded Garbage" means garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch to any dimension.

11. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

12. "Building Sewer" is that part of the horizontal piping from the building wall to its connection with the main sewer or private sewage disposal system and conveying the drainage of but one building site.

13. "Natural Outlet" means any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

14. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

15. "Contributor" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

16. "Sewer Rental" means any and all rates, charges, fees, or rentals levied against and payable by contributors as consideration for the servicing of said contributors by said sewer system.

17. "Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent, or if quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

18. "Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the drainage system.

19. "Superintendent" means the person assigned to a supervisory position, for example, Superintendent of Public Works/Sewer and Street Superintendent.

20. "B.O.D.": (denoting biochemical oxygen demand) Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in parts per million by weight.

21. "pH": Means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It is used to indicate the concentration of free acid and alkali.

22. "Suspended Solids": Means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

4.03 PRIVATE SEWAGE DISPOSAL LIMITED. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4.04 DAMAGING SEWER SYSTEM. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Chapter 716)

4.05 MANHOLES. No person shall open or enter any manhole of the sewer system, except by authority of the mayor, Superintendent of Public Works or the Street Superintendent.

(Code of Iowa, Chapter 716)

4.06 TREATMENT REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or " other purposes, situated within the City and abutting on any street, alley or, right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet (30.5 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12 (3f)) & (IAC, 567-69.3(3))

4.07 PERMIT. Before any person opens, uncovers, or in any manner makes a connection with any part of the public sewers, he or she must obtain a written permit from the City Clerk. The following shall apply to all permits:

1. APPLICATION. The application shall be filed on blanks furnished by the city and contain the following information:
   a. Legal description of the property.
   b. Name of property owner.
   c. Amount and date of any prior assessment for construction of the public sewers.
   d. Description of materials to be used and manner of construction.
   e. The line of the building sewer and place of connection.
   f. Intended use of the sewer.
   g. Name and address of the person doing the work.

2. ISSUANCE. The permit shall be issued bearing the time and date of issuance if the proposed work meets all the requirements and if all required fees have been paid. Work under any permit must begin within six (6) months of the issuance date.

3. REVOCATION. The mayor at any time may revoke the permit for any violation of this chapter and require that the work be stopped. The owner or plumber may appeal such action to the council.

4. FEE. Before any permit is issued, the person who makes the application shall pay a fee of one hundred dollars ($100.00) to cover the cost of issuing the permit and supervising, regulating and inspecting the work.

(Editor's Note: Ordinance 203 passed and approved March 10, 2010 amends Section 4.07, Subsection 4)

4.08 CONNECTIONS. The owners of all residences and business establishments intended or used for human habitation, occupancy, or uses which abut public sewers must connect their sewage facilities to the public sewers. The following shall pertain to all connections.
(Code of Iowa, Sec. 364.12(3f))

1. LICENSE REQUIRED. Any installation of a private sewer and its connection to a public sewer shall be made by a state licensed plumber. ~~The Mayor (Council) shall have the power to suspend the license of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked by the Mayor, shall continue until the next regular meeting of the council. The City Clerk shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the council meeting at which a hearing will be granted.~~

(Editor's Note: Section 4.08 was amended per Ordinance 209, passed & approved August 11, 2010.)

2. CONNECTION FEE. The City shall assess a fee for the initial connection of a sewer line in an amount equal to the total original cost to the City for extending the utility to the property to be served. The fee of $100.00 shall be assessed to the property owner prior to installation. The City may deduct any portion of this cost which has been previously assessed and paid.

3. SPECIAL CONNECTION CHARGE. If the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the public sewers, or has been assessed only as an unimproved lot, the owner shall pay a special connection charge to the city for the use of the public sewers before the permit is issued. The fee amount shall be determined by the council by ordinance.

4. SEPARATE CONNECTIONS. In no case shall a joint sewer be allowed where the property abuts on a street, alley or easement in which there is a public sewer. Other buildings in adjacent areas which are required to be connected shall be separately and independently connected to the public sewers unless the council specifically permits joint connections by resolution.

5. SEWAGE LIFTS. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

6. SEWER TAPS, AT "Y" BRANCH. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the property owner shall, at his or her own expense, install a "Y" saddle, carefully mortared set into the public sewer at the location specified by the clerk.

7. WATERCOURSE CROSSINGS. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed and where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end and be adequately supported if more than one pipe length is used.

4.09 QUALITY OF PIPE AND FOUNDATION. Building sewer pipes shall be of the best quality, free from flaws, splits or breaks. They shall be laid on a smooth bottom with bell holes cut in the bottom of the trench so that the joining of the bell and the spigot shall be watertight, gastight and root proof. All sewer pipes must be laid in such a manner as to prevent rupture or misalignment by settlement or freezing.

4.10 GRADE. All sewer pipes shall be laid with a uniform grade from the building to the public sewer system and no offsetting will be allowed without written permission of the Superintendent of Public Works.

4.11 OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be the responsibility of the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4.12 INTERCEPTORS. Grease, oil, sludge and sand interceptors shall be provided by filling stations, automobile wash racks, garages, and other facilities, when in the opinion of the superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection.

1. REQUIREMENT. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

2. MAINTENANCE. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his or her expense in continuously efficient operations at all times.

4.13 SEPARATE TRENCHES. The building drain and water service pipe shall be at least ten feet apart horizontally, and shall be separated by undisturbed or compacted earth.

4.14 EXCEPTION. The building sewer or building drain may be placed in the same trench with the water service pipe provided the following conditions are met:

1. WATER SERVICE PIPE ABOVE SEWER LINE. The bottom of the water service pipe, at all points, shall be at least twelve inches above the top of the sewer line at its highest point.

2. WATER SERVICE PIPE ON SHELF. The water service pipe shall be placed on a solid shelf excavated at one side of the common trench. Where ground conditions do not permit a shelf, the pipe may be laid on a solidly tamped backfill.

3. NUMBER OF JOINTS. The number of joints in the water service pipe shall be kept to minimum.

4. PRESSURE PROHIBITED. No part of the building sewer or building drain shall be under pressure.

4.15 RESTORATION OF PUBLIC PROPERTY. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, at the expense of the property owner.

(Code of Iowa, Sec. 364.12)

4.16 INSPECTION AND APPROVAL. All private sewers and their connections with the public sewers must be inspected and approved by the Street Superintendent before being backfilled. If approval is refused, the plumber or owner must proceed immediately to correct the work so that it will meet with approval.

4.17 PROHIBITED DISCHARGE SPECIFIED. No person shall discharge or cause to be discharged any of the following described waters or waste to a public sanitary sewer:

1. SURFACE WATERS. Any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters.

2. HIGH TEMPERATURE. Any liquid or vapor having a temperature higher than 150 degrees F.

3. FAT OIL, GREASE. Any water or waste which contains more than one hundred (100) parts per million by weight of fat, oil, or grease.

4. FLAMMABLE MATERIALS. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

5. GARBAGE. Any garbage that has not been properly shredded.

6. SOLID OR VISCOUS SUBSTANCES. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing the obstruction of the flow in sewers or other interference with the proper operation of the city's sewage and treatment system.

7. SUSPENDED SOLIDS. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

8. CORROSIVE WASTES. Any water or wastes having corrosive properties paunch capable of causing damage or hazard to structures, equipment or personnel of the sewage system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 4.5 and 10.0.

9. SLUGS. Any wastes that, for a duration of fifteen (15) minutes, have a concentration greater than five (5) times that of "normal sewage" as measured by suspended solids.

10. NOXIOUS OR MALODOROUS GAS. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

11. TOXIC OR POISONOUS SUBSTANCE. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage treatment or the sewer system that would constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage system.

12. MATERIALS WHICH REACT WITH WATER OR WASTES. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to sewage structures and treatment processes.

13. SPECIAL AGREEMENTS PERMITTED. No statement in this section shall be construed as preventing any special agreement, arrangement or contract between the council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions as to treatment, rate and cost as established by the council.

14. SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the council upon recommendation of the superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interest of the sewer system.

15. SUSPENDED SOLIDS. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

16. ABANDONED SEWER LINES. When a sewer line in a home or business is discontinued or abandoned, the property owner shall dig the line and cap it off so that no fresh water may be discharged in to the sanitary sewer. Sewer lines shall be cemented shut at or near the exterior wall line of the structure. Furthermore, it must be inspected by the Superintendent of Public Works and given his/her approval.

(Added by Ordinance No. 122)

17. UNPOLLUTED WATERS OR WASTES IN SEWERS.

a. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

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

c. No owner or occupant of any building shall discharge or permit to be discharged into the sanitary sewers any substance which will clog the pipes or joints or interfere unduly with the sewage disposal process.

4.18 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the city so situated that it may be served by the city sewer system may apply to the council for permission to connect to the public sewer system upon the terms and conditions stipulated by resolution of the council.

(Code of Iowa, Sec. 364.4(2&3))

4.19 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines located upon the private property of any owner which is in violation of any of the requirements of this article, with the exception of the requirements of Subsection 4.19(14) of this article, shall be corrected at the owner's expense, within thirty (30) days after date of official notice from the council of such violations. If not made within such time the council shall, in addition to the other penalties provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 5 - PRIVATE SEWER SYSTEMS

5.01 DEFINITIONS. The following terms are defined for use in this article.

1. "Private Sewage Disposal System" means all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage from a dwelling or other facility serving the equivalent of fifteen (15) persons or less and including building sewers, septic tanks, absorption fields, leaching or seepage pits, privy vaults and subsurface sand filters.

2. "Reasonably Accessible" means a distance from a property to a sanitary sewer of 100 feet but the council may make a determination that up to 250 feet is practical for a connection to a public sewer system in specific circumstances.

5.02 WHEN PROHIBITED. No private sewage disposal system shall be installed where a public sanitary sewer is reasonably accessible as determined by the council unless an exception is granted in writing.

(IAC, 567-69.3 (3)(a)(1))

5.03 PRIVATE SYSTEM REQUIRED. When a public sanitary sewage is not reasonably accessible, every building wherein persons reside, congregate or are employed shall be provided with private sewage disposal system complying with state and local laws.

(IAC, 567-69.3(3)(a)(3))

5.04 MINIMUM LOT AREA. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen hundred (1500) square feet.

5.05 CONNECTION REQUIRED WHEN AVAILABLE. When a public sanitary sewer becomes reasonably accessible, any building then served by a private sewage disposal system shall be connected to the public sewage system.

(IAC, 567-69.3(3)(a)(2))

5.06 PRIVATE SYSTEMS ABANDONED. Within sixty (60) days of notice that a public sewer is available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer and the private sewage disposal facility shall be abandoned and filled with suitable material.

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

5.07 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health.

5.08 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet or drain into the open.
(IAC, 567-69.3(3)(c))

5.09 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all time and at no expense to the city.

5.10 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any place in the city except where may be designated by the council. The rate or charge for receiving such waste shall be determined by resolution of the council.

5.11 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his or her official capacity.

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 6 - SEWER RENTAL

6.01 SEWER RENTAL REQUIRED. Every contributor shall pay to the city sewer rental fees as hereinafter provided.

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

6.02 STANDARD SEWER RENTAL RATES. Each contributor shall pay sewer rental rates based on the water used within the city:

1. First 1,000 gallons or part thereof based on wastewater used per month $15.00 (minimum bill)
2. All over 1,000 gallons based on wastewater used per month at $3.50 per 1,000 gallons or part thereof

Each contributor shall pay a sewer rental minimum charge per month and any additional gallons used for operation and maintenance for the property served and shall be billed on a monthly basis. This rental rate shall continue thereafter until changed by ordinance.

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

(Editor's Note: Ordinance 250, passed & approved on July 8, 2020 amends rates in section 6.02, 9.02 & 9.04)

6.03 SPECIAL RATES. Where in the judgment of the council, special conditions exist to the extent that the application of the sewer rental provided in section 6.02 would be inequitable or unfair to either the city or the contributor, a special rate shall be proposed by the council and submitted for approval by resolution.

(Code of Iowa, Sec. 384.84(2b))

6.04 PRIVATE WATER SYSTEMS. Contributors whose premises are served by a private water system shall pay sewer rentals based upon water use as determined by the council either by an estimate agreed to by the contributor or by metering the water system at the contributor's expense. Any negotiated or agreed upon sales or rentals shall be subject to approval of the council.

(Code of Iowa, Sec. 384.84(2b))

6.05 PAYMENT OF BILLS. All sewer rentals shall be due and payable under the same terms and conditions, including penalty for late payment, provided for payment for water service.

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

6.06 DELINQUENT ACCOUNTS. The City may take one or both of the following courses of action if the account for sanitary sewer service becomes delinquent by more than sixty (60) days:

1. The City may discontinue sanitary sewer service to the property for which the account is delinquent; provided that prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least twenty (20) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.

2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City or to participate in the Income Offset Program:

    a. Written notice has been sent by ordinary mail to the account holder at least ten (10) days prior to certification of the lien to the County Treasurer. The notice shall state the intention of the City to certify to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.

    b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.

3. No lien shall be imposed for delinquent charges of less than $5.00. However, the City will charge an administration fee of up to $50.00, which amount shall be added to the lien and collected at the time of payment of the assessment.

6.07 SPECIAL AGREEMENTS PERMITTED. No statement in this article shall be construed as preventing a special agreement, arrangement or contract between the Council and any industrial character may be accepted subject to special conditions, rate and cost as established by the council.

6.08 COMBINED SERVICE ACCOUNT. The City may combine charges for sanitary sewer services with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

CHAPTER 3: WATER SERVICES

ARTICLE 7 - PUBLIC WATER SYSTEM

7.01 PURPOSE. The purpose of this chapter is to provide for the regulation of the public water system and water meters and the establishment of water rates.

7.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

2. "Water Main" means a water supply pipe provided for public or community use.

3. "Water Service Pipe" means the pipe from the water main to the building served.

4. "Customer" means any person receiving water service from the city.

5. "Superintendent" means the Superintendent Public Works or his or her duly authorized assistant, agent or representative.

7.03 MANDATORY CONNECTIONS. All residences and business establishments within the city limits intended or used for human habitation, occupancy or use shall be connected to the public water system if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

7.04 LICENSED PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a licensed plumber.

7.05 PERMIT REQUIRED. Before any person makes a connection with the public water system, a written permit must be obtained from the City Clerk. The following shall apply to all permits:

1. APPLICATION. Application for the permit shall be filed with the clerk on blanks furnished by the city. It shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the clerk.

2. ISSUANCE. The City Clerk shall issue the permit, signed by the clerk, and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under any permit must begin within six (6) months after it is issued. The City Clerk may at any time revoke the permit for any violation of this article and require that the work be stopped.

3. FEE. Before any permit is issued the person who makes the application shall pay a fee of one hundred dollars ($100.00) to cover the cost of issuing the permit and supervising, regulating and inspection of the work.

(Editor's Note: Ordinance 203 passed and approved March 10, 2010 amends Section 7.05(3))

7.06 FEE FOR INITIAL CONNECTION. The fee for the initial connection of water lines shall be one hundred ($100.00) dollars.

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

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

7.08 TAPPING MAINS. All taps into water mains shall be made under the direct supervision of the Superintendent of Public Works and in accord with the following:

1. INDEPENDENT SERVICES. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the council and unless provision is made so that each house, building or premise may be shut off independently of the other.

2. SIZES AND LOCATION OF TAPS. All taps shall be made with an approved saddle connector. All taps in the mains shall be made in the top one-third (1/3) portion of the pipe. No main shall be tapped nearer than two (2) feet of the joint of the main.

3. CORPORATION COCK. A brass corporation cock of the pattern and weight approved by the council shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one (1) size smaller than the service pipe.

4. LOCATION RECORD. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the City Clerk in such form as required by him or her.

7.09 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper, poly or pex meeting I.A.P.M.O. specification IS-14-72, or approved cast as to prevent rupture from settlement or freezing.

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

7.11 INTERIOR STOP AND WASTE COCK. There shall be installed a shutoff valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with the service to the others.

7.12 SHUTTING OFF THE WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer because of any substantial violation of this article. The supply shall not be turned on again until all violations have been corrected and the mayor has ordered the water to be turned on.

7.13 OWNER RESPONSIBLE FOR MAINTENANCE. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks, the corporation cock and water service pipe, whether in the public right of way or not. All expenses incident to the installation, connection and maintenance of the water shall be the responsibility of the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the water.

(Editor's Note: Ordinance 254, passed & approved December 9, 2020 amended Section 7.13 & adding 7.19)

7.14 FAILURE TO MAINTAIN. When any corporation cock, water service pipe, or curb stop becomes defective and leaks and the owner fails to repair the leak and any damage to street surface resulting from the leak, the city may do so and assess the costs to the property owner and if not paid within 30 days of billing, the clerk shall certify the cost to the county auditor to be collected in the same manner as taxes. (Code of Iowa, Sec. 364.12(3h))

7.15 WATER MAIN EXTENSION POLICY. A water main extension will be made by the city upon application by any person desiring service to his or her property who signs a contract for such service and pays the cost thereof through a connection charge or otherwise as required by this chapter. No water main will be extended beyond the city limits for commercial or residential purposes unless the applicant agrees to voluntarily petition for annexation simultaneously with such extension where the applicant's property is contiguous to the corporate limits, or agrees to so petition as soon as the applicant's property becomes contiguous to the city limits and files for future use such petition so conditioned.

Water mains will be extended beyond the city limits for any industrial establishment which will employ ten employees or more within one year of the extension over the above existing employment in the community, without annexation being required if it is shown that the industry needs the tax benefit, or if it is on property not contiguous to the city limits.

If the water superintendent determines that no foreseeable need will occur for a public water main, and so recommends to the city council upon council approval, an applicant for service may be permitted to construct a private main in an undeveloped public right-of-way (i.e. no traveled way or no more than a graded and/or traveled vehicular way), provided the work shall meet the city requirements for installations in the public way, including placement in the standard location, protection of work, quality of construction, and backfilling. Such main shall originate in a meter and be the property of the owner who shall be responsible for maintenance in the same manner as with water service pipes. It shall be a condition of the contract for connection that the city will not reimburse the owner for such a main if it has to be replaced with a public main after five years or more use.

7.16 MAIN EXTENSION CHARGES. Water service shall be provided through an extension of a water main in the following cases:

1. For distances up to 50 feet beyond existing end of a city-owned main, upon request of a person who contracts to immediately tap the main upon the completion of the extension and who can be expected to use water service upon the completion of construction of the residence or commercial building or facility to be served...no connection charge.

2. Where two applicants, one on each side of a street make application at the same time under the same contract conditions as in "1." above, extension will be made for 100 feet...no connection charge.

3. Where a single tap is contemplated by an applicant for an extension exceeding 50 feet and it is not foreseeable that other customer taps will be applied for before construction is begun, the applicant shall deposit with the city clerk a sum equal to the estimated cost of the extension required, as determined by the water superintendent, and enter into a contract providing for the deposit and any future rebates in accordance with the following provisions:

   a. The city will refund any excess of deposit over the actual cost for the extension.

   b. For each customer later connected to the main, the city will rebate the proportional share (by feet of frontage) as set out in the contract, the cost of the extension to the original applicant, but not in excess of the final payment by that applicant, provided such connections are made within five years, after which time no rebates shall be paid. However, the applicant shall be entitled to a refund of the unpaid balance of the full amount deposited with the city whenever the revenue derived from the sale of water to customers directly connected to the extension is equal in each of two consecutive twelve (12) month periods within the five years following application to ten (10) percent of the total actual cost of the main extension. Customer is defined as the occupant of a one-family dwelling, a one-family portion of a two-family dwelling, or as a single commercial establishment contracting for water in its own name (and from its own meter).

4. The main extension shall be built to city standards and become the property of the city as it is installed. If the applicant hires the construction, the city shall inspect the work for compliance with city standards and may enforce the specifications.

7.17 WATER MAIN CONSTRUCTION STANDARDS. No water tap will be allowed for service to a property except when a public water main runs along the street in front of the property (unless an alley or easement is determined by the city to be the best approach to serving the property) and at least ten (10) feet beyond the side property line, extended, nearest to the supply side of the main.

The tap must be at least four (4) feet beyond that property line, extended, of the abutting property. No public main shall be less than four inches in diameter, but no such four-inch (4") main shall be extended more than two hundred (200) feet and only if no foreseeable and feasible user can be served beyond said 200 feet. The city reserves the right to put in the size of main required for an adequate system of mains in the future to provide fire flow and adequate pressure for reasonably foreseeable customer service. The main shall be installed and of the quality required by specifications adopted by the council upon recommendation of the water superintendent.

7.18 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved by the superintendent. If approval is refused, the plumber or property owner must immediately proceed to correct the work in order to meet approval.

7.19 RESTORATION OF PUBLIC PROPERTY. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, at the expense of the property owner. (Code of Iowa, Sec. 364.12)

(Editor's Note: Ordinance 254, passed & approved December 9, 2020 amended Section 7.13 & adding 7.19)

CHAPTER 3: WATER SERVICE

ARTICLE 8 - WATER METERS

8.01 METERS REQUIRED. All water furnished customers shall be measured through meters furnished and installed by the city.
(Code of Iowa, Sec. 384.84(1))

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

8.03 LOCATION. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

8.04 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter by the city.

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

8.06 RIGHT OF ENTRY. The superintendent is permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.

8.07 INSTALLATION FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with a schedule of such fees adopted by resolution of the council.

8.08 PLACEMENT OF METERS. Service pipes must be thoroughly flushed, before a meter is attached. All meters shall be placed on a loop at least six (6) inches above the service pipe and shall not be placed on a straight run. All meters shall be placed in such a position as to be handy for removing or for making repairs and so as to be easily read. It shall be unlawful to install any meter in an attic, closet, or on the outside wall of any building. It shall be unlawful for any one except an employee of the water department to repair or try to repair a water meter. The meter shall be placed in the cellar or basement, except where the service pipe does not pass through the cellar or basement in which case the meter shall be placed in the pipe at the location designated by the Superintendent of Public Works. Each meter installed outside of a building shall be placed in a meter box or put to be approved by the superintendent of waterworks. Each meter after being placed in position shall be tested by the superintendent of waterworks without charge to the consumer.

8.09 METER ACCURACY AND TESTS. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The superintendent shall make a test of the accuracy of any water meter when requested in writing. If it is found that such meter overruns to the extent of two percent or more, the cost of the tests shall be paid by the city, and the city will credit on the next bill the overcharges collected since the last known date of accuracy, not to exceed thirty months. If the meter is found to be accurate or slow, the customer shall pay the reasonable costs of the test.

CHAPTER 3: WATER SERVICES

ARTICLE 9 - WATER RATES

9.01 SERVICE CHARGES. Each customer shall pay for water service provided him or her by the city based upon the customer's use of water, as determined by meters provided for in Article 8 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

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

9.02 STANDARD WATER RATES AND SERVICES. Water service shall be furnished at the following rates within the city:

1. Monthly fees for water meters: $5.00 per month (minimum bill)
2. First 1,000 gallons or part thereof used per month $10.00 (minimum bill)
3. All over 1,000 gallons used per month at $3.00 per 1,000 gallons or part thereof.

SPRINKLER METER CUSTOMERS: They shall be charged the monthly fee for water meter and shall be billed according to the water used.

TEMPORARY LEAVE CUSTOMERS (SNOW BIRDS):

1. Temporary Disconnect…which means the water is still on at the property and the customer may shut off the water in the basement. This customer shall pay the minimum monthly bill (meter fee, water and wastewater minimums).
2. Shut-off at the Curb…which means the water is completely shut-off to the property. This customer shall pay the minimum monthly bill (meter fee, water and wastewater minimums) and the $50.00 reconnection fee to start service upon return. (reference Article 9.11 Reconnection Charge)

(Editor's Note: Ordinance 250, passed & approved on July 8, 2020 amends rates in section 6.02, 9.02 & 9.04)

Monthly fees for water meters shall be established according to the size of the meter as follows:

5/8" meter	$5.00 per month
2" T/F CMPD Meter Pr Gal 3BD	$12.00 per month
2" HP Turbine Meter Pr Gal 3BD	$5.00 per month
2" T10 Meter Pr Gal 3BD Oval Flgd	$5.00 per month
11/2" T10 Meter Pr Gal 3 BD Oval Flgd	$5.00 per month
1" T10 Meter Pr Gal 2BD	$5.00 per month

9.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the city which the city has agreed to serve at 125% of the rates provided in Section 9.02. No such customer, however, will be served unless the customer has signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

(Code of Iowa, Sec. 364.4(2))

9.04 STANDARD WATER METERS. The City will install 5/8" water meter as the standard meter and customers that prefer to install a larger meter shall pay the price difference to have a larger meter installed.

(Editor's Note: Ordinance 250, passed & approved on July 8, 2020 amends rates in section 6.02, 9.02 & 9.04)

9.05. CUSTOMER DEPOSITS. Customer deposits of two hundred ($200) dollars shall be required by all new or existing customers. Deposits of customers who own their property having established acceptable credit records shall have their deposits returned after one year, minus any outstanding service charges. Deposits of customers who are tenants of a rental property shall have their deposit returned when they move from the rental property, minus any outstanding service charges. A deposit receipt shall be given to the customer at the time of the deposit, and a permanent file of such receipts will be kept in the office of the city clerk and the deposits placed in a customer guarantee deposits trust fund.

(Editor's note: Ordinance 248 passed and approved November 13, 2019 amends Section 9.05 and 9.06)

9.06. RESIDENTIAL RENTAL PROPERTY. For residential rental property where a charge for water services is separately metered and paid directly by the tenant, the rental property is exempt from a lien for delinquent charges if the owner or landlord has done the following:

1. The owner or landlord has given written notice to the City utility that the tenant is liable for all charges.
2. A deposit of two hundred ($200.00) dollars has been paid to the City by the tenant.
3. The notice given to the City Clerk shall contain the name of the tenant responsible for the charges, the address of the property, and the date the tenant is to begin occupying the premises.

A change in tenant shall require a new written notice and deposit. When the tenant moves from the rental property, the City shall return the deposit to the tenant, provided that all water services charges are paid in full. The lien exemption for rental property does not apply to charges made by the City for repairs to a water service if these repair charges become delinquent.

(Editor's note: Ordinance 248 passed and approved November 13, 2019 amends Section 9.05 and 9.06)

9.07 APPLYING DEPOSIT TO A BILL. If a person fails to pay any amount due for water, penalty or water goods or services as a result of moving out of the premises, the city clerk may draw on the deposit for the amount of the arrears and the balance of the deposit, if any, shall be returned to the last known address of the customer, or to the customer in person. Where the customer pays all amounts due at the time of moving out of the city, the full

amount of deposit shall be paid to the customer in person or by mail. Where the person fails to pay after a turn off the city clerk may draw on the deposit for the amount of arrears, and the balance of the deposit held to apply on the succeeding deposit required at the same or other premises, and water shall not be turned on until the deposit is sufficient to meet the requirements under section 9.05 of this ordinance amendment.

If a deposit is not adequate to pay all arrears at the time of the customer's moving from the premises the balance shall be re-billed and the bill sent to the last known address of the customer. Where such rebilling is not paid within 30 days from the mailing of the rebilling, the clerk shall turn the billing over for collection by whatever means the council deems appropriate. Where the customer applies for water service at a new premises, the past due amount shall be paid and an adequate deposit made before the water may be turned on.

All payments out of the customer guarantee deposit fund shall be by check.

9.08 BILLING PERIODS FOR WATER SERVICE. Water meters shall be read on or about the 10th of each month and bills for water service and meter fees shall be sent to the customers on or about the 15th of the month. Payment shall be due on or before the 10th of the following month. Charges not paid by the due date shall be deemed delinquent and a late penalty of ten percent (10%) of the amount due shall be added to the amount of the water and meter fee.

(Editor's Note: Ordinance 165, passed & approved on January 12, 2000 amended Section 9.08)

9.09 DISCONTINUING SERVICE, FEES. Water service to delinquent consumers shall be discontinued in accordance with the following:

1. Notice. The City Clerk shall notify each delinquent consumer that water service will be discontinued if payment, including 10 percent late payment charges, is not received within seven (7) days of the date when due. Such notice shall be sent by first class mail within three (3) days of a bill becoming delinquent.
2. Water Shut-off Notice. The City Clerk is hereby authorized to assess a fee for the posting of a "Water Shut-off Notice" to the delinquent water bill user's property. This notice will be posted within twenty-four (24) hours of the seventh (7th) day as set forth in subsection (1) above. This notice will be posted on the delinquent water user's door stating a fee of $20.00 shall be added to the already unpaid bill. This is due to the extra costs and time involved in this collection procedure.
3. Service Discontinued. Service discontinued upon providing notice and opportunity for hearing before shutting off water supply.

(Editor's Note: Ordinance 170, passed & approved on May 8, 2001 amended Section 9.09(2))

9.10 COMBINED SERVICE ACCOUNT. The City may combine charges for water service with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

9.11 RECONNECTION CHARGE. When water service to a customer has been discontinued for any reason and the same customer wishes that service again be established, this shall be considered a reconnection and there will be a reconnection charge of fifty ($50.00) dollars to be paid by such customer at the time of the reconnection.

(Added by Ordinance No. 110)

9.12 WATER RATES. Water charges remaining delinquent after the due date shall constitute a lien upon the premises served, and shall be certified by the Clerk to the appropriate county office for collection in the same manner as property taxes.

(Code of Iowa, 384.84)

CHAPTER 4: STORM SEWER

ARTICLE 10 - STORM SEWER

10.01 STORM WATER DRAINAGE SYSTEM. The council may declare or allow a certain portion of the city as a storm water drainage system district for the purpose of establishing, imposing, adjusting, and providing for the collection of rates as allowed by the Code of Iowa.

(Code of Iowa, Sec. 384.84)

10.02 REVENUE BONDS. The council may institute proceedings to issue revenue bonds for storm water drainage construction pursuant to the Code of Iowa.

(Code of Iowa, Sec. 384.84A)

10.03 STORM SEWERS. No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or polluted waters.

(Ordinance 221, Passed November 14, 2012)

~~All residents of the City of George, Iowa will be charges $5.00 per household per month for storm sewer utility. The charge will be identified on their resident's monthly utility bill. (Ordinance 226, passed April 16, 2014)~~

(Fee repealed by Ordinance 241, passed September 12, 2018)

CHAPTER 5: EMERGENCY SERVICES

ARTICLE 11 - EMERGENCY SERVICES

11.01 EMERGENCY MEDICAL SERVICE DISTRICT. The citizens may establish an emergency medical service district under Chapter 357G of the Code of Iowa.

11.02 POWERS OF TRUSTEES. The trustees of the emergency medical service district shall have the following powers:

1. To purchase, own, rent, or maintain emergency medical service apparatus and equipment.

2. To provide housing for such apparatus and equipment.

3. To provide emergency medical service and facilities.

4. To certify for levy an annual tax as provided in Section 357G.8 of the Code of Iowa.

5. To purchase material.

6. To employ emergency medical service and other personnel.

7. To perform all other acts necessary to properly maintain and operate the district.

11.03 EXPENSES. The trustees shall be allowed reimbursement of all necessary expenses in the discharge of their duties, but they shall not receive a salary.

11.04 CONTRACTS. The trustees may contract with any other city or county or public or private agency under Chapter 28E of the Code of Iowa for the purpose of providing emergency medical services.

11.05 BONDS. The trustees may anticipate the collection of taxes by any levy authorized In this article to carry out the purposes of this article, and may issue bonds payable in not more than ten (10) equal installments with the rate of interest not exceeding that as permitted by Iowa law. No indebtedness shall be incurred under this article until authorized by an election. The election shall be held and notice given in the same manner as provided in Chapter 357G of the Code of Iowa. The vote in favor of incurring indebtedness shall receive at least 60% approval.

CHAPTER 6: PUBLIC WATER WELLS

ARTICLE 12 - PROTECTION OF PUBLIC WATER WELLS

12.01 DEFINITIONS. The following terms are defined for use in this article.

1. "Shallow Public Well": shall mean a public well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.

2. "Deep Public Well": shall mean a public well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.

12.02 SHALLOW WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth after each structure or facility, from a shallow public well within the City of George, Iowa:

1. Well house floor drains - 5 feet

2. Water treatment plant wastes - 50 feet

3. Sanitary and industrial discharges - 400 feet

4. Floor drains from pump house to surface - none within 5 feet

   a. 5 - 10 feet water main materials enclosed in concrete permitted;
   b. 10 - 25 feet must be water main material;
   c. 25 - 75 feet must be watertight sewer pipe

5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains.

   a. None permitted within 25 feet
   b. If closer than 75 feet, must be water main material
   c. If between 75 and 200 feet, must be watertight sewer pipe

6. Force mains

   a. None permitted within 75 feet
   b. If within 400 feet, must be water main materials

7. Land application of solid waste - 2,000 feet

8. Irrigation of wastewater - 200 feet

9. Concrete vaults and septic tanks - 200 feet

10. Mechanical wastewater treatment plants - 400 feet

11. Cesspools and earth pit privies - 400 feet

12. Soil absorption fields - 400 feet

13. Lagoons - 1,000 feet

14. Chemical application to ground surface - 200 feet; above ground storage - 200 feet; on or underground storage - 400 feet

15. Animal pasturage - 50 feet

16. Animal enclosure - 200 feet

17. Animal wastes:

    a. Land application of solids - 1,000 feet
    b. Land application of liquid or slurry - 1,000 feet
    c. Storage tank - 200 feet
    d. Solids stockpile - 400 feet
    e. Storage basin or lagoon - 1,000 feet

18. Earthen silage storage trench or pit - 200 feet

19. Basements, pits, sumps - 10 feet

20. Flowing streams or other surface water bodies - 50 feet

21. Cisterns - 100 feet

22. Cemeteries - 200 feet

23. Private wells - 400 feet

24. Solid waste disposal sites - 1,000 feet

12.03 DEEP WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth, form a deep public well within the City of George, Iowa:

1. Well house floor drains - 5 feet

2. Water treatment plant wastes - 50 feet

3. Sanitary and industrial discharges - 400 feet

4. Floor drains from pump house to surface - none within 5 feet

    a. 5 - 10 feet water main materials enclosed in concrete permitted;
    b. 10 - 25 feet must be water main material;
    c. 25 - 75 feet must be watertight sewer pipe

5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains.

    a. None permitted within 25 feet
    b. If closer than 75 feet, must be water main material
    c. If between 75 and 200 feet, must be watertight sewer pipe

6. Force mains

    a. None permitted within 75 feet
    b. If within 400 feet, must be water main materials

7. Land application of solid waste - 100 feet

8. Irrigation of wastewater - 100 feet

9. Concrete vaults and septic tanks - 100 feet

10. Mechanical wastewater treatment plants - 200 feet

11. Cesspools and earth pit privies - 200 feet

12. Soil absorption fields - 200 feet

13. Lagoons - 400 feet

14. Chemical application to ground surface - 100 feet; Above ground storage - 100 feet; On or underground storage - 200 feet

15. Animal pasturage - 50 feet

16. Animal enclosure - 100 feet

17. Animal wastes:
    a. Land application of solids - 100 feet
    b. Land application of liquid or slurry - 100 feet
    c. Storage tank - 100 feet
    d. Solids stockpile - 200 feet
    e. Storage basin or lagoon - 400 feet

18. Earthen silage storage trench or pit - 100 feet

19. Basements, pits, sumps - 10 feet

20. Flowing streams or other surface water bodies - 50 feet

21. Cisterns - 50 feet

22. Cemeteries - 500 feet

23. Private wells - 200 feet

24. Solid waste disposal sites - 1,000 feet

12.04 NONCONFORMING USES. The use of structures or facilities existing as of August 30, 1995, may be continued even though such use may not conform with the regulations of this article, in other words may be located within the distances set forth. However, such structure or facility which is not in conformance with the terms of this Ordinance, may not be enlarged, extended, reconstructed, or substituted subsequent to the date of the adoption as shown above.

12.05 SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance is deemed invalid or adjudicated unconstitutional, such determination or adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof which is not adjudged or determined to be invalid or unconstitutional.

ARTICLE 13 – EXCAVATION

13.01 PERMIT. No person shall dig, blast or excavate in or in any manner break up any sidewalk, curb, pavement, street, alley or public ground within the city limits without first filing an application and obtaining a permit therefore. Provided, however, that this ordinance shall not apply to officers of the city in the exercise of their respective duties, nor to persons while acting under and by virtue of a direct contract with the City of George and utilities, which shall include, but not limited to, telephone, cable, electric, gas and water utilities.
(Editor's note: Ordinance 219 passed and approved July 11, 2012 amends Section 13.01 by adding underlined text.)

13.02 SAFETY REGULATIONS. All excavations or trenches in the streets, alleys, or public grounds shall be constantly monitored and guarded by adequate railings, barricades and signal lights. Warning lights are to be placed from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise on all open excavations.

1. All crossings, sidewalks or pavements removed or disturbed shall be backfilled in accordance with city specifications as to material and compaction so as to prevent settlement. The affected area must be maintained in good repair to the satisfaction of the Street Superintendent for ninety (90) days after refilling.

2. Sidewalks, pavements and auxiliary structures shall not be undermined unless a support system or another method of protection is provided to protect workers from the possible collapse of such structures.

3. When excavations affect the stability of buildings, or other structures, support systems shall be used to stabilize the area. When an excavation exceeds four (4) foot in depth, shoring is required. Shoring devices shall be employed that meet OSHA standards. At a minimum, a temporary spoil method shall be used.

4. No excavation shall be made within six (6) feet of any laid water pipe while ground is frozen and no water or sewer pipe shall be exposed to frost, except by special written permission of either the Street Superintendent of the Superintendent of Public Works.

13.03 APPLICATION. Before an excavation permit shall be granted, the contractor shall meet the following requirements:

1. A certificate of Competent Person Training.

2. A description of the property, by lot and street number, when the excavation will occur, state the purpose and for whom the excavation is to be made, and who is responsible for refilling the excavated area and the restoration of the street or area surface.

3. Failure to provide a Competent Person certificate shall then require a city employee who is a Competent Person to supervise the excavating. The contractor will be charged a per-hour wage rate for the Competent Person service.

4. The Contractor is responsible to contact Iowa One Call to locate all utilities in the area of excavation.

5. The City will charge the contractor the cost to replace the street surface labor and material.

13.04 FEE. Any person who applies for and is granted, an excavation permit, shall submit to the City Clerk a fee ~~in the amount of one hundred dollars ($100.00)~~ to be set by the Council by resolution prior to beginning the excavation.
(Editor's Note: Ordinance 219 passed and approved July 11, 2012 amends Section 13.04)

13.05 EXECUTION. This policy applies when the Contractor is excavating on private property and the digging exits onto City property and/or right-of-way. The Contractor is then obligated to stop digging and file an application with the City Clerk. The Contractor will provide the information required in Sections 13.03(1)(2)(4)

13.06 COMPLETION BY THE CITY. Should any sewer and/or waterline excavation be left open or only partly refilled for twenty-four (24) hours after the service pipe is installed and connected with the city system, or should the work be improperly done, the Street Superintendent has the authority to correct and complete the work, and the Council will assess the costs to the property owner and/or the plumber. If the plumber is assessed, he or she must pay the costs before he or she can receive another permit. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.
(Code of Iowa, Sec. 364.12(3h))

TITLE III PUBLIC, ORDER PROTECTION AND LAW ENFORCEMENT

The City Council contracts with the Lyon County Sheriff's Department for Law Enforcement Services.

CHAPTER 1: MISDEMEANORS

ARTICLE 1 - PUBLIC PEACE

1.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against the public peace and providing for their abatement.

1.02 ASSAULT. No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1 [1])

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1 [2])

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.
(Code of Iowa, Sec. 708.1)

1.03 AFFRAY. It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

1.04 UNLAWFUL ASSEMBLY. An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. A person who willingly joins in or remains a part of an unlawful assembly knowing or having reasonable grounds to believe that it is such, commits a simple misdemeanor.
(Code of Iowa, Sec. 723.2)

1.05 DISORDERLY CONDUCT. A person commits a simple misdemeanor when the person does any of the following:

1. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

2. Makes loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof.

3. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

4. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

5. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

6. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

7. Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Sec. 723.4(1-7))

1.06 UNLAWFUL ASSEMBLY AND RIOT. It shall be unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt an unlawful act, or when together to commit or attempt an act, whether lawful or unlawful, in a manner which is violent or tumultuous and to the disturbance of others.

(Code of Iowa, Sec. 723.2)

1.07 TEMPORARY CIVIL DISORDER. The following shall apply:

(Code of Iowa, Sec. 372.14(2))

1. DECLARATION. The Mayor may declare a state of civil disorder within the city or its parts if he or she has reason to believe a riot or other general public disorder may occur as a result of an act of violence or resistance to the lawful exercise of authority, constituting a threat to public peace or general welfare.

2. TEMPORARY RESTRICTIONS. The Mayor may promulgate all or part of the following restrictions which shall become effective after reasonable notice of their contents is given and the affected area of the city is specified.

   a. Order the immediate closing of all taverns and the cessation of the sale or other distribution of intoxicating liquor and beer.

   b. Order the cessation of public display, sale or any other distribution of firearms and ammunition.

   c. Order the cessation of the sale or other distribution of explosives or flammable.

   d. Order the closing of all or some public parks, public streets or other public places during specified hours.

   e. Order the cessation of gatherings by three (3) or more persons in public buildings, streets, parks or other open areas either public or private.

   f. Order the cessation of any other activities reasonably believed hazardous to the maintenance of public safety.

3. TERMINATION. Any restriction issued according to this section will automatically terminate forty-eight (48) hours after the mayor's declaration of civil disorder, or upon his or her declaration that the state of civil disorder no longer exists, whichever occurs first. Any or all restrictions declared by the mayor may be extended by successive resolutions of the council for additional time periods. The period of any one extension shall not exceed five (5) days.

1.08 PARADES. No person shall conduct or cause any parade on any street except as provided in this section.

1. DEFINITION. "Parade" shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized manner, or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.

2. PERMIT. No parade shall be conducted without a written permit obtained from the mayor or police chief in the mayor's absence. Such permit shall state the time, date and general route of the parade, and no permit fee shall be required. The written permit granted to the sponsors or organizers of the parade shall be permission for participants invited by the permittee to parade. Any denial of a permit may be appealed to the Council.

3. PARADE NOT A STREET OBSTRUCTION. Any parade authorized by a permit and in which the persons are lawfully participating shall not be deemed a street obstruction, notwithstanding the provisions of any other ordinance to the contrary.

4. CONTROL BY POLICE AND FIREMEN. Parade participants shall be subject at all times to the lawful orders and directions of police and fire department members in the performance of their duties.

1.09 NOISE GENERALLY. It is a violation to disturb the peace with excessive, loud or unusual noise by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking device or noisemaker.

1.10 TIRE NOISE. It is unlawful to operate a motor vehicle in such a manner so as to disturb the peace and quiet of any person by causing excessive, loud or unusual noise to come from the tires of said vehicle.

1.11 LOUD, UNNECESSARY OR UNUSUAL NOISE. Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.

1.12 HARASSMENT. A person commits harassment when, with intent to intimidate, annoy, or alarm another person if the person does any of the following:

A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.
(Code of Iowa, Sec. 708.7(1))

B. Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.
(Code of Iowa, Sec. 708.7(2))

C. Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent.
(Code of Iowa, Sec. 708.7(3))

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.
(Code of Iowa, Sec. 708.7(4))

A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.
(Code of Iowa, Sec. 708.7(2))

1.13 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.
(Code of Iowa, Sec. 723.3)

1.14 FRAUD. It is unlawful for any person to commit a fraudulent act as defined in Section 714.8 of the Code of Iowa.

CHAPTER 1: MISDEMEANORS

ARTICLE 2 - PUBLIC MORALS

2.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public morals and providing for their abatement.

2.02 PROSTITUTION. It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the city.

2.03 BLASPHEMOUS OR OBSCENE LANGUAGE. It shall be unlawful for a person to use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.

2.04 INTOXICANTS AND INTOXICATION. The following shall be unlawful:

1. ILLEGAL KEEPING OF INTOXICANTS. To operate, conduct, or allow to be operated a place where intoxicating liquor is illegally kept, sold or given away.

2. CONSUMPTION IN PUBLIC PLACES. To use or consume any alcoholic liquors and beers upon the public streets or highways, or in any public place, except premises covered by a liquor and beer control license, or to be intoxicated or simulate intoxication in a public place.
(Code of Iowa, Sec. 123.46)

2.05 Reserved for Future Use.

2.06 INDECENT EXPOSURE. No person shall expose those parts of his or her or her body listed herein to another in any public place, or in any place where such exposure is seen by another person or persons in any public place.

1. PROHIBITION. Exposure of the following in a public place is prohibited:

a. A woman's nipple, or aureole, or full breast, except as necessary in the feeding of any infant under the age of thirty-six (36) months.

b. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.

2. EXEMPTION. This section shall not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or other such places where such exposures occur incident to the prescribed use of those facilities, nor shall it apply to exposures occurring in live stage plays, live theatrical performances, or live dance performances conducted in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

CHAPTER 1: MISDEMEANORS

ARTICLE 3 – MINORS

3.01 DEFINITIONS. The following terms shall have the meanings defined below:

1. "MINOR" shall mean a person less than eighteen (18) years of age.

2. "LEGAL AGE" shall be as set forth in section 123.3(33) and 123.47A of the Code of Iowa.

3.02 MINORS IN TAVERNS. It shall be unlawful for any person under legal age to enter, remain in, or frequent business establishments holding a retail liquor or beer permit unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods.

3.03 SUPPLYING LIQUOR TO PERSONS UNDER LEGAL AGE. It shall be unlawful for any person to sell, give or otherwise supply liquor or beer to any person under legal age, or knowingly to permit any person under that age to consume alcoholic liquors or beers, except in the case of alcoholic liquor or beer given or dispensed to a person, age nineteen or twenty, within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him or her by a physician or dentist for medicinal purposes.

(Code of Iowa, Sec. 123.47A)

3.04 CURFEW. A curfew is established to regulate the hours minors can be or remain upon the alleys, streets, other public places, and in places of business and amusement in this city. The following shall pertain to the curfew:

1. TIME LIMITS. It is unlawful for any minor to be or remain in or upon any of the alleys, streets or public places or places of business and amusement in the city between the hours of 10:30 p.m. and 6:00 a.m.

2. EXCEPTIONS. The restriction provided by subsection 3.04(1) shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over 18 years of age, nor shall the restriction apply to any minor who is traveling between his or her home or place or residence and the place where any approved place of employment, church, municipal or school function is being held.

3. RESPONSIBILITY OF ADULTS. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 1, except as otherwise provided in Subsection 2.

(Code of Iowa, Sec. 613.16)

4. RESPONSIBILITY OF BUSINESS ESTABLISHMENTS. It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon the place of business or amusement operated by them within the curfew hours set by subsection 1, except as otherwise provided in subsection 2.

5. ENFORCEMENT. Any peace officer of this city while on duty is empowered to arrest any minor who violates any of the provisions of this section. Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor. If a minor violates the provisions of this section more than two times within a twelve month period, the peace officer shall charge the minor with a simple misdemeanor and prosecute the charge before a magistrate having jurisdiction.

3.05 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells cigarettes or tobacco products.

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

3.06 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under the age of eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

CHAPTER 1: MISDEMEANORS

ARTICLE 4 - PUBLIC HEALTH AND SAFETY

4.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public health and safety and providing for their abatement.

4.02 CONCEALED WEAPONS. It shall be unlawful for any person to do the following, except as provided in this section:

1. PROHIBITION. To go armed with or to carry, a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket billy, sandbag, skull cracker, slug shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him or her. No person shall carry a pistol or revolver concealed on or about his or her person or whether concealed or otherwise in any vehicle operated by him or her, except in his or her dwelling, house, or place of business or on other land possessed by him or her, without a permit from the sheriff of the county.

2. EXEMPTION. It shall be lawful to carry one or more unloaded pistols or revolvers for the purpose of lawful hunting, lawful sale or attempted sale, lawful exhibit or showing, or other lawful use, if such unloaded weapon or weapons are carried either (1) in the trunk compartment of a vehicle or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required therefore.
(Code of Iowa, Sec. 724.4)

4.03 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the city limits except by authorization of the council. No person shall intentionally discharge a firearm in a reckless manner.

4.04 FIREWORKS. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks without a permit from the city.

1. DEFINITION. The term "fireworks" shall mean and include any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance. (Code of Iowa, Sec. 727.2)

2. REGULATIONS. The city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by the council when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts:

a. Personal injury:	$ 250,000 per person
b. Property damage:	$ 50,000
c. Total exposure:	$1,000,000

3. OTHER PURPOSES EXEMPT. Nothing in section 4.04 shall be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

4.05 FALSE ALARMS. It is unlawful for a person to:

1. 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)

2. A person who reports or causes to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or who reports the alleged occurrence of a criminal act knowing the act did not occur.

(Code of Iowa 718.6(1))

3. A person who telephones an emergency 911 communications center knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance

(Code of Iowa 718.6(2))

4.06 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or across any street, highway, alley, sidewalk or public place.

4.07 STENCH BOMBS. It shall be unlawful to throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, upon or about any theater, restaurant, car, structure, place of business or amusement, or any place of public assemblage, or to attempt to do any of these acts, or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

(Code of Iowa, Sec. 724.1)

4.08 SPITTING. It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

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

4.10 ABANDONED REFRIGERATORS. It shall be unlawful to place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an airtight 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 structure, under his or her or their 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, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Iowa Code, Sec. 727.3)

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

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

4.12 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council unless such land consists of ten acres or more and is used as agricultural land.

4.13 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

4.14 URINATION AND DEFECATION. It shall be unlawful for any person to urinate or defecate in or upon any street, sidewalk, alley, public place or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto public or private land.

CHAPTER 1: MISDEMEANORS

ARTICLE 5 - PUBLIC PROPERTY

5.01 PURPOSE. The purpose of this article is to define and prohibit offenses against public property and provide for their abatement.

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

(Code of Iowa, Sec. 364.1&364.12(2))

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

5.04 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement or notification, set up at any place within the city by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

5.09 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of property is criminal mischief when done intentionally by one who has no right to so act.

5.10 OBSTRUCTING DRAINAGE. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.

5.11 SIDEWALKS AND RIGHT-OF-WAY. It shall be unlawful for a person to damage public right-of-way or sidewalks, dig into or in any manner break any sidewalk, curb, pavement, street, alley or public ground without replacing the same in as good condition as found.

5.12 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to 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 transmission or distribution, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

CHAPTER 1: MISDEMEANORS

ARTICLE 6 - PRIVATE PROPERTY

6.01 TRESPASSING. It shall be unlawful for a person to commit one or more of the following acts:

TRESPASSING. It is unlawful for a person to knowingly trespass onto the property of another. As used in this section, the term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

1. ENTER PROPERTY WITHOUT PERMISSION. Enter upon or in private property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove there from, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
   (Code of Iowa, Sec. 716.7)

2. VACATE PROPERTY WHEN REQUESTED. Enter or remain upon or in private property without legal justification after being notified or requested to abstain from entering or to remove or vacate there from by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
   (Code of Iowa, Sec. 716.7)

3. INTERFERE WITH LAWFUL USE OF PROPERTY. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
   (Code of Iowa, Sec. 716.7)

4. USE OF PROPERTY WITHOUT PERMISSION. Be upon or in private property and use, remove there from, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
   (Code of Iowa, Sec. 716.7)

5. LOCKER PARK POND. No one is allowed to use Locker Park Pond for any recreational purpose such as tubing, swimming, boating, or any other similar type of activity. This provision does not prohibit fishing.

(Editor’s Note: Ordinance 210 passed and approved October 18, 2010 amends 6.01-5)

The term "trespass" shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. (Code of Iowa, Sec. 716.7(3))

6.02 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.
(Code of Iowa, Sec. 716.1)

6.03 TELEPHONE OR COMMUNICATION WIRE TAP. Any person, having no right or authority to do so, who taps into or connects a listening or recording device to any telephone or other communication wire, or who by any electronic or mechanical means listens to, records, or otherwise intercepts a conversation or communication of any kind, commits a serious misdemeanor; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.
(Code of Iowa, Sec. 727.8)

6.04 THEFT. No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.

6.05 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

CHAPTER 1: MISDEMEANORS

ARTICLE 7 - EXECUTION OF PROCESS

7.01 INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under Chapter 147A, Code of Iowa, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider under Chapter 147A Code of Iowa, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars ($250.00). However, if a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor.

(Code of Iowa, Sec. 719.1)

7.02 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. A person who, unreasonably and without lawful cause, refuses or neglects to render assistance when so requested commits a simple misdemeanor.

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 804.12)

7.04 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. Any person who willfully prevents or attempts to prevent any public officer or employee from performing that officer's or employee's duty is guilty of harassment of public officers and employees.

(Code of Iowa, Sec. 718.4)

ARTICLE 8 - GENERAL PROVISIONS

8.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "NUISANCE" shall mean whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:
(Code of Iowa, Sec. 657.1)

a. Offensive smells. The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
(Code of Iowa, Sec. 657.2(1))

b. Filth or noisome substance. The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
(Code of Iowa, Sec. 657.2(2))

c. Water pollution. 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))

d. Blocking public and private ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landings, places or burying grounds.
(Code of Iowa, Sec. 657.2(5))

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

f. Storing of inflammable junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction.
(Code of Iowa, Sec. 657.2(10))

g. Air pollution. The emissions of dense smoke, noxious fumes or fly ash.
(Code of Iowa, Sec. 657.2(11))

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

i. Dutch Elm Disease, Emerald Ash Boer. A Tree(s) infected with Dutch Elm Disease, Emerald or Ash Boer is considered a nuisance.
(Editor's Note: Section 8.01(i) was amended at time of updating Code Book in 2008)

j. Airport air space. Any object or structure hereafter erected within one thousand (1000) 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(9))

k. House of ill fame. Houses of ill fame, kept for the purpose 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))

l. Obstruction of view. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an Intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

m. Trash piles. Accumulation of rubbish or trash tending to harbor vermin or rodents and creating the hazard of fire.

n. Septic effluent. Effluent from a septic tank or drainage field running or ponding on the ground in the open, including in ditches.

o. Ponding water. An accumulation of water until it becomes stagnant.

p. Weeds. Dense growth of all weeds, grasses, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard.

q. Abandoned Appliances. Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked, allowing any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.
(Code of Iowa, Sec. 727.3)

r. Farm Animals & fowl. Except in areas zoned Agricultural, the keeping within the City limits of farm animals and fowl, including, but not limited to, ducks, geese, chickens, turkeys, cattle, goats, swine, sheep, buffalo, horses and ponies.

s. Storing or permitting the storage of material, such as, but not limited to, sand, gravel, rock, earth, coal and grain in piles with side slopes in excess of the angle of repose of said material, the angle of repose being the angle that the surface of free standing material makes with the horizontal plane without slipping, sliding or collapse of the material.

This subsection shall not apply to accumulations or piles of snow, nor to materials stored in a building, enclosure or completely fenced area to which members of the public are not permitted access.

t. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.

u. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans, or containers.

v. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

2. "PROPERTY OWNER" shall mean the contract purchaser if there is one of record, otherwise the record holder of legal title.
(Code of Iowa, Sec. 364.12(1))

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

8.03 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this chapter:

1. REMOVAL OF DISEASED TREES. 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(3b))

2. REMOVAL OF STRUCTURES. The removal, repair or dismantling of a dangerous building or structure.
(Code of Iowa, Sec. 364.12(3c))

3. NUMBERING OF BUILDINGS. The numbering of buildings.
(Code of Iowa, Sec. 364.12(3d))

4. DRAINAGE CONNECTIONS. The connection to public drainage systems from abutting property when necessary for public health or safety and protection of property.
(Code of Iowa, Sec. 364.12(3e))

5. SANITARY FACILITIES. 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(3f))

6. DESTRUCTION OF WEEDS. The cutting or destruction of weeds or other growth which constitutes a health, safety or fire hazard.
(Code of Iowa, Sec. 364.12(3g))

CHAPTER 2: NUISANCES

ARTICLE 9 - ABATEMENT PROCEDURE

9.01 NUISANCE ABATEMENT. Whenever the mayor or other authorized municipal officer finds that a nuisance exists or a condition needs to be corrected, he or she shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.
(Code of Iowa, Sec. 364.12(3h))

9.02 NOTICE TO ABATE. The notice to abate shall contain:
(Code of Iowa, Sec. 364.12(3h))

1. DESCRIPTION OF NUISANCE. A description of what constitutes the nuisance or other condition.

2. LOCATION. The location of the nuisance or condition.

3. ACTS NECESSARY TO ABATE. A statement of act or acts necessary to abate the nuisance or condition.

4. REASONABLE TIME. A reasonable time within which to complete the abatement.

5. ASSESSMENT AT CITY COSTS. 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.

9.03 METHOD OF SERVICE. The notice may be in the form of an ordinance, or a notice sent by certified mail to the property owner.
(Code of Iowa, Sec. 364.12(3h))

9.04 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the council at a time and place fixed by the council. The findings of the council shall be conclusive, and if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

9.05 ABATEMENT IN EMERGENCY. If it is determined that an emergency or danger exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The council shall assess the costs after notice to the property owner and hearing on the costs incurred by the city to abate the nuisance or condition.
(Code of Iowa, Sec. 364.12(3h))

9.06 ABATEMENT BY CITY. 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 who shall pay such expenses on behalf of the city.

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

9.07 COSTS OF ABATEMENT. The following shall apply to abatement procedure:

1. COLLECTION. The City Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor and it shall then be collected with and in the same manner as general property taxes.

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

a. INSTALLMENT PAYMENT. If the amount expended to abate the nuisance or condition exceeds $200, the city shall permit the assessment to be paid in up to ten (10) monthly installments, to be paid in the manner and with the same interest as benefited property under the Code of Iowa.

(Code of Iowa, Sec. 364.13)

2. The City may collect all associated abatement expenses in a Court of Small Claims or via the Income Offset Program.

a. The City Administrator or designee shall provide the Iowa Department of Administrative Services with a liability file on a qualifying liability owed to the City by a debtor.

b. When notified by the Department of Administrative Services that there is a match with a debtor the debtor shall be sent a notification within ten calendar days including the following:

(1) The City's right to the payment in question.
(2) The City's right to recover payment through this offset procedure.
(3) The basis of the City's case in regard to this debt.
(4) The right of the debtor to request a split of the payment between parties when the payment in question is jointly owned or otherwise owned by two or more persons
(5) The debtor's right to appeal the offset and the procedure to follow in that appeal.

c. A debtor wishing to appeal the offset shall file a written notice of appeal specifying the grounds for appeal with the City council and the City Administrator or designee, within ten (10) calendar days from the date on which the debtor was sent the notification of the offset. Upon the filing of an appeal the debtor shall be entitled to a hearing at the next regularly scheduled Council meeting or at a special meeting to be scheduled at the discretion of the Council. The debtor shall be given notice of the time and place of the hearing and shall be entitled to present evidence to the Council. A vote of three Council members shall be required to reverse or modify the offset. A debtor aggrieved by any decision of the City Council may, within thirty (30) days from date of the filing of the decision by the City Council, appeal there from to the district court in accordance with the Iowa rules of civil procedure, Division XIV, Certiorari.

(Code of Iowa, Section 8A.504)

3. The City may institute civil proceedings to obtain injunctive and declaratory relief or such orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this Chapter.

4. Any violation of the provisions of this Chapter shall also constitute a Municipal infraction.

9.08 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate shall be in violation of the city code.

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 10 - GENERAL PROVISIONS

10.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "ANIMAL" shall mean all living creatures not human.

2. "AT LARGE" shall mean any animal found off the premises of his or her owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

3. "OWNER" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.
(Code of Iowa, Sec. 351.2)

10.02 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise, or to commit any other act or omission by which unjustifiable pain, distress, suffering, or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either intentionally or negligently.
(Code of Iowa, Sec. 717.2 & 717.3)

10.03 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.
(Code of Iowa, Sec. 717.3)

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

10.05 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep, or other animals which tend to disrupt the peace and good order of the community.

10.06 DAMAGE OR INTERFERENCE. It shall be unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another if it thereby causes damage to, or interference with, the premises.

10.07 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of an animal to allow or permit such animal to cause serious annoyance or disturbance to any person. Individuals who own or are responsible for the animal's welfare will be asked to take appropriate steps to quiet the animal.

(Editor's Note: Section 10.07 was amended at the time of Codification in 2008)

10.09 IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or, at the discretion of the Lyon County Sheriff's Department or city employee, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

10.10 SUMMONS ISSUED. The owner of any animal shall be issued a summons to appear before a proper court to answer said charges permitting animal to be at large in violation of this article.

10.11 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after seven (7) days such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

(Editor's Note: Sections 10.07, 10.08, 10.10 and 10.11 was amended at the time of Codification in 2008)

10.12 OWNER OR PERSON IN CHARGE OF ANIMAL TO CLEAN UP DROPPINGS. It shall be unlawful for any owner or person in charge of a dog, cat, horse or other animal to fail to clean up and/or remove as soon as possible any excrement or droppings deposited by said dog, cat, horse or other animal on any real estate whether privately or publicly owned.

(Editor's Note: Ordinance 251, passed & approved on August 12, 2020 adds section 10.12)

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 11 - REGULATION OF DOGS

11.01 DEFINITIONS. For use in this article the following terms are defined:

1. "DOG" shall mean both male and female animals of the canine species whether altered or not.

2. "OWNER" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.

11.02 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

11.03 ~~LICENSING DOGS. Individuals who own and house dogs within the city limits shall license such dog(s) with the City Clerk. Said license shall be renewable each year on July 1 or at the time the dog enters the city or becomes four (4) months of age.~~

1. ~~The license fee is fifty dollars ($50.00) per each year. The fee for dogs that are spayed or neutered is ten dollars ($10.00) per each year.~~

2. ~~The license is required for all dogs four (4) months or older.~~

3. ~~Individuals requesting a license for a spayed or neutered dog shall provide a certificate from a veterinary for such service.~~

4. ~~The City license tag shall be displayed on the dog(s) collar at all times.~~

(Editor's Note: Ordinance 218, passed and approved April 11, 2012, remove Section 11.03)

11.04 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this article if the kennel is licensed under chapter 162, Code of Iowa.

11.05 AT LARGE PROHIBITED. No owner of any dog shall permit such dog to run at large, whether the dog be licensed or unlicensed.

11.06 ACTIONS OF DOGS CONSTITUTING A NUISANCE. It shall be unlawful for an owner of a dog to allow or permit such dog to perform the following:

1. OTHER PREMISES. To pass upon the premises of another thereby causing damage to, or interference with, the premises.

2. CAUSE ANNOYANCE. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

3. FAILS TO CLEAN UP DOGS FECAL MATTER. Defecates upon the premises of another, be it public or private, and the owner or person in control of the dog fails to clean up the dog's fecal matter.

4. CAUSE DAMAGE. To cause any damage or defilement to the public or private property.

5. MOLEST PERSONS. To molest or harm any person on public or private property.

6. MOLEST ANIMALS. To molest or kill wildlife, birds of domestic animals on public or private property.

7. ACCUMULATION OF ANIMAL WASTE. The keeping of dogs on private property in such number or in such manner that allows for the accumulation of solid waste of such animal which becomes a detriment to the health of the dogs or adjacent property owners.

a. An owner shall keep all structures, pens, coops or yards wherein dogs are confined clean, devoid of vermin and free of odors arising from feces.

b. No owner or walker of any dog shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.

c. All feces removed as aforesaid shall be placed in an airtight container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.

d. An owner may, as an alternative to this section collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

11.07 IMPOUNDING. Any licensed, unlicensed, or unvaccinated dog found at large shall be seized and impounded. The owner, if available, will be notified of the impoundment. The owner may be served a summons to appear before a proper court to answer charges made.

a. If the dog is impounded, then "Upon payment in the amount set by the veterinary clinic or City Council per day, the owner may claim any impounded dog." The impoundment fee is set at $15.00 per day.

11.08 DOGS NOT CLAIMED. Any impounded dogs, whether licensed or unlicensed, not claimed within seven (7) days after notice shall be disposed of in a humane manner in accordance with the law.

(Code of Iowa, Sec. 351.37)

11.09 DISPOSITION OF UNLICENSED DOGS. It shall be for any person, and the duty of the Lyon County Sheriff's Department or a City employee within their jurisdiction to kill any dog for which a license is required when such dog is not wearing a collar with license tag attached.

11.10 RABIES VACCINATION. It shall be lawful for any person, and the duty of all peace officers or City employee, to kill any dog for which a rabies vaccination tag is required, when such dog is not wearing a collar with vaccination tag attached as herein provided.

(Code of Iowa, Sec. 351.26)

(Editor's Note: Section 11.08 was added at the time of updating the Municipal Code Book in 2008)

11.11 RIGHT TO KILL UNTAGGED DOGS. It shall be lawful for any person to kill a dog, licensed and wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

(Code of Iowa, Sec. 351.27)

11.12 DOGS HABITUALLY AT LARGE. It shall be unlawful for any person to keep within the City any dog for which the owner has been cited three times within a twelve (12) month period under Title III, Chapter 3, Article 10 and/or Article 11.

11.13 TETHERING DOGS. Dogs shall not be tethered outside their kennel or shelter for a period exceeding 60 minutes at any one time. Owners found in violation of this provision shall be fined fifty dollars ($50.00) for the first violation and one hundred dollars ($100.00) for each violation thereafter.

11.14 NEGLIGENCE. Owners found to be negligent in the care of their dog(s) or who operate a puppy mill with inadequate facilities and care or who train dogs to fight shall terminate all such activity or shall be subject to prosecution.

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 12 – KEEPING OF DANGEROUS AND VICIOUS ANIMALS PROHIBITED

12.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "ANIMAL" shall mean all living creatures not human.

2. "AT LARGE" shall mean any animal found off the premises of his or her owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

3. "DOG" shall mean both male and female animals of the canine species whether altered or not.

4. "OWNER" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.

5. "DANGEROUS ANIMAL" shall mean:

   a. Any animal declared to be dangerous by the County Board of Health, City Council, or any other governing body.

   b. Any animal which is not naturally tamed or gentle; and which is of a wild nature or disposition and is customarily confined to a zoo and is not of a species customarily used as an ordinary household pet; and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so, or causes a reasonable person to be fearful of bodily harm or property damage.

6. "VICIOUS ANIMAL" shall mean any animal that has chased or attacked or bitten or has attempted to bite or claw a person or persons while running at large and the attack was unprovoked; any animal that has chased, killed or maimed any domestic animal or fowl, or if such animal has been deemed vicious by the court, County Board of Health, City Council, or other governing body; or when the propensity to attack or bite persons or to chase, kill, or maim domestic animals or fowl shall exist and is known or ought reasonably to be known to the owner.

7. "DOMESTIC LIVESTOCK" shall mean any domestic animal commonly raised solely for food commerce, and shall include, but not be limited to any cattle, horses, swine, sheep or other similar animals or fowl or any other animals not commonly considered household pets.

12.02 ABANDONMENT. A person who has ownership of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody, or the person may deliver the cat or dog to an animal shelter or pound.

12.03 KEEPING OF VICIOUS OR DANGEROUS ANIMALS PROHIBITED. It shall be unlawful for any person to harbor, keep, or shelter any dangerous or vicious animal as a pet, or act as a temporary custodian for such an animal, or keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City except as provided in this section:

1. Dangerous Animal Exceptions. The prohibition contained in this section shall not apply to the keeping of dangerous animals in the following circumstances:

   a. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibits, or shows.

   b. The keeping of dangerous animals in a bona fide, licensed veterinary hospital or animal shelter for treatment or boarding.

2. Vicious animal exception: The prohibition contained in this section shall not apply to the keeping of vicious animals, which are under the control of a law enforcement or military agency.

3. Disposition of Dangerous or Vicious Animals. It shall be unlawful for any person to harbor or keep a dangerous or vicious animal within the City limits. In the event that a dangerous or vicious animal is found at large and unattended, it shall be lawful and the duty of all peace officers within their jurisdiction to kill any animal that has been determined to be dangerous or vicious through violation of this chapter. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction. The City will take immediate action in the proper disposal of the remains of the destroyed animal. Any costs incurred by the City in the destruction and disposal of the animal will be the responsibility of the animal owner.

12.04 OWNERS DUTY. It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health and the City of George City Clerk the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

12.05 CONFINEMENT. When a Peace Officer, Employee, City Council Member, or Mayor of the City of George receives information that an animal has bitten any person or that a dog or animal is suspected of having rabies, the owner shall be ordered to confine such animal in the manner directed; If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the City of George, and after two weeks the City may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

12.06 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

12.07 KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess, a dangerous animal within the City of George, Iowa. Any such dangerous animal shall be removed from the City within a period of thirty (30) days starting from the effective date of this ordinance.

12.08 VIOLATION AND PENALTY. Any person violating or permitting the violation of any provision of this article shall, upon conviction in Magistrate Court, be fined a sum of not less than two hundred dollars ($200.00) and not more than seven hundred and fifty dollars ($750.00). ~~In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the County jail for a period not to exceed thirty (30) days.~~ In addition, the Court shall order the animal removed from the City. Should the defendant fail to remove the animal from the City, the Magistrate shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, and person who violates this Chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Chapter.
(Editor's Note: Ordinance 237, 12/13/2017. Title III, Chapter 3, Article12, Sect. 12:08)

12.09 INSURANCE. The owner of any vicious animal must provide to the City Clerk proof of public liability insurance in a single accident amount of $50,000 for bodily injury to or death of any person or persons or for damages to property owned by any such persons, which may result from ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy shall be made unless ten (10) days written notice is first given the City Clerk.

12.10 RIGHT TO APPEAL. The right to appeal is set forth as follows:

1. The order to remove a dangerous animal or vicious animal issued by the Mayor may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove a dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order or the Mayor.

2. The notice of appeal shall state the ground for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled for the next regularly scheduled city council meeting or at a special meeting called by the Mayor or City Clerk. The Council, upon hearing the evidence, may affirm or reverse the order of the Mayor. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing.

3. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal, remove such animal from the City permanently, place such animal with an organization or group allowed to possess dangerous or vicious animals or destroy it.

4. If the original order of the Mayor is not appealed and is not complied with within three (3) days or the order of Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to seize, impound, or destroy such dangerous or vicious animal.

5. Failure to comply with an order of the Mayor issued pursuant to this Chapter and appealed or of the Council after appeal, constitutes a simple misdemeanor.

CHAPTER 4: WEEDS

ARTICLE 13 – GENERAL PROVISIONS

13.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

13.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Curb," "curb line" or "curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. "Cut," or "mow" means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. "Owner" means a person owning private property in the City and any person occupying private property in the City.
4. "Parking" means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

13.03 GROUND COVER REQUIRED. Property in a residential area shall be seeded, sodded or otherwise planted with a ground cover not more than thirty (30) days after construction is completed, unless impractical, but not later than the beginning of the next growing season.

13.04 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, to a uniform height as defined in Section 13.05 of this Chapter.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner's property.

13.05 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds or brush shall be cut, mowed and maintained so as not to exceed the following height specifications:

1. Developed Residential Areas – not to exceed six inches (6").
2. Undeveloped Residential Areas – not to exceed twelve inches (12").
3. Business and Industrial Areas – not to exceed six inches (6").
4. Agriculture Areas – not to exceed eighteen inches (18").

Grass, weeds and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter.

13.06 NOXIOUS WEEDS

1. Every owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds.

2. Noxious weeds include any weed growth or plant designed as noxious by the State Department of Natural Resources rules and regulations or by the Code of Iowa.

13.07 NOTICE TO ABATE. Upon discovery of any violations of this chapter, the City may within five (5) days initiate abatement procedures as outlined in Title 3, Chapter 9 of this Code of Ordinances**.**

(Editor's Note: Chapter 5 Weeds, Article 13 General Provisions was added at time of updating the code book in 2008.)

CHAPTER 5: DRUG PARAPHERNALIA

ARTICLE 14 – DRUG PARAPHERNALIA

14.01 DEFINITIONS.

1. Controlled Substance: has the same meaning as contained in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

2. Drug Paraphernalia: means all equipment, products and materials of any kind which were used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of chapter 124 of the Code of Iowa, commonly known as the Uniform Substances Act. It includes but is not limited to the following:

   A. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

   B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

   C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

   D. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for such equipment of a peace officer or any person acting as an agent or under the direction of any Police agency.

   E. Scales and balances used, intended for use in weighing or measuring a controlled substance.

   F. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose or lactose, used or intended for use or designed for use in cutting controlled substances.

   G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining marijuana.

   H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding, controlled substances.

   I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

K. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in primarily injecting controlled substance into the human body.

L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing heroin, marijuana, cocaine, methamphetamine, hashish, or hashish oil into the human body, such as:

a. metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish beads or punctured metal bowls;

b. water pipes, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, bongs, ice pipes or chiller;

c. carburetor tubes and devices;

d. smoking and carburetion masks;

e. roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become to small or too short to be held in the hand;

f. miniature cocaine spoons and cocaine vials.

In determining whether an object is drug paraphernalia for the purpose of enforcing this ordinance, the following factors should be considered in addition to all other logically relevant factors:

A. Statements by an owner or by anyone in control of the object concerning its use.

B. Prior convictions, if any, or an owner or anyone in control of the object under any state or federal low relating to any controlled substances.

C. The proximity of the objects in time and space to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

D. The proximity of the object to controlled substances.

E. The existence of any residue of a controlled substance on the object.

F. Direct or circumstantial evidence of the intent of any owner or of anyone in control of the object, to deliver it to persons whom he/she or she knows or should reasonably know intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object in intended for use, or designed for use as drug paraphernalia.

G. Instruction, oral or written, provided with the object concerning its use.

H. Descriptive materials accompanying the object which explains or depicts its use.

I. The manner in which the object is displayed for sale.

J. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products. Direct or circumstantial evidence or the ratio of sales of the objects in the total sales of the business enterprise.

K. The existence and scope of legitimate uses for the objects in the community.

L. Expert testimony concerning its use.

1. Person: shall mean any individual, corporation, limited liability company, business trust, partnership or association, or any other legal entity.

2. Drug Paraphernalia Prohibited: No person use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

3. Manufacture or Delivery of Drug Paraphernalia Prohibited: No person shall deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, intending that the drug paraphernalia will be used, or knowing or under circumstances where one should reasonably know that it will be used, or know that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, packing, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

(Editor's Note: Chapter 6 Drug Paraphernalia, Article 14 Drug Paraphernalia was added at time of updating the code book in 2008.)

CHAPTER 6: EXCESSIVE NOISE

ARTICLE 15 - GENERAL PROVISIONS

15.01 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Chapter:

1. "DAY: The hours between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M.

2. "NIGHT": The hours between eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.

3. "NOISE": Unwanted or annoying sound.

4. "PERSON": Any individual, firm or corporation.

5. "VEHICLE: Any passenger vehicle, motorcycle, truck, truck trailer, trailer, semi-trailer or similar device intended to convey people and/or commodities which is propelled or drawn by mechanical power, but shall not include airplanes and toys.

15.02 NOISES PROHIBITED. Each of the following acts, among others, is hereby declared to be in violation of this Chapter, and is prohibited. The following enumerated acts shall not be construed as limited or precluding enforcement of any other provisions of this Chapter:

1. Horns, Signaling Devices, Etc.: The sounding of any horn or signaling device of any automobile, motorcycle, bus or other vehicle on any street or public place of the City, except as a danger warning, for an unnecessary and unreasonable period of time. During nighttime hours, any sounding of horns except as a danger warning shall be considered unnecessary.

2. Hawkers and Peddlers: The sale by outcry within any area of the City zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events nor to prohibit the selling of newspaper by outcry.

3. Animals and Fowl: The keeping of, upon any premises, owned, occupied or controlled by any person, any animal or fowl otherwise permitted to be kept which, by any sound, barking or cry, shall cause annoyance or discomfort to a reasonable person of normal sensibilities.

4. Radios, Televisions, Etc.: The use of radios, televisions, cassette and other tape recorders, public address systems, and other sound amplification devices, including any such devices incorporated into motor vehicles, in or within five hundred feet (500') of any residentially zoned district of the City when the level is maintained at a level such that it can be heard at or within premises adjacent to the premises, park or other locale where the device is being used, and:

   a. During night hours which volume level a reasonable person would conclude could be expected to interfere with sleep or other quiet time activities at such adjacent premises; or

b. During day hours which volume level a reasonable person would conclude could be expected to interfere with normal daytime activities carried on at residential premises, or if the noise level is intentionally maintained at a particular level for the specific purposes of annoying a particular person; provided that nothing contained in this paragraph 2 shall be held to prohibit public speaking, the ordinary conduct of legitimate business, or other lawful expressions of opinion not in contravention of other laws.

5. Schools, Courts, Churches, Hospitals: The creation of a loud and excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital.

6. Construction or Repair of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. of any day.

7. Pile Drivers, Hammers, Etc.: The operation between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, power hoist or other construction equipment.

8. Garbage Collection: The collection of garbage, waste or refuse by any person in any area zoned residential, except between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. of any day and then only in a manner so as not to create a loud or excessive noise.

9. Vehicle Repairs: The repair or rebuilding of any motor vehicle within any residential area of the City between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. in such a manner that a reasonable person of normal sensitivities residing in the area is caused discomfort or annoyance.

10. Exhausts: The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle or discharge of air or other gases except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

11. Unlawful Use Of Buildings: No person owning, or in possession of or in control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by the noise generated therefrom, disturb or interfere with the peace of the neighborhood in which such building or premises is situated.

12. Lawn mowers, Garden Tools, Etc.: The use of lawn mowers, small lawn and garden tools, riding tractors and other powered equipment necessary for the maintenance of property during the hours of nine o'clock (9:00) P.M. through seven o'clock (7:00) A.M., inclusive. Snow blowers and other powered snow removal equipment are specifically exempt from this prohibition.

13. Loud, Unnecessary Or Unusual Noise: Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.

15.03 MISCELLANEOUS OPERATIONS.

Emergency Operation: Emergency short term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from the provisions of this Chapter, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.

Noise Required By Law: The provisions of this Chapter shall not apply to any noise Required specifically by law for the protection or safety of people or property.

Disorderly Conduct: Noise created by human behavior and generally considered to be disorderly conduct, shall, unless specifically described in section 15.02 of this article, be regulated under article 1 of this chapter.

Municipal Street Responsibilities: The provisions of this Chapter shall not apply to any noise produced by the operation of the City's street sweeper, by operation of the air compressor in connection with street painting operations, and by the operation of snow removal equipment during or following a snowfall event.

15.04 VARIANCE MAY BE GRANTED.

1. Variance permits may be issued by the Lyon County Sheriff's Department to exceed the noise standards set forth in this Chapter, as follows:

   a. General: A temporary variance permit may be issued upon request to perform certain work activities outside the normal hours provided in section 15.02 of this chapter for such activity provided it is necessary to conduct the work activity at such times so as to promote public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.

   b. Special Community Events: A temporary variance permit may be issued for special events, such as circuses, Fourth of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.

c. Procedure To Obtain A Variance Permit: Applications for temporary variance permits must be made in writing to the Lyon County Sheriff's Department and shall contain all of the following pertinent information:

Dates requested;
Time and place of operation;
Equipment and operation involved; Necessity for such permit;
Steps to be taken to minimize noise; and
Name of responsible person(s) who will be present at the site while the noise is produced.

d. Limitations and Revocation: The Lyon County Sheriff's Department may place such limitations upon the granting of a variance as the Police Chief and/or the Council may request; and, the Chief of Police is specifically authorized to revoke the granted variance if the applicant shall fail to meet the limitations placed upon the granting of the variance and/or other circumstances occurring subsequent to the granting of the variance requiring such revocation.

2. Spontaneous Celebrations: Unusual noises associated with specific events, such as victory celebrations during or following athletic events and motor vehicle processions following weddings shall be considered as having occurred pursuant to permit provided in section 15.04 of this chapter provided that such demonstration or celebration is of reasonably short duration, does not occur after ten o'clock (10:00) P.M., and is otherwise ceased if requested by police or other appropriate public officials..

15.05 ENFORCEMENT. It shall be the duty of the Lyon County Sheriff's Department to enforce the provisions of this article.

(Editor's Note: Chapter 7 Excessive Noise, Article 15 General Provisions was added at time of updating the code book in 2008.)

CHAPTER 7: PARK REGULATIONS

ARTICLE 16 - PARK REGULATIONS

16.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities. (Code of Iowa, Sec. 392.1)

16.02 PARKING. All vehicles shall be parked in designated parking areas.

16.03 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the city.

16.04 FIRES. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

16.05 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

16.06 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the council.

16.07 PARKS CLOSED. No person, except those camping in designated areas, in accordance with section 16.06, shall enter or remain within any park between the hours of ten-thirty (10:30) o'clock p.m. and five (5:00) o'clock a.m. of the following day.

CHAPTER 8: MUNICIPAL INFRACTIONS

ARTICLE 17 - MUNICIPAL INFRACTIONS

17.01 DEFINITIONS.

1. Municipal Infraction: Any violation of the City Code of George, Iowa, is a municipal infraction, EXCEPT any violation which is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law, or any violation which is a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa.

2. Officer: Any employee or person authorized to enforce the ordinances and the City Code of the City of George, Iowa.

3. Repeat Offense: Any recurring violation of the same section of the ordinances or the City Code of George, Iowa.

(Code of Iowa Sec. 364.22)

17.02 PENALTIES.

1. A municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

Schedule of Civil Penalties

First Offense, a penalty not to exceed $750.00
Each Repeat Offense, each repeat offense not to exceed: $1,000.00

However, a municipal infraction arising from noncompliance with a pretreatment standard or requirement by an industrial user may be punishable by a civil penalty of not more than $1,000.00 for each day a violation exists or continues.

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

3. Seeking a civil penalty as authorized in the above provisions does not preclude the city from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22)

17.03 CIVIL CITATIONS.

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

2. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

3. A copy of the citation shall be retained by the issuing officer, and one copy shall be provided to the clerk of the district court.

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

   a. The name and address of the defendant.
   b. The name or description of the infraction attested to by the officer issuing the citation.
   c. The location and time of the infraction.
   d. The amount of civil penalty to be assessed or the alternative relief sought, or both.
   e. The manner, location, and time in which the penalty may be paid.
   f. The time and place of court appearance.
   g. The penalty for failure to appear in court.

TITLE IV TRAFFIC AND STREETS

CHAPTER 1: TRAFFIC CODE

ARTICLE 1 - GENERAL PROVISIONS

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

1. "PARK" OR "PARKING" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

2. "STAND" OR "STANDING" shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of, and while actually engaged in, receiving or discharging passengers.

3. "STOP" shall mean when required, the complete cessation of movement.

4. "STOP" OR "STOPPING" shall mean, when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

5. "BUSINESS DISTRICT" shall mean the territory described by the following parts of streets:

   A. North Main Street from Iowa Avenue to East Michigan Avenue.
   B. South Main Street from East Michigan Avenue to Indiana Avenue.
   C. Michigan Avenue from Sidney Street to Baldwin Street.

6. "RESIDENCE DISTRICT" shall mean the territory not included in a business or school district.

7. "SCHOOL DISTRICT" shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

8. "SUBURBAN DISTRICT" shall mean all other parts of the city not included in the business, school or residence districts.

9. "PEACE OFFICER" shall mean every officer authorized to direct traffic or to make arrests for violations of traffic regulations.

10. "TRAFFIC CONTROL DEVICE" shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. "VEHICLE" shall mean any vehicle in, upon or by which any person or property is or may be transported or drawn upon a public highway, street or alley.

1.02 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the Lyon County Sheriff's Department and/or Iowa State Patrol.

1.03 TRAFFIC ACCIDENTS. The following shall apply to traffic accidents:

1. REPORT. 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 city for the confidential use of the peace officers and shall be subject to the provisions of the Code of Iowa.
(Code of Iowa, Sec. 321.271)

2. INVESTIGATION. The Lyon County Sheriff's Department and/or Iowa State Patrol shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to adjudicate the violator.

3. STUDIES. Whenever the accidents at any particular location become numerous, the police chief shall conduct studies of such accidents and propose remedial measures.

1.04 FILES MAINTAINED. The Lyon County Sheriff's Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three-year period. Such reports shall be filed alphabetically under the name of the driver concerned.

1.05 ANNUAL SAFETY REPORTS. The Lyon County Sheriff's Department shall prepare annually a traffic report which shall be filed with the mayor and council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including plans and recommendations for future traffic safety activities.

1.06 HABITUAL TRAFFIC VIOLATORS. The Lyon County Sheriff's Department shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.
(Code of Iowa, Sec. 321.201 & 321.215)

1.07 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, not-withstanding the provisions of the traffic laws.

1.08 PEACE OFFICER'S AUTHORITY. Any peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

(Code of Iowa, Sec. 321.492)

1.09 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.

CHAPTER 1: TRAFFIC CODE

ARTICLE 2 - REGULATIONS AND VIOLATIONS

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

1. Section 321.17 – Misdemeanor to violate registration provisions.

2. Section 321.20B – Proof of security against liability; driving without liability coverage.

3. Section 321.32 – Registration card, carried and exhibited.

4. Section 321.37 – Display of plates.

5. Section 321.38 – Plates, method of attaching, imitations prohibited.

6. Section 321.79 – Intent to injure.

7. Section 321.91 – Penalty for abandonment.

8. Section 321.98 – Operation without registration.

9. Section 321.99 – Fraudulent use of registration.

10. Section 321.174 – Operators licensed.

11. Section 321.174A – Operation of motor vehicles with expired license.

12. Section 321.180 – Instruction permits.

13. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.

14. Section 321.193 – Restricted licenses.

15. Section 321.194 – Special minor's licenses.

16. Section 321.216 – Unlawful use of license and non-operator's identification card.

17. Section 321.216B – Use of driver's license or non-operator's identification card by underage person to obtain alcohol.

18. Section 321.216C – Use of driver's license or non-operator's identification card by underage person to obtain cigarettes or tobacco products.

19. Section 321.219 – Permitting unauthorized minor to drive.

20. Section 321.220 – Permitting unauthorized person to drive.

21. Section 321.221 – Employing unlicensed chauffeur.

22. Section 321.222 – Renting motor vehicle to another.

23. Section 321.223 – License inspected.

24. Section 321.224 – Record kept.

25. Section 321.232 – Radar jamming devices; penalty.

26. Section 321.234A – All-terrain vehicles.

27. Section 321.235A – Electric personal assistive mobility devices.

28. Section 321.247 – Golf cart operation on City streets.

29. Section 321.257 – Official traffic control signal.

30. Section 321.259 – Unauthorized signs, signals or markings.

31. Section 321.260 – Interference with devices, signs or signals; unlawful possession.

32. Section 321.262 – Damage to vehicle.

33. Section 321.263 – Information and aid.

34. Section 321.264 – Striking unattended vehicle.

35. Section 321.265 – Striking fixtures upon a highway.

36. Section 321.275 – Operation of motorcycles and motorized bicycles.

37. Section 321.278 – Drag racing prohibited.

38. Section 321.284 – Open containers in motor vehicles – drivers.

39. Section 321.284A – Open containers in motor vehicles – passengers.

40. Section 321.288 – Control of vehicle; reduced speed.

41. Section 321.295 – Limitation on bridge or elevated structures.

42. Section 321.297 – Driving on right-hand side of roadways; exceptions.

43. Section 321.298 – Meeting and turning to right.

44. Section 321.299 – Overtaking a vehicle.

45. Section 321.302 – Overtaking and otherwise.

46. Section 321.303 – Limitations on overtaking on the left.

47. Section 321.304 – Prohibited passing.

48. Section 321.306 – Roadways laned for traffic.

49. Section 321.307 – Following too closely.

50. Section 321.308 – Motor trucks and towed vehicles; distance requirements.

51. Section 321.309 – Towing; convoys; drawbars.

52. Section 321.310 – Towing four-wheel trailers.

53. Section 321.312 – Turning on curve or crest of grade.

54. Section 321.313 – Starting parked vehicle.

55. Section 321.314 – When signal required.

56. Section 321.315 – Signal continuous.

57. Section 321.316 – Stopping.

58. Section 321.317 – Signals by hand and arm or signal device.

59. Section 321.319 – Entering intersections from different highways.

60. Section 321.320 – Left turns; yielding.

61. Section 321.321 – Entering through highways.

62. Section 321.322 – Vehicles entering stop or yield intersection.

63. Section 321.323 – Moving vehicle backward on highway.

64. Section 321.323A – Approaching certain stationary vehicles.

65. Section 321.324 – Operation on approach of emergency vehicles.

66. Section 321.324A – Funeral processions.

67. Section 321.327 – Yield to pedestrians in crosswalks.

68. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.

69. Section 321.330 – Use of crosswalks.

70. Section 321.332 – White canes restricted to blind persons.

71. Section 321.333 – Duty of drivers.

72. Section 321.340 – Driving through safety zone.

73. Section 321.341 – Obedience to signal of train.

74. Section 321.342 – Stop at certain railroad crossings; posting warning.

75. Section 321.343 – Certain vehicles must stop.

76. Section 321.344 – Heavy equipment at crossing.

77. Section 321.344B – Immediate safety threat; penalty.

78. Section 321.354 – Stopping on traveled way.

79. Section 321.359 – Moving other vehicle.

80. Section 321.362 – Unattended motor vehicle.

81. Section 321.363 – Obstruction to driver's view.

82. Section 321.364 – Preventing contamination of food by hazardous material.

83. Section 321.365 – Coasting prohibited.

84. Section 321.367 – Following fire apparatus.

85. Section 321.368 – Crossing fire hose.

86. Section 321.369 – Putting debris on highway.

87. Section 321.370 – Removing injurious material.

88. Section 321.371 – Clearing up wrecks.

89. Section 321.372 – School buses.

90. Section 321.381 – Movement of unsafe or improperly equipped vehicles.

91. Section 321.381A – Operation of low-speed vehicles.

92. Section 321.382 – Upgrade pulls; minimum speed.

93. Section 321.383 – Exceptions; slow vehicles identified.

94. Section 321.384 – When lighted lamps required.

95. Section 321.385 – Head lamps on motor vehicles.

96. Section 321.386 – Head lamps on motorcycles and motorized bicycles.

97. Section 321.387 – Rear lamps.

98. Section 321.388 – Illuminating plates.

99. Section 321.389 – Reflector requirement.

100. Section 321.390 – Reflector requirements.

101. Section 321.392 – Clearance and identification lights.

102. Section 321.393 – Color and mounting.

103. Section 321.394 – Lamp or flag on projecting load.

104. Section 321.395 – Lamps on parked vehicles.

105. Section 321.398 – Lamps on other vehicles and equipment.

106. Section 321.401A – Light-restricting devices prohibited.

107. Section 321.402 – Spot lamps.

108. Section 321.403 – Auxiliary driving lamps.

109. Section 321.404 – Signal lamps and signal devices.

110. Section 321.404A – Light-restricting devices prohibited.

111. Section 321.405 – Self-illumination.

112. Section 321.406 – Cowl lamps.

113. Section 321.408 – Back-up lamps.

114. Section 321.409 – Mandatory lighting equipment.

115. Section 321.415 – Required usage of lighting devices.

116. Section 321.417 – Single-beam road-lighting equipment.

117. Section 321.418 – Alternate road-lighting equipment.

118. Section 321.419 – Number of driving lamps required or permitted.

119. Section 321.420 – Number of lamps lighted.

120. Section 321.421 – Special restrictions on lamps.

121. Section 321.422 – Red light in front.

122. Section 321.423 – Flashing lights.

123. Section 321.430 – Brake, hitch and control requirements.

124. Section 321.431 – Performance ability.

125. Section 321.432 – Horns and warning devices.

126. Section 321.433 – Sirens, whistles and bells prohibited.

127. Section 321.434 – Bicycle sirens or whistles.

128. Section 321.436 – Mufflers, prevention of noise.

129. Section 321.437 – Mirrors.

130. Section 321.438 – Windshields and windows.

131. Section 321.439 – Windshield wipers.

132. Section 321.440 – Restrictions as to tire equipment.

133. Section 321.441 – Metal tires prohibited.

134. Section 321.442 – Projections on wheels.

135. Section 321.444 – Safety glass.

136. Section 321.445 – Safety belts and safety harnesses; use required.

137. Section 321.446 – Child restraint devices.

138. Section 321.449 – Motor carrier safety regulations.

139. Section 321.450 – Hazardous materials transportation.

140. Section 321.454 – Width of vehicles.

141. Section 321.455 – Projecting loads on passenger vehicles.

142. Section 321.456 – Height of vehicles; permits.

143. Section 321.457 – Maximum length.

144. Section 321.458 – Loading beyond front.

145. Section 321.460 – Spilling loads on highways.

146. Section 321.461 – Trailers and towed vehicles.

147. Section 321.462 – Drawbars and safety chains.

148. Section 321.463 – Maximum gross weight.

149. Section 321.465 – Weighing vehicles and removal of excess.

150. Section 321.466 – Increased loading capacity; re-registration.

2.02 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the city unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

2.03 VEHICLES ON SIDEWALKS & RECREATIONAL TRAIL. The driver of a vehicle shall not drive upon or within any sidewalk area or recreational trail except at a driveway except emergency vehicles may access the trail when responding to an emergency call.

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

(Code of Iowa, Sec. 321.482)

2.05 MILLING. It shall be unlawful to drive or operate a motor vehicle, either singly or with others in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

2.06 SQUEALING TIRES. No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.

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

(Code of Iowa, Sec. 321.436)

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

(Code of Iowa, Sec. 321.255)

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

2.10 JAKEBRAKING. It shall be unlawful for any person in any part of the City of George to make, or cause to be made, loud or disturbing noises with any mechanical devices operated by compressed air and used for the purpose of assisting braking on any semi-tractor, commonly referred to as jakebraking. The City shall cause notices to be posted, or signs erected indicating such prohibition.

2.11 FUNERAL OR OTHER PROCESSIONS. The following shall apply to funeral and other processions:

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

1. IDENTIFIED. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police chief.

2. MANNER OF DRIVING. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and safe.

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

2.12 EXCESSIVE ACCELERATION. It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave marks on the pavement or to throw sand and gravel, or to cause the wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

2.13 CARELESS DRIVING. No person shall drive any vehicle in such a manner as to indicate careless driving, which when used here does not impute willfulness or intent, but means simple negligence.

2.14 UNATTENDED VEHICLE

1. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key; or to permit it to stand unattended upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.
2. No "reefer", or refrigeration unit of a semi or semi-trailer, or a vehicle with refrigeration, shall be left unattended and running during daylight hours, nor shall any reefer or refrigeration unit on a vehicle be left running from the hours of sunset to sunrise.

2.15 SCOOTERS, SKATEBOARDS, ROLLER SKATES AND IN-LINE SKATES.

1. DEFINITIONS. For use in this chapter, the following terms are defined:

A. "Roller skates" or "in-line skates" mean skates with wheels instead of runners;

B. "Scooter" means a device having two wheels and a low footboard which is steered by a handlebar and is propelled by motor or by pushing one foot against the ground while resting the other on the footboard;

C. "Skateboard" means a device consisting of a short oblong piece of wood, plastic or aluminum mounted on large roller skate wheels used for riding upon while standing.

2. OPERATION PROHIBITED IN CERTAIN AREAS. No person shall ride or operate any scooter, skateboard or roller skates or in-line skates upon the sidewalks within the Business District.

3. USE ON SIDEWALKS. Whenever any person is using a scooter, skateboard or roller-skates or in-line skates on any other sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

4. USE ON STREETS. Whenever any person is using a scooter, skateboard or roller-skates or in-line skates on any other street, such person shall:

A. Observe all traffic control devices and be subject to all the duties applicable to the use of vehicles as required by statute or ordinance;

B. Stay as near to the right-hand side of the roadway as possible, exercising due care when passing a standing vehicle or one proceeding in the same direction.

CHAPTER 1: TRAFFIC CODE

ARTICLE 3 - SPEED REGULATIONS

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

(Code of Iowa, Sec. 321.285)

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

(Code of Iowa, Sec. 321.294)

3.03 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.

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

3.04 RESIDENCE AND SCHOOL DISTRICT. A speed in excess of fifteen (15) miles per hour in any school district (South Lincoln Street from East Minnesota Avenue to East Ohio Avenue and East Ohio Avenue from South Lincoln Street to South Wilhelm Street) and twenty-five (25) miles per hour in any residence district, unless specifically designated otherwise in this article, is unlawful.

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

(Editor's note: Ordinance 243 passed and approved August 14, 2019 amends Sections 3.04 and 3.07)

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

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

3.06 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa Uniform Traffic Devices Manual, the council, upon the basis of an engineering and traffic investigation, finds that the general speed limits set out above are greater or less than is reasonable or safe under the conditions found to exist at the particular intersections or parts of the city street system and therefore declares the maximum speed limits to be as set out in section 3.07 at the places named.

(Code of Iowa, Sec. 321.290)

3.07 SPECIAL SPEED ZONES. A speed in excess of the limits set out miles per hour shall be unlawful on any of the following designated streets or parts thereof:

1. INCREASED SPEEDS:

   a. Permanent speed signs will be installed on W. Dakota Avenue entering the City limits of George from the west going east. The first sign will be posted at 45mph and the second at 30mph.

   b. Permanent speed signs will be installed on E. Dakota Avenue entering the City limits of George from the east going west. The first sign will be posted at 45mph and the second at 30 mph.

   c. Permanent speed signs will be installed on N. Virginia Avenue entering the City limits of George from the north going south. The first sign will be posted at 45mph and the second at 30mph.

   d. Permanent speed signs will be installed on S. Virginia Avenue entering the City limits of George from the south going north. The first sign will be posted at 45mph and the second at 30 mph.

2. LOWER SPEEDS: Permanent speed signs will be installed on Virginia Street, going north and south, from Dakota Avenue to Calumet Avenue. The signs will be posted at 20 mph.

(Editor's Note: Ordinance 215, passed and approved December 14, 2011 to add 1. a-d)

(Editor's note: Ordinance 243 passed and approved August 14, 2019 amends Sections 3.04 and 3.07)

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

(Code of Iowa, Sec. 321.231)

CHAPTER 1: TRAFFIC CODE

ARTICLE 4 - TURNING REGULATIONS

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

(Code of Iowa, Sec. 321.311 & 321.2 55)

4.02 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.

4.03 SIGNAL REQUIREMENTS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning when the speed limit is forty-five (45) miles per hour or less. The required signals may be given either by means of the hand and arm as provided in the Code of Iowa or by a mechanical or electrical directional signal device or light of a type approved by the department and conforming to the provisions of the Code of Iowa.

(Code of Iowa, Sec. 321.315)

4.04 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection; provided however, that "U" turns are prohibited at intersections within the business district, at intersections where there are automatic traffic signals and on the following streets:

(Code of Iowa, Sec. 321.255 & 321.236(9))

A. Main Street at Iowa Avenue
B. Main Street at Boiler Avenue

CHAPTER 1: TRAFFIC CODE

ARTICLE 5 - PARKING REGULATIONS

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

1. CROSSWALK. On or within ten (10) feet of a crosswalk at an intersection.
(Code of Iowa, Sec. 321.236(1) & 321.358(5))

2. CENTER PARKING. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236(1))

3. MAILBOXES. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236(1))

4. SIDEWALKS. On or across a sidewalk.
(Code of Iowa, Sec. 321.358(1))

5. DRIVEWAY. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358(2))

6. INTERSECTION. Within an intersection of any street.
(Code of Iowa, Sec. 321.358(3))

7. FIRE HYDRANT. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358(4))

8. STOP SIGN OR SIGNAL. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358(6))

9. FIRE STATION. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358(9))

10. EXCAVATIONS. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358(10))

11. DOUBLE PARKING. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358(11))

12. HAZARDOUS LOCATIONS. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Lyon County Sheriff's Department or Mayor may cause curbing to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358(13))

13. THEATERS, HOTELS, AND HOSPITALS. A space of fifty (50) feet is reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.
(Code of Iowa, Sec. 321.360)

14. PUBLIC ALLEY. In any public alley within the fire limits of this city.
(Code of Iowa, Sec. 321.236(1))

15. PRIVATE ALLEY. In any private alley within the fire limits of this city in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.
(Code of Iowa, Sec. 321.236(1))

16. CHURCH AREA. No person, at any time, shall park any vehicle within an area from the intersection of East Iowa Avenue and North Virginia Street northward on North Virginia Street on both the east and west sides of said street. This is a distance of 96 feet and will be clearly defined by the use of yellow paint and posted signs.
(Added by Ordinance No. 130)

17. IN MORE THAN ONE SPACE. In any designated parking place so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such spaces.

18. RAMPS. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.
(Code of Iowa, Sec.321.358(15))

19. ALLEYS. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

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

5.02 PARKING ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

5.03 PARK ADJACENT TO CURB: 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 (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

5.04 ANGLE PARKING. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when parked within an angle parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

5.05 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the municipal 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 city council to erect or cause to be erected appropriate signs giving notice, and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense, except where there is a parking ban of uniform application relating to snow removal. When the signs are so erected giving notice, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.358(14))

5.06 PARKING LIMITED TO CERTAIN HOURS. It shall be unlawful to park any vehicle for a continuous period between the hours of four o'clock (4:00) a.m. and six o'clock (6:00) a.m. overnight upon the following designated streets:

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

1. Business District

5.07 VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as provided in this chapter shall be attached to the vehicle in a conspicuous place.

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

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

1. DISPLAY SALE VEHICLE. Displaying such vehicle for sale.

2. MAINTENANCE. For washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.

3. ADVERTISING. Displaying advertising.

4. SELLING FROM VEHICLE. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.

5. STORAGE. Storage or as junk or dead storage for more than forty-eight (48) hours.

5.09 Reserved for Future Use.

5.10 HANDICAPPED PARKING SPACES. The city council shall create handicapped parking spaces in the number and in the dimension as required by federal and Iowa statutes or regulations.

5.11 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

a. Use by motor vehicle not displaying a handicapped parking permit:

b. Use by a motor vehicle displaying a handicapped permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a non-operator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly persons being so transported in a vehicle displaying a removable placard in accordance with section 321L.2(1b) of the Iowa Code;

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

d. Scheduled Violation. A violation of this subsection 2 is a scheduled violation and subject to a fine of One Hundred Dollars ($100.00).
(Code of Iowa, Sec. 805.8A(1c))

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

a. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the Code of Iowa when utilizing a wheelchair parking cone.

b. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the Code of Iowa.

c. For a parking violation under section 321L.2A of the Code of Iowa, subsection 2, the scheduled fine is twenty-five dollars ($25.00).
(Code of Iowa, Sec. 805.8A(1b)

(Editor's Note 5.11(c) was amended at time of updating Code Book in 2008)

CHAPTER 1: TRAFFIC CODE

ARTICLE 6 - STOP AND YIELD

6.01 VEHICLES ENTERING STOP INTERSECTION. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.
(Code of Iowa, 321.322(1))

6.02 THROUGH STREET STOPS. Every driver of a vehicle shall stop, unless a yield is permitted by this article, before entering an intersection with the following designated through streets: (Code of Iowa, Sec. 321.345)

1. Dakota Avenue (A-34) from east corporate limits to the west corporate limits.
2. Virginia Street (L-14) from the north corporate limits to the south corporate limits.

(Editor's Note: Ordinance 249 passed and approved March 11, 2020 updated sections 6.02, 6.03 & 6.08)

6.03 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following intersections from the directions indicated:

1. 1st Avenue N. Vehicles traveling west on 1st Avenue N. shall stop at Virginia Street (L-14).
2. Lacour Street. Vehicles traveling east or west on Lacour Street shall stop at Virginia Street (L-14)
3. Birch Street. Vehicles traveling north on Birch Street will stop at Dakota Avenue (A-34).
4. Oak Street. Vehicles traveling north on Oak Street will stop at Dakota Avenue (A-34).
5. Croghan Street. Vehicles traveling northwest on Croghan Street shall Stop at Dakota Avenue (A-34).
6. Iowa Avenue. Vehicles traveling east on Iowa Avenue shall stop at Croghan Street.
7. Sidney Street. Vehicles traveling north on Sidney Street shall stop at Dakota Avenue (A-34).
8. Sidney Street. Vehicles traveling south on Sidney Street shall stop at Michigan Avenue.
9. Main Street. Vehicles traveling south on Main Street shall stop at Dakota Avenue (A-34).
10. Iowa Avenue. Vehicles traveling west on Iowa Avenue shall stop at Main Street.
11. Michigan Avenue. Vehicles traveling east or west on Michigan Avenue shall stop at Main Street.

12. Main Street. Vehicles traveling north or south on Main Street shall stop at Michigan Avenue.
13. Boiler Avenue. Vehicles traveling southeast on Boiler shall stop at Main Street.
14. Croghan Street. Vehicles traveling southeast on Croghan Street shall stop at Main Street.
15. Burroughs Street. Vehicles traveling south on Burroughs Street shall stop at Harris Avenue.
16. Sidney Street. Vehicles traveling south on Sidney Street shall stop at Harris Avenue.
17. Main Street. Vehicles traveling south on Main Street shall stop at Harris Avenue.
18. Baldwin Street. Vehicles traveling north or south on Baldwin Street shall stop at Dakota Avenue (A-34).
19. Baldwin Avenue. Vehicles traveling north or south on Baldwin Avenue shall stop at Iowa Street.
20. Baldwin Street. Vehicles traveling north or south on Baldwin Street shall stop at Michigan Avenue.
21. Baldwin Street. Vehicles traveling north or south on Baldwin Street shall stop at Boiler Avenue.
22. Virginia Street (L-14). Vehicles traveling north or south on Virginia Street (L-14) shall stop at Dakota Avenue (A-34).
23. Dakota Avenue (A-34). Vehicles traveling east or west on Dakota Avenue (A-34) shall stop at Virginia Street (L-14).
24. Iowa Avenue. Vehicles traveling east or west on Iowa Avenue shall stop at Virginia Street (L-14).
25. Michigan Avenue. Vehicles traveling east or west on Michigan Avenue shall stop at Virginia Street (L-14).
26. Minnesota Avenue. Vehicles traveling east or west on Minnesota Avenue shall stop at Virginia Street (L-14).
27. Indiana Avenue. Vehicles traveling west on Indiana Avenue shall stop at Boiler Avenue.
28. Indiana Avenue. Vehicles traveling east or west on Indiana Avenue shall stop at Virginia Street (L-14).
29. Virginia Street (L-14). Vehicles traveling north or south on Virginia Street (L-14) shall stop at Indiana Avenue.
30. Wilhelm Street. Vehicles traveling north or south on Wilhelm Street shall stop at Indiana Avenue.
31. Indiana Avenue. Vehicles traveling east on Indiana Avenue shall stop at Lincoln Street.
32. Lincoln Street. Vehicles traveling north or south on Lincoln Street shall stop at Indiana Avenue.

33. Boiler Avenue. Vehicles traveling southeast on Boiler Avenue shall stop at Virginia Street (L-14).
34. Ohio Avenue. Vehicles traveling west on Ohio Avenue shall stop at Virginia Street (L-14).
35. Wilhelm Street. Vehicles traveling north or south on Wilhelm Street shall stop at Ohio Avenue.
36. Ohio Avenue. Vehicles traveling east on Ohio Avenue shall stop at Wilhelm Street.
37. Boiler Avenue. Vehicles traveling northwest on Boiler Avenue shall stop at Virginia Street (L-14).
38. Wilhelm Avenue. Vehicles traveling south on Wilhelm Avenue shall stop at Boiler Avenue
39. Calumet Avenue. Vehicles traveling east on Calumet Avenue shall stop at Virginia Street (L-14).
40. Wilhelm Street. Vehicles traveling north on Wilhelm Street shall stop at Dakota Avenue (A-34).
41. Lincoln Street. Vehicles traveling north on Lincoln Street shall stop at Dakota Avenue (A-34).
42. Washington Street. Vehicles traveling north or south on Washington Street shall stop at Dakota Avenue (A-34).
43. Dakota Avenue (A-34). Vehicles traveling east or west on Dakota Avenue (A-34) shall stop at Washington Street.
44. Harms Street. Vehicles traveling north on Harms Street shall stop at Dakota Avenue (A-34).
45. Williams Street. Vehicles traveling north on Williams Street shall stop at Dakota Avenue (A-34).
46. Dell Street N.E. Vehicles traveling south on Dell Street N.E. shall stop at Dakota Avenue (A-34).

(Editor's Note: Ordinance 249 passed and approved March 11, 2020 updated sections 6.02, 6.03 & 6.08)

6.04 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 he or she is operating.

6.05 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area, and thereafter the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic and the driver shall yield the right of way to any vehicular traffic on the street into which the driver's vehicle is entering. (Code of Iowa, Sec. 321.353)

6.06 SCHOOL STOPS. At the following school crossing zones, every driver of a vehicle approaching said zone shall bring the driver's 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 through such school crossing zone. (Code of Iowa, Sec. 321.249)

1. Indiana Avenue at Virginia Avenue.

2. Lincoln Street at a point fifty (50) feet north of Ohio Avenue.

3. 500 East Indiana Avenue – George Elementary Building.

(Editor's Note: Ordinance 181, passed & approved on January 4, 2006 added Section 6.06(3))

6.07 VEHICLES ENTERING YIELD INTERSECTION. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions, and if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. (Code of Iowa, Sec. 321.322(2)))

6.08 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the foregoing section, at the following intersections if approaching from the directions indicated:

1. Minnesota Avenue. Vehicles traveling east or west on Minnesota Avenue shall yield at Baldwin Avenue.
2. Iowa Avenue. Vehicles traveling east on Iowa Avenue shall yield at Main Street.
3. Boiler Avenue. Vehicles traveling northwest on Boiler Avenue shall yield at Main Street.

(Editor's Note: Ordinance 249 passed and approved March 11, 2020 updated sections 6.02, 6.03 & 6.08)

6.09 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.
(Code of Iowa, Sec. 321.327)

6.10 RESTRICTED TRAFFIC. All motorized vehicular traffic, including but not limited to, automobiles, snowmobiles, ATV's (all-terrain vehicles), motorcycles, mopeds, golf carts, etc. is prohibited on South Burroughs Street between Indiana Avenue and Minnesota Avenue and driving on the City's bike/pedestrian trails.
(Editor's Note: Ordinance 183 passed & approved April 5, 2006, added section 6.10. Also, bike/pedestrian trail was added at time of updating Code Book in 2008))

6.11 RIDING ON SIDEWALKS, BICYCLE/PEDESTRIAN PATHS. No person shall operate any motor vehicle, including a motorcycle, motor scooter, moped or motorized bicycle, when under power, upon any sidewalk or recreational trail separated from the roadway.
(Editor's Note: Section 6.11 was added to the Code Book at time of updating in 2008)

CHAPTER 1: TRAFFIC CODE

ARTICLE 7 - ONE WAY STREETS

7.01 ONE WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction when appropriate signs are in place.
(Code of Iowa, 1981, Sec. 321.236(4))

1. Ohio Avenue shall be westbound from Wilhelm Street to Lincoln Street;

2. Lincoln Street shall be southbound from Ohio Avenue to Indiana Avenue;

3. The alley in Block 16, Original Town of George, shall be southbound only.
(Added By Ordinance No. 120)

7.02 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT. The Lyon County Sheriff's Department is authorized to determine and recommend to the council certain streets, or specified lanes 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.

1. ERECT SIGNS. The Lyon County Sheriff's may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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

"NONE"

CHAPTER 1: TRAFFIC CODE

ARTICLE 8 - TRAFFIC CONTROL DEVICES

8.01 INSTALLATION. The Lyon County Sheriff's Department shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; 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 code of this city or under state law, or to guide or warn traffic. He or she shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254, 321.236(2) & 321.255)

8.02 CROSSWALKS. The Lyon County Sheriff's Department is hereby authorized, subject to approval of the council by resolution, to designate and maintain crosswalks by appropriate traffic control devices 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.

(Code of Iowa, Sec. 372.13(4), 321.236(2) & 321.255)

8.03 TRAFFIC LANES. The Lyon County Sheriff's Department is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this city. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

8.04 STANDARDS. Traffic control devices shall comply with standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

8.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

8.06 MOVING OR DAMAGING DEVICE. It is unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic control device placed upon the streets of the City."

8.07 TRAFFIC CONTROL DEVICES. The Council shall establish by resolution and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersection, yield right-of-way intersection, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power by resolution to designate and indicate intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

CHAPTER 1: TRAFFIC CODE

ARTICLE 9 - LOAD AND WEIGHT REQUIREMENTS

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

(Code of Iowa, Sec. 321.471 & 321.472)

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

(Code of Iowa, Sec. 321.473 & 321E.l)

9.03 LOAD LIMITS ON BRIDGES. Where it has been determined by the council, upon engineering advice, that any city bridge has a capacity less than the maximum permitted on the streets of the city, or on the street serving the bridge, the police chief may cause to be posted and maintained, signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.473)

9.04 TRUCK ROUTES. The following shall apply to the movement of trucks, tractors, farm machinery or wagons upon city streets:

1. THROUGH TRUCKS. Every motor vehicle, including tractors, farm machinery, or a trailer or wagon weighing five (5) tons or more, when loaded or empty, having no fixed terminal within the city or making no scheduled or definite stops within the city for the purpose of loading or unloading shall travel over or upon the following streets within the city and none other:

   None Listed

   a. Tractors, farm machinery, or farm wagons shall not travel on Main Street.

2. TRUCKS WITH SCHEDULED STOPS. Any motor vehicle weighing five (5) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the city for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

3. OWNER'S RESPONSIBILITY. 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. (Code of Iowa, Sec. 321.472)

9.05 ~~FARM MACHINERY~~ TRUCK, TRAILER AND WAGON ROUTES. Travel of ~~Farm Machinery~~ Truck, Trailer and Wagon Routes within City limits:

1. ~~Farm machinery~~ Trucks, trailers and wagons shall travel the designated routes to the elevators:

   a. Dakota Ave from the west – to ~~Sidney~~ Virginia Street, south to ~~Michigan~~ Minnesota Ave, southeast on the diagonal street to the George Elevator, or south to the CFE Elevator, or west to Main Street.

   b. Dakota Ave from the east – Virginia Street, south to Minnesota Ave, west to Main Street

   c. Virginia Street from the north – to Minnesota Ave, west to Main Street

   d. Virginia Street from the south – to Minnesota Ave, west to Main Street

   e. Harris Avenue to Main Street, north to elevator

   f. 215th Street/Boiler Ave to Virginia Street north to Minnesota Ave, west to Main Street

   g. Calumet Avenue from Virginia Street west to Main Street, north to elevator; and

   h. Boiler Avenue from Virginia Street to Main Street.

(Updates passed & approved 8/15/2018 Ordinance 237)

CHAPTER 1: TRAFFIC CODE

ARTICLE 10 - PEDESTRIANS

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

10.02 WALKING IN STREET. Where sidewalks are not provided, pedestrians shall at all times when walking on or along a street, walk on the left side of the street, or facing traffic on one-way streets.

(Code of Iowa, Sec. 321.326)

10.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

10.04 HITCH HIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

CHAPTER 1: TRAFFIC CODE

ARTICLE 11 - BICYCLES

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

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

11.02 TRAFFIC CODE APPLICABLE. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle he or she shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

11.03 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

11.04 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. The following shall also apply:

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

2. USE PATH WHEN AVAILABLE. 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.

11.05 RIDING ON SIDEWALKS. No person shall ride a bicycle upon a sidewalk within a business district. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey such signs. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

11.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

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

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

11.09 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.

11.10 EQUIPMENT ON BICYCLES. No person shall operate a bicycle unless it is equipped with the following equipment:

1. LAMP. A bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

2. BRAKE. A brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

11.11 RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and an insignia is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required in this article.

11.12 TOWING. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.

11.13 FOLLOWING FIRE TRUCK. No person riding a bicycle shall follow a fire truck or other fire equipment, or any other emergency equipment, including an ambulance, first responders, or law enforcement at any time.

CHAPTER 1: TRAFFIC CODE

ARTICLE 12 - ENFORCEMENT

12.01 ARREST OR CITATION. Whenever the Lyon County Sheriff Department has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. IMMEDIATE ARREST. Immediately arrest such person and take him or her before a local magistrate.

2. ISSUE CITATION. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the city law enforcement agency.
(Code of Iowa, Sec. 805.6 & 321.485)

12.02 PARKING VIOLATIONS. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine in accordance with the following schedule, payable at the office of the (city clerk) (clerk of district court), unless noted otherwise for a specific offense.

1. FIRST VIOLATION. For the first violation of any provision of this chapter, the penalty shall be ~~twenty dollars ($20.00)~~ twenty five dollars ($25.00).

2. SECOND VIOLATION. For any second violation, within twenty-four (24) hours of the first violation, the penalty shall be the sum of fifty dollars ($50.00).

2. SUBSEQUENT VIOLATIONS. For any subsequent violation within any twenty-four (24) hour period, the penalty shall be not less than fifty dollars ($50.00) and no more than one hundred dollars ($100.00)
(Code of Iowa, Sec. 321.236(1a))

12.03 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that the particular vehicle described in the information was parked in violation of this chapter, and the defendant named in the information was the registered owner at the time in question.

12.04 IMPOUNDING VEHICLES. The Lyon County Sheriff's Department or Mayor is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereinafter enumerated:

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

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

2. ILLEGALLY PARKED VEHICLE. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. PARKED OVER FORTY-EIGHT HOUR PERIOD. When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more, a diligent effort shall first be made to locate the owner. If the owner is found, he or she shall be given an opportunity to remove the vehicle.

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

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

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

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

12.06 SCHEDULED VIOLATIONS. For violation of the Traffic Code which are designated by Section 805.8 of Code of Iowa to be scheduled violations, the schedule fine for each of those violations shall be specified in Section 805.8 of the Code of Iowa.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 13 - STREET AND ALLEY REGULATIONS

13.01 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.
(Code of Iowa, Sec. 716.6)

13.02 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.
(Code of Iowa, Sec. 364.12(2))

13.03 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.
(Code of Iowa, Sec. 321.369)

13.04 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed for the purpose of guarding or enclosing unsafe or dangerous places in a highway, street, alley, avenue or bridge without the consent of the person in control.
(Code of Iowa, Sec. 716.6)

13.05 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition, except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or the property owner's gent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.
(Code of Iowa, Sec. 364.12(2))

13.06 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any city official, police officer or member of the fire department.

13.07 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by authority of the police chief for such purposes.
(Code of Iowa, Sec. 364.12(2))

13.08 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when much work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street.

13.09 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.

13.10 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street.

13.11 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property line and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood in the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.

13.12 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

13.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the costs of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 14 - NAMING OF STREETS

14.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. EXTENSION OF EXISTING STREET. Streets added to the city that are natural extensions of existing streets shall be assigned the name of the existing street.

2. ORDINANCE. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

3. STREET COMMISSION. Proposed street names shall be referred to the council for review and recommendation before placing on plats or presentation of a street name ordinance, or placing on the official map.

14.02 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor.

(Code of Iowa, Sec. 409.17)

14.03 OFFICIAL STREET NAME MAP. Streets within the city are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this article. The Official Street Name Map shall be identified by the signature of the mayor, and bearing the seal of the city under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 14.03 of Title IV of the Municipal Code of George, Iowa.

14.04 REVISION OF STREET NAME MAP. If in accordance with the provisions of this Article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with an entry on the Official Street Name Map as follows: "On (date), by official action of the city council, the following change(s) were made in the Official Street Name Map: (brief description)," which entry shall be signed by the mayor and attested by the clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

14.05 CHANGING NAME OF STREET. The council may by ordinance change the name of a street.

(Code of Iowa, Sec. 409.17)

14.06 FIRST AVENUE NORTH. The avenue now known as Second Avenue North of the City of George, Iowa, shall hereafter be known as First Avenue North.

(Added By Ordinance No. 109)

14.07 JENNINGS DRIVE AND ACCESS ROAD NO. 1. The existing alley located north of Lots 1 and 2 of Jennings Addition to the Town of George and south of Lots 1 through 10, Block 6, Wilhelm's Addition to the Town of George, is hereby established as a street and the name of said street shall be Jennings Drive. The existing alley located west of Lots 9 through 20, Block 9 of the Original Town of George and east of Lot 8 and Lot 21, Block 9, Original Town of George, and east of the alley located between said Lots 8 and 21, shall be established as a street and the said street shall be known as Access Road No. 1. The official Street Name Map of the City of George, Iowa, shall be amended to show the naming of Jennings Drive and Access Road No. 1 as provided herein.

(Added By Ordinance No. 129)

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 15 - VACATION AND DISPOSAL

15.01 POWER TO VACATE. When in the judgment of the council it would be in the best interest of the city to vacate a street or alley, or portion of a street or alley, they may do so in accordance with the provisions of this article.
(Code of Iowa, Sec. 364.12(2a))

15.02 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing, at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.

15.03 FINDINGS REQUIRED. No street or alley, or portion of a street or alley shall be vacated unless the council finds that:

1. PUBLIC USE. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. ABUTTING PROPERTY. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.
(Code of Iowa, Sec. 364.15)

15.04 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion of a street or alley, they may do so by resolution following notice and hearing.
(Code of Iowa, Sec. 364.7)

15.05 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion of a street or alley, by gift except to a governmental body for a public purpose.
(Code of Iowa, Sec. 364.7(3))

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 16 - STREET GRADES

16.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks which have been established by ordinance are hereby confirmed, ratified and established as official grades.

16.02 RECORD MAINTAINED. The City Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request. The ordinances that established the official grades of streets, alleys and sidewalks are:

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 17 - DRIVEWAYS

17.01 DEFINITIONS. For use in this article the following terms are defined:

1. "DRIVEWAY" shall mean that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.

2. "PAVING" shall include any kind of hard surfacing including, but not limited to, portland cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. "Paving" shall not include surfacing with oil, unstabilized gravel, oil and gravel, or chloride.

17.02 PERMIT. A written permit shall be obtained from the George City Council before any person shall construct or repair a driveway.

1. APPLICATION. A written application for the permit shall be filed with the George City Council. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width, and type of surfacing material to be used. No other plan shall be followed except by written permission of the George City Council who may allow amendments to the application or permit which do not conflict with this article.

2. ISSUANCE. The George City Council shall issue the permit, bearing his or her signature and the date of issuance, if the proposed plan meets all of the requirements of this article, if the fee required under this article has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect.

3. FEE. The applicant shall pay a fee of twenty-five dollars ($25.00) to the City of George upon issuance of the permit. The City Clerk shall give the applicant a written receipt showing the sum received and the date.
(Editor's Note: Ordinance 203 passed and approved March 10, 2010 amends Section 17.02(3))

4. EXPIRATION. Each permit shall expire two years from the date of issuance, if not constructed within that time.

5. REVOCATION. The George City Council may at any time revoke the permit for any violation of this article and may require that the work be stopped.

17.03 SIDEWALKS. The grade of any sidewalk already at proper grade shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk, except as expressly permitted by the council upon recommendation of the city's engineer and/or public works superintendent.

17.04 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the superintendent within thirty (30) days after completion of the work. The superintendent shall keep a record of such approvals in his or her office. If he or she refuses to approve the work, it must be corrected immediately so that it will meet with his or her approval. If the work has been done improperly, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 18 - SNOW REMOVAL AND STREET CLEANING

18.01 DEFINITIONS. For use in this article, the following terms are defined:

1. "SNOW PLOWING" shall mean the pushing of snow by mechanical means from the center of the traveled portion of the street to the outside edges of the traveled portion of the street.

2. "SNOW REMOVAL" shall mean the loading and hauling away of snow from the street right-of-ways.

4. "STREET CLEANING" shall mean the washing, sweeping and loading of dirt and debris from the street by mechanical or manual means.

18.02 PARKING DURING SNOW PLOWING AND REMOVAL OPERATIONS. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on any public street, alley or city owned off-street parking areas during snow plowing and removal operations between the hours of 2:00 A.M. and 6:00 A.M. from November 1st to April 1st when weather conditions consist of snow, drifting snow, sleet, ice and/or freezing rain.

18.03 PARKING REGULATIONS DURING SNOW REMOVAL. To aid snow removal it shall be unlawful to park vehicles, trailers or similar apparatus on City streets when snow accumulation exceeds two (2) or more inches. After cessation of snow fall and snow has been cleared from the curb to curb for the entire length of the street, vehicles may be parked on the street again.

18.04 SPECIAL PENALTY. A fine of twenty-five dollars ($25.00) will be assessed for the first violation. Upon second violation, the owner will be fined fifty dollars ($50.00) and the vehicle may be towed or impounded at the expense of the registered owner. The vehicle will not be released until all fines and impoundments have been paid. All subsequent violations will be assessed a one hundred dollar ($100.00) fine.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 19 - BUILDING NUMBERING

19.01 DEFINITIONS. For use in this article the following shall be defined:

1. "PRINCIPAL BUILDING" shall mean the main building on any lot or subdivision.

2. "OWNER" shall mean the owner of the principal building.

19.02 OWNER REQUIREMENTS. Every owner shall comply with the following building number requirements:

1. OBTAIN BUILDING NUMBER. The owner shall obtain the assigned number to the owner's principal building from the clerk.
(Code of Iowa, Sec. 364.12(3d))

2. DISPLAY BUILDING NUMBER. The owner shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12(3d))

3. FAILURE TO COMPLY. If an owner refuses to number a building as provided, or fails to do so for a period of thirty (30) days after being notified in writing by the city to do so, the city may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12(3h))

19.03 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map, in accordance with the following provisions, and filing it in his or her office.

1. BASE LINES. (street name) constitutes the base line for the numbering system as applied to streets running east and west. (street name) constitutes the base line for the numbering system as applied to streets running north and south.

2. DIAGONAL AND CURVED STREETS. Diagonal and curved streets are classified as east and west or north and south streets depending in which classification their general alignment most nearly conforms.

3. EVEN NUMBERS. Even numbers shall be assigned to principal buildings on the west side of streets running north and south and on the north side of streets running east and west.

4. ODD NUMBERS. Odd numbers shall be assigned to principal buildings on the east side of streets running north and south and on the south side of streets running east and west.

5. ASSIGNMENT OF NUMBERS TO PROPERTIES. Each principal building shall be assigned a number in accordance with the provisions of this section. In case there are vacant lots or double lots, numbers shall be reserved to provide for an orderly numbering system when the lots are occupied or divided.

19.04 ISSUE NUMBERS. The clerk shall issue the assigned number in accordance with the numbering map to owners upon their request.

19.05 ENFORCEMENT. The clerk shall be responsible for enforcing the provisions of this article.

CHAPTER 3: SIDEWALKS

ARTICLE 20 - SIDEWALK REGULATIONS

20.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "SIDEWALK" means all permanent public walks in business, residential or suburban areas.

2. "ESTABLISHED GRADE" shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.

3. "BROOM FINISH" shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

4. "WOOD FLOAT FINISH" shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with wooden trowel.

5. "PORTLAND CEMENT" means any type of cement except bituminous cement.

6. "ONE-COURSE CONSTRUCTION" shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.

7. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.

8. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

20.02 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain, in a hazard free condition, any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

20.03 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes that the person notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit.

(Code of Iowa, Sec. 364.14)

20.04 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required the council may serve notice on such owner, by certified mail, requiring him or her to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

20.05 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

20.06 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. MATERIAL. Portland cement, 3000 psi test concrete shall be the only material used in the construction and repair of sidewalks.

2. CONSTRUCTION. Sidewalks shall be of one-course construction.

3. SIDEWALK BASE. Concrete may be placed directly on compact and well drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the city.

4. SIDEWALK BED. The sidewalk bed shall be placed so that the surface will be to the established grade at its location.

5. LENGTH, WIDTH AND DEPTH.

   a. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.
   b. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length and width.

6. LOCATION. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the council shall establish a different distance due to circumstances.

7. GRADE. Curb tops shall be on level with the center line of the street.

8. ELEVATIONS. The street edge of a sidewalk shall be at an elevation even with the curb when at the curb and not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk in residential areas.

9. SLOPE. All sidewalks shall slope 0.25 inch per foot toward the curb.

10. FINISH. All sidewalks shall be finished with a "broom" or "wood float" finish.

11. RAMPS FOR HANDICAPPED. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one (1) inch of rise per twelve inches lineal distance, except that a slope no greater than one (1) inch or rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.
    (Code of Iowa, Sec. 601D.9)

12. ADJACENT CONCRETE. Reinforcing bars or dowels shall be installed at every location where new construction meets existing walks or curbs in such a manner as to assure continuous line and grade between old and new work.

20.06 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. STAIRS AND RAILINGS. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council.

2. OPENINGS. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. PROTECT OPENINGS. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

20.07 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.

20.08 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts that will obstruct the sidewalk or interfere with the free passage of pedestrians.

20.09 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to promptly remove from the side-walks natural accumulations of snow and ice, and to remove accumulations of soil or ice (formed from water flowing onto the walk). If a property owner does not remove natural accumulations of snow or ice or remove the other accumulations within 24 hours, the city shall do so and assess the costs against the property owner.

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

20.10 FIRES AND FUEL ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on or to allow fuel to remain on any sidewalk.

20.12 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

20.13 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or other substance likely to injure any person, animal or vehicle properly using the sidewalk.

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

20.14 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to a building in the business district be occupied for such purposes.

20.15 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the clerk.

20.16 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs, Railings & Openings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council. Keep open any cellar door, grating or cover any vault on any sidewalk except while in actual use with adequate guards to protect the public.

20.17 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

20.18 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

20.19 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

20.20 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. The applicant shall submit to the City Clerk a fee prior to beginning work. The cost of the permit shall be twenty five dollars ($25.00).

(Editor's Note: Section 20.20 was amended at time of updating Code Book in 2008)

CHAPTER 4: SNOWMOBILES

ARTICLE 21 - GENERAL PROVISIONS

21.01 DEFINITIONS. For use in this article the following terms shall be defined:

1. "ALL-TERRAIN VEHICLE" or "ATV" means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than seven hundred fifty (750) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

   Two-wheeled off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled off-road motorcycle is exempt from the safety instruction and certification program requirements of sections 321G.23 and 321G.24 Code of Iowa.

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

2. "DEAD MAN THROTTLE" shall mean a device which disengages the motor from the driving track of a snowmobile when pressure is removed from the accelerator or throttle.

3. "OPERATOR" shall mean a person who operates or is in actual physical control of an all-terrain vehicle or snowmobile.

   (Code of Iowa, Sec. 321G.1(11))

4. "OPERATE" shall mean to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle or snowmobile in any manner, whether or not the all-terrain vehicle is moving.

   (Code of Iowa, Sec. 321G.1(10))

5. "STREET" OR "HIGHWAY" shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway. Includes roadway, alley, or trail used for vehicular traffic including a state or county highway.

6. "SHOULDER" shall mean the portion of a street immediately adjacent to the right side of a street which is customarily used only for emergency travel and parking.

7. "SNOWMOBILE" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis, or tread, and is designed for travel on snow or ice.

   (Code of Iowa, 321G.1(18))

8. LOUD. It is unlawful to operate a snowmobile in a manner as to create a loud, unnecessary or unusual noise so as to disturb the peace and quiet of other persons.

21.02 GENERAL REGULATIONS. No person shall operate an ATV or snowmobile within the City in violation of the provisions of Chapter 321G and Chapter 321I of the Code of Iowa or rules established by the Natural Resources Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

12.03 HOURS OF OPERATION. No person shall operate a snowmobile on public or private property within the city between the hours of 9 p.m. and 7 a.m. except when responding to an emergency.

21.04 AGE OF OPERATION. No minor under 16 years of age may operate a snowmobile or ATV within the corporate limits of the city.

21.05 OPERATION OF SNOWMOBILE. A snowmobile may not be operated on a street, shoulder of a street, sidewalk, public property, city park, recreational trail (bike/pedestrian), or any other area within the corporate limits of the city except as specifically as:

1. DURING EMERGENCY. On streets in an emergency during the period of time when at locations where snow and ice upon the streets render travel by conventional motor vehicles impractical and unsafe.
(Code of Iowa, Sec. 321G.9(4a))

2. TRAILS. On trails in city parks or on other public property which is specially designated by the council and which is marked by appropriate signs giving notice that snowmobiles may be operated in the area.

3. PRIVATE PROPERTY. On the private property of the operator or owner of a snowmobile or on any other private property in the city with the consent or permission of the property owner.

4. PUBLIC AREAS PROVIDED FOR SNOWMOBILES AND/OR ATV'S. On other public areas or streets specifically provided by the council by resolution of the Council.

21.06 ADEQUATE SNOW AND ICE COVER. A snowmobile may not be operated within the city on public or private property without adequate snow or ice cover. A snow or ice cover of no less than four (4) inches shall be deemed adequate.

21.07 CROSSING OF STREET. A snowmobile may make a direct crossing of a street or highway provided all of the following occur:
(Code of Iowa, Sec. 321G.9(2)

1. NINETY DEGREE ANGLE. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing; and

2. COMPLETE STOP. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled portion of the street, and

3. YIELD TO TRAFFIC. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

4. CROSSING AT INTERSECTION. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

21.08 SNOWMOBILE REQUIRED EQUIPMENT. All snowmobiles operated within the city shall have the following equipment:

1. MUFFLER. An effective and suitable muffling device that reduces the noise of operation to not more than 78 decibels must be installed on all snowmobiles manufactured after July 1, 1975.
(Code of Iowa, Sec. 321G.11)

2. LIGHTS. At least one headlight and one taillight.
(Code of Iowa, Sec. 321G.12)

3. BRAKES. Brakes which conform to standards prescribed by the commissioner of public safety.

4. SAFETY THROTTLE. A safety or "dead man" throttle in operating condition.

21.09 ATV REQUIRED EQUIPMENT. All ATVS operated within the city shall have the following equipment:

1. MUFFLER. An all-terrain vehicle shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet.

2. HEADLAMP -- TAIL LAMP -- BRAKES. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp. Every all-terrain vehicle shall be equipped with brakes.
(Code of Iowa, Sec. 321I.13)

21.10 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any snowmobile within the city in the manner described:

1. SPEED. At a rate of speed greater than fifteen (15) miles per hour, provided the circumstances are not such that a lesser speed would be prudent.
(Code of Iowa, Sec. 321G.13(1a))

2. CARELESS MANNER. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
(Code of Iowa, Sec. 321G.13(1b))

3. UNDER THE INFLUENCE. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
(Code of Iowa, Sec. 321G.13(1c))

4. IMPROPER EQUIPMENT. Without a proper headlight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead; or without proper equipment as required by Section 22.08 of this Article.
(Code of Iowa, Sec. 321G.13(1d))

5. IN TREE NURSERY. In any tree nursery or planting in a manner which damages or destroys growing stock.
(Code of Iowa, Sec. 321G.13(1e))

6. FIREARMS. A person shall not operate or ride a snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding a snowmobile.
(Code of Iowa, Sec. 321G.13(2))

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

8. WITHOUT INSURANCE. Without having in force at time of operation, a policy of insurance affording coverage for the operation of a snowmobile against liability imposed by law for bodily injury or death and for property damage. The minimum limits of coverage required of an owner shall be $10,000 for one person who is injured or killed in any one accident and $20,000 for two or more persons who are injured or killed in one accident. For property damage, the minimum coverage shall be $5,000. If requested by a peace officer (or other designated city official or employee), an owner or operator of a snowmobile shall present proof within 24 hours that a policy of insurance is currently in force.

9. UNATTENDED VEHICLE. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with keys for starting the vehicle left in the ignition.

10. DISPLAY OF IDENTIFICATION NUMBERS. The owner shall display the identification number on the snowmobile in the manner described by the rules established by the Department of Natural Resources Commission.
(Code of Iowa, Sec. 321G.5)

21.11 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any ATV (all-terrain vehicle) in the City in the manner described:

1. At a rate of speed greater than reasonable or proper under all existing circumstances.
(Code of Iowa, Sec. 321I.14(1b))

2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
(Code of Iowa, Sec. 321I.14(1b))

3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
(Code of Iowa, Sec. 321I.14(1c))

4. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
(Code of Iowa, Sec. 321I.14(1d))

5. In any tree nursery or planting in a manner which damages or destroys growing stock.
(Code of Iowa, Sec. 321I.14(1e))

6. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.
(Code of Iowa, Sec. 321I.14(1h))

7. A person shall not operate or ride an all-terrain vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle.
(Code of Iowa, Sec. 321I.14(3))

8. A person shall not operate an all-terrain vehicle with more persons on the vehicle than it was designed to carry.
(Code of Iowa, Sec. 321I.14(3))

9. A person operating an all-terrain vehicle on a highway shall have a valid driver's license.
(Code of Iowa, Sec. 321.234A(2))

10. Without having such snowmobile registered as provided for by Iowa law except.
(Code of Iowa Sec. 324I.4(2))

11. Without having in force at time of operation, a policy of insurance affording coverage for the operation of a snowmobile against liability imposed by law for bodily injury or death and for property damage. The minimum limits of coverage required of an owner shall be $10,000 for one person who is injured or killed in any one accident and $20,000 for two or more persons who are injured or killed in one accident. For property damage, the minimum coverage shall be $5,000. If requested by a peace officer (or other designated city official or employee), an owner or operator of a snowmobile shall present proof within 24 hours that a policy of insurance is currently in force.

12. It is unlawful for the owner or operator to leave or allow an ATV to be or remain unattended on public property while the motor is running or with keys for starting the vehicle left in the ignition.

13. It is unlawful to operate an ATV in a manner as to create a loud, unnecessary or unusual noise so as to disturb with the peace and quiet of other persons.

21.12 TOWING. No item shall be towed by a snowmobile or ATV unless coupled to said snowmobile by a rigid tow bar.

21.13 SINGLE FILE. Snowmobiles or ATV shall, only when permitted on the traveled way, be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

CHAPTER 5: RECREATIONAL TRAIL

ARTICLE 22 – RECREATIONAL TRAIL

22.01 PERMITTED ACTIVITY. The Recreational Trail is designed for walking, jogging, biking, and rollerblading.

22.02 PROHIBITED MOTORIZED CONVEYANCE. ATV's, UTV's, motor vehicle, snowmobiles, mopeds and motorcycles are prohibited. Motorized wheelchairs and other motorized conveyance designed to transport handicapped persons are permitted on the Trail. The width limit for these carriers is 36 inches.

22.03 SAFETY REQUIREMENTS. When persons leave the trail and enter onto a vehicle-traveled roadway, they must yield to the vehicle traffic. Approved wheel conveyance shall travel at a safe, reasonable speed while on the trail. When approaching persons from behind, wheel traffic must indicate their presence.

22.04 ALCOHOLIC BEVERAGES. Alcoholic beverages are prohibited on the trail at all times.

22.05 RECREATIONAL TRAIL HOURS. The recreational Trail is open daily throughout the year. The hours are one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

22.06 SPECIAL USE. Persons may request permission to use the trail or a portion of the trail for special events. Persons who are considering a special event that will be scheduled on or around the trail shall request permission to hold the event from the City Council.

22.07 VIOLATION. Persons should at all times observe the regulations designed to enable all persons to use the trail in a safe environment.

Persons who violate or fail to comply with the provisions set forth in this article shall be guilty of a simple misdemeanor. Upon a second offense, a person(s) will be subject to a fine of up to $250.

CHAPTER 6: ATV's and ORV's

ARTICLE 23 – GENERAL PROVISIONS

23.01 DEFINITIONS: The terms "ATV" and "ORV" are defined as follows:

1. "All-Terrain Vehicle" or "ATV" means a motorized (gasoline powered) vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2. "OFF-Road Utility Vehicle" or "ORV" means a motorized vehicle with not less than four and not more than eight non-highway tires that is limited in engine displacement to less than 1500 cubic centimeters and in total dry weight to not more than 2,000 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator and a steering wheel or control levers for control.

23.02 GENERAL REGULATIONS: No person shall operate an ATV or ORV within the City limits of George in violation of the provisions of Chapter 321G and 321I of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

23.03 OPERATION OF ATVs and ORVs: The operators of ATVs and ORVs shall comply with the following restrictions as to where ATVs and ORVs may be operated within the City.

1. Trails. ATVs and ORVs shall not be operated on bike trails, walking trails, recreation trails or snowmobile trails except where so designed.

2. Private Property. ATV's and ORVs may only be operated on private property with the expressed consent of the owner.

3. Sidewalk Parking. No ATV or ORV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred to as the "parking", or any of-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.

4. Parks or Other City Land. A special use permit may be issued for the operation of an ATV or ORV in City parks or other City land for special events authorized by the City Council.

5. Operator License. No person shall operate an ATV or ORV on the public streets of the City without a valid motor vehicle operator's license and who is not at least 18 years of age.

6. Equipment. All ATVs and ORVs shall be equipped according to the following provisions:

a. Mufflers. No person shall operate an ATV or ORV that is not constructed or altered in a manner that noise emitted from the machine exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2008-05 Society of Automotive Engineers Standards J1287, titled "Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles".

b. Headlamp, Tail Lamp, Brakes. Every ATV and ORV shall be equipped with a headlight and tail light which shall remain lighted at all times during operation. Every ATV and ORV shall be equipped with brakes in good working condition.

7. Traffic Code Observed. Any operator of any ATV or ORV must observe all state and local traffic control regulations and devices and shall not operate an ATV or ORV at a speed in excess of that posted, nor at any time operate an ATV or ORV at a speed greater than is reasonable and proper under existing conditions.

8. Unattended ATVs or ORVs and Parking. No owner of an ATV or ORV shall leave the ATV or ORV unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs and ORVs may not be parked on sidewalks or in front yards.

9. Registration. The owner or operator of an ATV or ORV must maintain current vehicle registration as required by Iowa law.

23.04 NEGLIGENCE. The owner and operator of an ATV or ORV are liable for any injury to or damaged caused by the negligent operation of the ATV or ORV. The owner of an ATV or ORV at the time the injury or damage occurred, or if the operatior had the owner's consent to operate the ATV or ORV at the time the injury or damage occurred. ATV and ORV operators must carry proof of insurance coverage when operating an ATV or ORV in the City of George.

23.05 ACCIDENT REPORTS. Whenever an ATV or ORV is involved in an accident resulting in injury or death to anyone or property damage amounting to $1,500 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within 48 hours, in accordance with State law.

23.06 TOWING. No items shall be towed by an ATV or ORV unless coupled to said ATV or ORV by a rigid tow bar.

23.07 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars ($100.00).

2. Any person guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two hundred dollars ($200.00).

3. Any person guilty of violating this ordinance three times in a twelve (12) month period shall be subject to a fine of three-hundred dollars ($300.00).

CHAPTER 7: GOLF CARTS ON CITY STREETS

ARTICLE 24 – GENERAL PROVISIONS

24.01 Golf Carts on City Streets. A golf cart may be allowed to operate on the city streets under the following conditions:

A. Operator must possess a valid operator's license.

B. Cart shall not be operated on a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city.

C. Carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements as imposed by the city council.

24.02 Violation and Penalty.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars ($100.00).
2. Any person guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two-hundred dollars ($200.00).
3. Any person guilty of violating this ordinance three times in a twelve (12) month period shall be subject to a fine of three hundred dollars ($300.00).

TITLE V BUSINESS, OCCUPATIONS, AND BUILDING REGULATIONS

CHAPTER 1: LIQUOR AND BEER CONTROL

ARTICLE 1 – GENERAL PROVISIONS

1.01 PURPOSE. The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community.

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

1. "Person of Good Moral Character" shall mean any person who meets all of the following requirements:
(Code of Iowa, Sec. 123.3(12))

a. Has such financial standing and good reputation as will satisfy the commission and the administrator that he or she will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances and regulations applicable to his or her operations under state law. The administrator shall not require the person to post a bond to meet the requirements of this paragraph.

b. Does not possess a federal gambling stamp.

c. Is not prohibited by the Code of Iowa from obtaining a liquor license or beer permit.
(Code of Iowa, Sec. 123.40)

d. Is a Citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.

e. Has not been convicted of a felony. However, if his or her conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his or her rights of citizenship have been restored by the Governor, the administrator may determine that he or she is a person of good moral character notwithstanding such conviction.

f. If such person is a corporation, partnership, association, club, or hotel or motel, the requirements of this subsection shall apply to each of the officers, administrators and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of such person. For the purpose of this provision, an individual and his or her spouse shall be regarded as one person.

2. "Club" shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.
(Code of Iowa, Sec. 123.3(29))

3. "Commercial establishment" shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the ordinances of the city.
(Code of Iowa, Sec. 123.3(30))

4. "Grocery store" shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.
(Code of Iowa, Sec. 123.129)

5. "Pharmacy" shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.
(Code of Iowa, Sec. 123.129)

6. "Hotel or Motel" shall mean a premise licensed by the state department of agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.
(Code of Iowa, Sec. 123.3(32))

7. "Legal age" shall mean twenty-one (21) years of age or more.

8. "Administrator" shall mean the administrator of the Iowa Alcoholic Beverage Division.
(Code of Iowa, Sec. 123.3(3))

9. "Department" shall mean the alcoholic beverages division of the Iowa Department of Commerce.
(Code of Iowa, Sec. 123.3(2))

1.03 STATE LIQUOR STORE LOCATION. No liquor store shall be located within three hundred (300) feet of a public or private educational institution.

1.04 PERSONS UNDER LEGAL AGE.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age.

(Code of Iowa, Sec. 123.47 (1))

2. A person or persons under legal age shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for the beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine and beer during the regular course of the person's employment by a liquor control licensee, or wine beer permittee under State laws.

(Code of Iowa, Sec. 123.47 (2))

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

(Code of Iowa, Sec. 123.46)

1.06 OPEN CONTAINERS IN A MOTOR VEHICLE. Any person driving a motor vehicle or a passenger in a motor vehicle shall not knowingly possess in the motor vehicle upon a public street or highway any open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage or beer with the intent to consume the alcoholic beverage or beer upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage or beer was found during an authorized search in the glove department, utility compartment, console, unlocked portable device, or within the driver or passenger area of the motor vehicle while it is upon a public street or highway is evidence from which the court or a jury may infer that the driver or passenger intended to consume the alcoholic beverage or beer while upon the public street or highway.

(Code of Iowa, Sec. 321.284)

CHAPTER 1: LIQUOR, BEER AND WINE CONTROL

ARTICLE 2 - BEER AND WINE PERMITS AND LIQUOR LICENSES

2.01 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor, wine, or beer without first securing a liquor control license or beer or wine permit in accordance with the provisions of this chapter and state law.
(Code of Iowa, Sec. 123.2)

2.02 NATURE OF LICENSE OR PERMIT. A liquor control license or beer permit or wine permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be neither alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the administrator may in his or her discretion allow the executor or administrator of a permittee or licensee to operate the business of the descendant for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.
(Code of Iowa, Sec. 123.38)

2.03 BEER PERMITS - CLASSES. Beer permits shall be classed as follows:

1. CLASS "B". A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.
(Code of Iowa, Sec. 123.124&123.131)

2. CLASS "C". A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.
(Code of Iowa, Sec. 123.124 & 123.129)

2.04 WINE PERMITS - CLASSES. Wine permits shall be classed as follows:

1. CLASS "A". A class "A" wine permit shall allow the holder to manufacture and sell, or sell at wholesale, wine for consumption off the premises.
(Code of Iowa, 123.173 & 123.177)

2. CLASS "B". A class "B" wine permit shall allow the holder to sell wine at retail for consumption off the premises.
(Code of Iowa, 123.173 & 123.177)

2.05 LIQUOR LICENSES - CLASSES. Liquor control licenses shall be classed as follows:

1. CLASS "A". A class "A" liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittee only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

   (Code of Iowa, Section 123.30(3)(a))

2. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees, wine from class "A" wine permittee only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises.

   (Code of Iowa, Sec. 123.30(3)(b))

3. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittee only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises.

   A special class "C" liquor control license may be issued and shall authorize the holder to purchase wine from class "A" wine permittee only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited.

   (Code of Iowa, Sec. 123.30(3)(c))

4. CLASS "E". A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and to sell the alcoholic liquor to patrons for consumption off the licensed premise and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other liquor control licenses, wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license. The division may issue a Class "E" liquor control license for premises covered by a liquor control license or wine or beer permit for on-premise consumption, if the premises are in a county having a population under nine thousand five hundred in which no other class "E" liquor control license has been issued by the division, and no other applicant for a class "E" license has been made within the previous twelve consecutive months.

(Code of Iowa, Section 123.30(3)(e))

2.06 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license or a beer permit or wine permit shall be filed at such time, in such number of copies and in such form as the administrator shall prescribe, on forms prescribed by the administrator.

(Code of Iowa, Sec. 123.31)

2.07 BOND FILED. The application shall be accompanied by the necessary fee and bond, if required, and be filed with the council for approval or disapproval.

(Code of Iowa, Sec. 123.32 & 123.127)

1. LIQUOR CONTROL LICENSE. Upon posting bond in the penal sum of $5,000.00, and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa beer and liquor control act and compliance with all provisions of the act.

(Code of Iowa, Sec. 123.30(1))

2. BEER PERMIT AND WINE PERMIT. With class "B" and "C" beer permits, or class "A" and "B" wine permits, upon posting bond in the penal sum of $500.00, and conditioned upon the faithful observance of the Iowa beer and liquor control act.

(Code of Iowa, Sec. 123.128&123.129)

2.08 CONDITIONS FOR APPROVAL. No liquor control license or beer or wine permit shall be approved unless:

1. CHARACTER OF APPLICANT. The applicant is a person of good moral character as defined by this chapter and in the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral character as defined by this chapter.
(Code of Iowa, Sec. 123.30(1))

2. RIGHT OF ENTRY. The applicant gives consent in writing on the application that members of the fire and police departments may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.
(Code of Iowa, Sec. 123.30(1))

3. ACCESS TO RESIDENTIAL OR SLEEPING QUARTERS. No interior access or residential or sleeping quarters is permitted or maintained unless permission is granted by the administrator in the form of a living quarters permit.
(Code of Iowa, Sec. 123.30(2))

4. LOCATION OF PREMISES. The premises are located within areas where such businesses are, or hereafter are, permitted by zoning regulations.
(Code of Iowa, Sec 123.128(1b))

5. SEATING CAPACITY. The premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.
(Code of Iowa, Sec. 123.128(1b))

6. CONFORM TO APPLICABLE LAWS. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.
(Code of Iowa, Sec. 123.30(2) &
123.127(2))

2.09 CIVIL LIABILITY. Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the division.
(Code of Iowa, Sec. 123.92)

2.10 SEPARATE LOCATIONS. Every person holding a class "B" or class "C" beer permit or class "A" or "B" wine permit having more than one place of business where such beer or wine is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.
(Code of Iowa, Sec. 123.140)

2.11 INVESTIGATION. Upon receipt of an original application for a liquor license or beer or wine permit by the City Clerk, it shall be forwarded to the Lyon County Sheriff's Department who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officer.
(Code of Iowa, Sec. 123.30(1))

2.12 LICENSE AND PERMIT FEES. The following fees shall be submitted with the respective application:

1. CLASS "B" BEER. For a class "B" beer license the annual fee shall be:

a. For cities with population under 1,500:

1) Without Sunday sales privileges $100.00

2) With Sunday sales privileges $120.00
(Code of Iowa, Sec. 123.134(2&5))

2. CLASS "C" BEER. For a class "C" beer permit the annual fee shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:

a. Up to one thousand five hundred square feet . . . $75.00

b. Over one thousand five hundred square feet and up to two thousand square feet. $100.00

c. Over two thousand and up to five thousand square feet $200.00

d. Over five thousand square feet $300.00
(Code of Iowa, Sec. 123.134(3))

e. A Sunday sales permit will increase the fee by 20%.
(Code of Iowa, Sec. 123.134(5))

3. CLASS "A" WINE. For a class "A" wine permit the annual fee is $750.00.
(Code of Iowa, Sec. 123.179(1))

4. CLASS "B" WINE. For a class "B" wine permit the annual fee is $500.00.
(Code of Iowa, Sec. 123.179(2))

5. CLASS "A" LIQUOR. For a class "A" liquor control license the annual fee shall be:

a. Club, less than 250 members:
without Sunday sales privileges . . . $400.00
with Sunday sales privileges $480.00

b. Club, which is a post, branch or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week, and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week:

without Sunday sales privileges $200.00
with Sunday sales privileges $240.00
(Code of Iowa, Sec. 123.36(2))

6. CLASS "B" LIQUOR. For a class "B" liquor control license the annual fee shall be:

a. Cities of 3,000 or less population $800.00

b. The fee is 20% more for Sunday sales.
(Code of Iowa, Sec. 123.36(3))

7. CLASS "C" LIQUOR. For a class "C" liquor control license the annual fee shall be:

a. Cities of 1,500 population or less $600.00

b. The fee is 20% more for Sunday sales.
(Code of Iowa, Sec. 123.36(4,6))

8. CLASS "E" LIQUOR. For a class "E" liquor license, the annual fee is a sum of not less than $750.00, and not more than $7,500.00 as determined on a sliding scale as established by the division taking into account the factors of square footage of the licensed premises, the location of the licensed premises and the population of the area of the location of the licensed premises.
(Code of Iowa, Sec.123.36(9))

2.13 SURCHARGE. There is imposed a surcharge on the fee for each class "A", "B" or "C" liquor license equal to 30% of the scheduled license fee to be collected and deposited as provided in the Code of Iowa.
(Code of Iowa, Sec.123.36(10))

2.14 SEASONAL PERMITS. Six (6) or eight (8) month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two (2) months. Seasonal licensing shall be only as permitted by state law.

(Code of Iowa, Sec. 123.34(1))

2.15 ACTION BY COUNCIL. Action taken by the council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the Iowa Alcoholic Beverage Division for such further action as is provided by law.

(Code of Iowa, Sec. 123.32(2))

2.16 EXPIRATION. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance.

(Code of Iowa, Sec. 123.34(1))

2.17 REFUNDS. Any such licensee or permittee, or his or her executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his or her creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city by itself in the case of a retail beer or wine permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows:

1. BEFORE THREE MONTH PERIOD. If surrendered during the first three (3) months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee.

2. SIX MONTH PERIOD. If surrendered more than three (3) months but not more than six (6) months after issuance the refund shall be one-half of the amount of the fee.

3. SIX - NINE MONTH PERIOD. If surrendered more than six (6) months but not more than nine (9) months after issuance the refund shall be one-fourth of the amount of the fee.

4. AFTER NINE MONTH PERIOD. No refund shall be made, however, for a liquor control license or beer or wine permit surrendered more than nine (9) months after issuance.

5. SUNDAY SALES. No refund will be given on the Sunday Sales portion of a license or permit fee.

6. COMPLAINT FILED. No refund shall be made to any licensee or permittee, upon the surrender of his or her license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him or her with a violation of this chapter or provisions of the Iowa beer and liquor control act.

7. HEARING ON COMPLAINT. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his or her license or permit, to receive a refund as herein provided. But if his or her license or permit is revoked or suspended upon such hearing he or she shall not be eligible for the refund of any portion of his or her license or permit fee.

8. SEASONAL LICENSES OR PERMITS. No refund shall be made for seasonal licenses or permits.

(Code of Iowa, Sec. 123.38)

2.18 TRANSFERS. The council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of twenty-five dollars ($25.00).

(Code of Iowa, Sec. 123.38)

2.19 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the Lyon County Sheriff's Department, who shall verify that the qualifications have not changed from the original application, and give a recommendation to the council as to the approval of the license or permit.

(Code of Iowa, Sec. 123.35)

2.20 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or beer or wine permit nor his or her agents or employees shall do any of the following:

1. INTOXICATED PERSONS. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.

(Code of Iowa, Sec. 123.49(1))

2. HOURS OF OPERATION. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and six a.m. on any weekday and between the hours of two a.m. and noon on Sunday and ten p.m. on Sunday and six a.m. on the following Monday.

(Code of Iowa, Sec. 123.49(2b))

3. CREDIT SALES. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.

4. EMPLOYMENT OF MINORS. Employ any person under 18 years of age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49(2f))

5. SELLING TO MINORS. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49(2h))

6. MIXING OF ALCOHOLIC BEVERAGE. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49(2i))

7. SOLICITING AND DISORDERLY CONDUCT. Knowingly permit any gambling, except in accordance with Code of Iowa Chapter 99B, 99D, 99F, or 99G, or knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49(2a))

8. BEER BRAND SIGNS PROHIBITED. Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.

(Code of Iowa, Sec. 123.51)

9. NUDE CONDUCT PROHIBITED. Cause, permit, procure, counsel or assist any person who is acting as a waiter, waitress, host, hostess, dancer, or entertainer on the licensed premises to:

a. Expose his or her genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or

b. Expose or wear any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or

c. Expose any portion of the female breast at or below the nipple thereof; or

d. Allows or permits any person to remain in or upon the place of business who exposes to public view the person's genitals, pubic hair, or anus.

e. Advertises that any activity prohibited by this section is allowed or permitted in such place of business.

f. If such person allows or permits a minor to engage in or otherwise perform in a live act intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

For purposes of this subsection a person shall be deemed a waiter, waitress, host, hostess, dancer, or entertainer if such person acts in that capacity without regard to whether such person is paid any compensation by the liquor control licensee or beer permittee, his/her agent or employee.

The provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.
(Code of Iowa, Sec. 728.5)

Any person who violates any of the provisions of Code of Iowa Section 123.49, except subsection 2, paragraph "h", shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h", commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 2.

2.21 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this article, a liquor license or beer or wine permit may be suspended by the council for a period up to one year for violations of the municipal code, or suspended for a period up to one year or revoked by the council for any of the following causes:
(Code of Iowa, Sec. 123.39)

1. MISREPRESENTATION. Misrepresentation of any material fact in the application for such license or permit.
(Code of Iowa, Sec. 123.39(1))

2. VIOLATIONS. Violations of any of the provisions of the Iowa beer and liquor control act.
(Code of Iowa, Sec. 123.39(2))

3. CHANGE IN OWNERSHIP. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the city and the division.
(Code of Iowa, Sec. 123.39(3))

4. ORIGINAL DISQUALIFICATIONS. Any event which would have resulted in disqualification from receiving such license or permit when originally issued. (Code of Iowa, Sec. 123.39(4))

5. SALE OR TRANSFER. Any sale, hypothecation or transfer of such license or permit.

(Code of Iowa, Sec. 123.39(5))

6. PAYMENT OF TAXES. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the division under the state law.

(Code of Iowa, Sec. 123.39(6))

7. CONVICTION OF PROHIBITED SALE OR ACT. The conviction of any liquor control licensee or beer or wine permittee for a violation of any of the provisions of section 2.20 shall, subject to section 2.22, is grounds for the suspension or revocation of the license or permit by the division or the City. However, if any liquor control licensee is convicted of any violation Code of Iowa 123.49, subsection 2, paragraph "a", "d" or "e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" of that section, the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.

(Code of Iowa, Sec. 123.50(2))

2.22 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the city council in accordance with the following:

1. SALE TO MINORS OR "SPIKING". If any licensee, beer or wine permittee, or employee of such licensee or permittee is convicted of a violation of section 2.20(5) or a retail beer permittee is convicted of a violation of subsection 6 of said section, the city shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:

a. A first violation shall subject the licensee or permittee to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under Code of Iowa, Section 123.39 shall result in automatic suspension of the license or permit for a period of fourteen days.

(Code of Iowa, Sec. 123.50(3a))

b. A second violation within two years shall subject the licensee or permittee to a thirty-day suspension and a civil penalty in the amount of one thousand dollars.

(Code of Iowa, Sec. 123.50(3b))

c. A third violation within three years shall subject the licensee or permittee to a sixty-day suspension and a civil penalty in the amount of one thousand dollars.

(Code of Iowa, Sec. 123.50(3c))

d. A fourth violation within three years shall result in revocation of the license or permit.
(Code of Iowa, Sec. 123.50(3d))

e. For purposes of this subsection:

(1) The date of any violation shall be used in determining the period between violations.

(2) Suspension shall be limited to the specific license or permit for the premises found in violation.

(3) Notwithstanding section 123.40, revocation shall be limited to the specific license or permit found in violation and shall not disqualify a licensee or permittee from holding a license or permit at a separate location.
(Code of Iowa, Sec. 123.50(3e))

2.23 DEPARTMENT NOTIFIED. When the city council revokes or suspends a liquor license or beer or wine permit, the alcoholic beverages division of the Iowa Department of Commerce shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

2.24 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer or wine permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the administrator or city disapproving, suspending or revoking issuance of a liquor control license or beer permit may appeal pursuant to the Iowa Administrative Procedures Act. A city may appeal a decision of the hearing board as provided by statute.
(Code of Iowa, Sec. 123.32(4&5))

2.25 EFFECT OF REVOCATION. Any liquor control licensee or beer or wine permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer or wine permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer or wine permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.
(Code of Iowa, Sec. 123.40)

2.26 HEARING ON SUSPENSION OR REVOCATION. The council shall conduct a hearing on each suspension or revocation in the following manner:

1. NOTICE. The permit holder, and the surety on his or her bond, shall be served with written notice containing a copy of the complaint against him or her, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

2. HEARING. The council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his or her authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.

3. RIGHTS OF PERMIT HOLDER. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his or her own behalf, and to cross-examine adverse witnesses.

4. EVIDENCE. The council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.

5. CRIMINAL CHARGES. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

6. RECORD AND DETERMINATION. The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

CHAPTER 2: CIGARETTE PERMITS

ARTICLE 3 - GENERAL PROVISIONS

3.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Cigarette" shall mean any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.
(Code of Iowa, Sec. 453A.1(3))

2. "Retailer" shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes irrespective of quantity or amount or the number of sales.
(Code of Iowa, Sec. 453A.1(21))

3. "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the State of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.
(Code of Iowa, Sec. 453A.1(19))

4. "Tobacco Products" means the following: cigars; little cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings. cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
(Code of Iowa, Sec. 453A.1(26))

3.02 PERMIT REQUIRED. No retailer shall sell, distribute, or solicit the sale of any cigarettes within the city without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.
(Code of Iowa, Sec. 453A.13(1&10))

3.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 3.04 shall be filed with the clerk. Renewal applications shall be filed at least 5 days prior to the last regular meeting of the council in June. If a renewal application is not timely filed, and special council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13(5&9))

3.04 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13(3))

1. For permits issued or renewed during: Fee:
For cities under 15,000 population)

July, August, or September	$75.00
October, November, or December ….	$56.25
January, February, or March	$37.50
April, May, or June	$18.75

3.05 ISSUANCE. The council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals, and shall certify its action in issuing a permit to the State Department of Revenue.

Upon proper application, approval by Council and payment of the required fee, a permit shall be issued to the applicant. Each permit issued shall clearly describe the place of business for which it is issued

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

3.06 DISPLAY. The permit shall, at all times, be publicly displayed by the distributor, wholesaler, or retailer at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business. The proprietor or keeper of any building or place where cigarettes and other tobacco products are kept for sale, or with intent to sell, shall upon request of any agent of the department or any peace officer exhibit the permit. A refusal or failure to exhibit the permit is prima facie evidence that the cigarettes or other tobacco products are kept for sale or with intent to sell in violation of this division.

(Code of Iowa, Sec. 453A.13(10))

3.07 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his or her place of business, the council, if it decides to issue a new permit to him or she, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3.08 EXPIRATION. Permits expire on June 30 of each year.

(Code of Iowa, Sec. 453A.13(3))

3.09 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the city except during April, May, or June, as follows:
(Code of Iowa, Sec. 453A.13(4))

1. Permits surrendered during: Amount of refund:
(For cities under 15,000 population)

July, August, or September $56.25
October, November, or December $37.50
January, February, or March $18.75

3.10 PERSONS UNDER THE LEGAL AGE. No person shall sell, give or otherwise supply tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine.
(Code of Iowa, Sec. 453A.2 & 453A.36(6))

3.11 PERMIT SUSPENSION & REVOCATION: If a retailer or employee of a retailer violates the provisions of 3.10 of this Chapter, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

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

b. For a second violation within a period of two years, the retailer's permit shall be suspended for a period of thirty days.

c. For a third violation within a period of three years, the retailer's permit shall be suspended for a period of sixty days.

d. For a fourth violation within a period of three years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard
(Code of Iowa, 453A.22(1))

3.11 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.
(Code of Iowa, 453A.22(3))

3.12 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except as provided in Code of Iowa, Section 453A.3(6), a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

CHAPTER 3: PERMIT REQUIREMENTS

ARTICLE 4 - GENERAL PROVISIONS

4.01 PURPOSE. The purpose of this chapter is to assure that in the conduct of the activities permitted and regulated by this chapter, the public health, safety and welfare will be protected and maintained.

4.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Junk dealer" means any person engaged in collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration, restoration or salvage may furnish an item or items of value. The definition of a Junk Dealer and the requirements to license some are found on page 273, Chapter 5, Article 8.

2. "Scavenger" means any person who transports upon the public streets, alleys, sidewalks or property any refuse except refuse directly from his or her own property. The licensing requirements for scavenger are found on page 251, Chapter 3, Article 5, Section 5.10.

3. “Peddler shall mean any person carrying goods or merchandise from house to house or upon the public street.

4. “Solicitor” shall mean any person who solicits or attempts to solicit from house to house or upon the public street and order for goods, subscriptions or merchandise to be delivered at a future date.

5. “Transient Merchant” shall mean any person, from a corporation, who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

4.03 PERMIT REQUIRED. It shall be unlawful for any person to engage in any activity herein described by this chapter without a valid permit or license from the city and signed by the Mayor or City Clerk.

4.04 APPLICATION. An application for any permit required under this chapter shall be made in writing on forms furnished by the City Clerk. An application shall be filed with the City Clerk and approved prior to conducting any of the activities permitted in this chapter.

4.05 EXEMPTIONS. The following groups or persons shall be exempt from the provisions of this chapter:

1. Newspapers. Persons who deliver newspapers.

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

3. Farmers. Farmers who offer for sale products of their own raising.

4. Students. Students representing the George-Little Rock Community School District conducting projects sponsored by organizations recognized by the school.

5. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

6. Religious and Charitable Organizations Exempt. Authorized representatives of religious and charitable organizations desiring to conduct activities permitted in this chapter are exempt.

4.06 LICENSE/PERMIT NOT TRANSFERABLE. Permits/Licenses issued under the provision of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

4.07 FEES AND DURATION. All fees required by this chapter shall be paid to the City Clerk, who shall give the applicant a written receipt showing the sum received and the time of receipt.

An applicant may apply for a daily license, two to seven day or eight days or more permit/license. The period of eight days or more permit/license shall be valid for the specific period noted on the permit. The daily fee shall be valid for only one twenty-four (24) hour period; a weekly permit license shall be seven (7) days in length, terminating at 6:00 p.m. on day seven. The first day of the seven day permit/license will begin at the time the permit/license is issued. A permit/license issued for a period greater than seven (7) days will be valid for a period mutually agreed to by the City Clerk and applicant. In no case will it be for a period greater than 365 calendar days.
(Editor's Note: Ordinance 203 passed and approved March 10, 2010 removes the fees from Section 4.07 and places them into the Fee Schedule Section at the end of this Code Book)

4.08 DISPLAY. Each person who is issued a permit/license under this chapter shall at all times while doing business in the city keep in his or her possession the license provided for in this article, and shall, upon request of prospective customers, exhibit the license/permit as evidence that he/she has complied with all requirements of this chapter. Each transient merchant shall display publicly his or her license in his or her place of business.

4.09 REBATES. If an activity permitted under the provisions of this chapter should be terminated prior to the expiration date of the permit/license the fee balance shall not be refunded.

4.10 TIME RESTRICTIONS. All activities permitted in this chapter shall be conducted between the hours of 8:00 a.m. and 6:00 p.m.

4.11 REVOCATION. The City Council, after notice and hearing, may revoke a permit/license issued under this chapter where the licensee in the application for the license or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his or her business in an unlawful manner, or the licensee has conducted his/her business in such a manner as to endanger the public welfare, safety, order or morals.

4.12 NOTICE OF COMPLAINT. Complaints lodged against the permit/license holder shall be immediately reported to the Lyon County Sheriff.

4.13 CONSUMER PROBATION LAW. Applicants shall be informed of and agree to comply with state law, Section 82.3 of the Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to which he or she sells a product or service and comply with the other requirements of the law.

4.14 POWER TO INSPECT AND INVESTIGATE. Upon receipt of an application for a permit/license, the City Clerk may contact the Lyon County Sheriff's Office in regard to running a background check on the applicant. The City Clerk may delay the issuance of a permit/license until the Sheriff's report on the applicant is filed with the City Clerk.

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

4.16 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

(Editor's Note: Ordinance 204 was passed and approved April 14, 2010 amending Article 14)

4.17 SCAVENGERS. The following shall apply to the license for scavengers:

1. APPLICATION. An application for a scavenger's license shall contain a detailed list describing each of the places from which the scavenger collects or intends to collect refuse.

2. COLLECTION RECORD. The licensee shall keep this list up-to-date by reporting immediately to the city clerk any changes of places of collection. Refuse shall be collected only from the places reported as places of collection.

3. REFUSE ON STREET. Refuse shall not be carried upon any street, alley, sidewalk or property of this city in containers that permit leaking or spilling of the refuse.

4. INVESTIGATION BY HEALTH OFFICER. The health officer shall be permitted at all times to investigate the scavenger's activities for the existence of materials or conditions dangerous to the public health.

(Editor's Note: Ordinance 207 passed and approved June 15, 2010 to transfer Title V, Chapter 2, Article 5, 5.10 Subsections 1-4 to Title V, Chapter 3, Article 4, 4.16 Subsections 1-4)

CHAPTER 3: PERMIT REQUIREMENTS

ARTICLE 5 - SPECIAL REQUIREMENTS

5.01 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating.

5.02 COMPLIANCE. Every person who is granted a license under the terms of this chapter shall comply with the following regulations that apply in his or her case.

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

5.04 BILLIARD HALL. No minor shall be allowed to be in any billiard hall in which beer is sold.

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

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

5.07 HOUSEMOVERS. The following shall apply to the license for house-movers:

1. APPLICATION. An application for house-mover's license shall describe the following:

   a. Name and Address. The applicant's full name and address and if a corporation the names and addresses of it's principal officers.

   b. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.

   c. Routing Plan. A routing plan approved by the mayor, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

2. BOND REQUIRED. The applicant shall post with the clerk a penal bond in the sum of two thousand (2,000) dollars issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the permittee's payment for any damage done to the city or to public property, and payment of all costs incurred by the city in the course of moving the building or structure.

3. INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he or she is carrying public liability insurance in effect for the duration of the permit convening himself and his or her agents and employees for the following minimum amounts:

   a. Bodily Injury - $50,000.00 per person; $100,000 per accident.
   b. Property Damage - $50,000.00 per accident

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

5. PERMIT FEE. A permit fee of fifty dollars ($50.00) shall be payable at the time of filing the application with the Zoning Administrator. A separate permit shall be required for each house, building or similar structure to be moved.

6. PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee the clerk shall issue a permit.

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

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

9. REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of this article the city is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on his/her bond.

10. PROTECT PAVEMENT. It shall be unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved shall be at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building the estimate of the engineer or mayor as to such weight shall be final.

11. ELECTRIC WIRES. The holder of any permit to move a building shall see that all telephone and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. The holder of the permit for moving a building shall give twenty-four (24) hours, notice to the owner of any telephone or electric wires to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, and the holder of the permit shall pay the reasonable costs thereof.

5.08 HOUSEMOVER PERMIT ISSUED. Upon approval of the house-mover permit application, filing of bond and insurance certificate, and payment of the required fee the clerk shall issue a permit.

5.09 BILL POSTERS. The following shall apply to the license for bill posters:

1. APPLICATION. An application for a bill poster's license shall contain a description of the boundaries of the areas of the city in which the distribution of bills is to be made. The license shall limit distribution of bills in the city to these areas.

2. PROHIBITED LOCATIONS. Bill posters shall not attach bills to any tree, pole, sidewalk, building or other structure.

3. MANNER OF DISTRIBUTION. Bills shall not be distributed in such a manner that they may be blown about or scattered.

4. SIZE OF BILLS. Bills larger than nine by twelve inches in size shall not be handed to persons on the sidewalks or streets or public property or attached to automobiles parked on any streets, alleys or public property.

5.10 PAWNBROKERS. The following shall apply to the license for pawnbrokers:

1. RECORD BOOK. Every pawnbroker shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, a statement of the nature of the transaction including the sum for which the item is security, the time and date of the transaction, and the disposition made of the item including the time and date of disposition.

2. RECEIVE FROM MINOR. A pawnbroker shall not purchase or receive any item from a minor unless he or she first receives the written consent of a parent or guardian of the minor. Such consent shall be attached to the record book as a part of the permanent record.

3. NOTIFY POLICE. Any pawnbroker shall notify the local police immediately upon receipt of an item that he or she believes or has reason to believe is stolen property. Such an item shall not be disposed of or altered without written permission from the Lyon County Sheriff's Department.

CHAPTER 3: LICENSING

ARTICLE 6 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

6.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Peddler" shall mean any person carrying goods or merchandise from house-to-house or upon the public street.

2. "Solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.

3. "Transient merchant" shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

6.02 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this ordinance.

6.03 EXEMPTIONS. The following groups or persons shall be exempt from the provisions:

1. Newspapers. News boys and girls.

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

3. Farmers. Farmers who offer for sale products of their own raising.

4. Students. Students representing the George Little Rock Community School District conducting projects sponsored by organizations recognized by the school.

5. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

6.04 RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPT. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 6.05 - 6.13 of this ordinance. All such organizations shall be required to submit in writing to the city clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor for his or her efforts and the amount thereof. If the city clerk shall find that the organization is a bona fide charity or religious organization he or she shall issue, free of charge, a license containing the above information to the applicant.

6.05 APPLICATION. An application in writing shall be filed with the city clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, right thumb print, and, unless a solicitor, be accompanied by a certificate that the applicant is in good health and free from contagious diseases, signed by a local physician. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. A fee of $2.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

6.06 BOND REQUIRED. Before a license under this chapter shall be issued, each applicant shall post a bond of $1,000 with the clerk. Such bond shall be conditioned to indemnify and pay the city for any penalties or costs occasioned by the enforcement of this chapter, and shall not be retired until after a lapse of one year from the expiration of each license.

6.07 FEES. Every licensee shall pay a fee prior to receiving a license as established by the City Council. The following are fees before a license shall be issued:

1. PEDDLERS:

   a. For one day or any part thereof $10.00.
   b. For more than one day up to one week $50.00 per week.
   c. For up to 6 months $100.00.
   d. For one year or a major part thereof $200.00.

2. SOLICITORS:

   a. In addition to the investigating fee for each person actually soliciting (principal or agent), a fee for the principal solicitor of $10.00 per year shall be charged.

6.08 DISPLAY. Each solicitor or peddler shall at all times while doing business in this city keep in his or her possession the license provided for in this article, and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this chapter. Each transient merchant shall display publicly his or her license in his or her place of business.

6.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

6.10 REBATES. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded.

6.11 REVOCATION. The city council, after notice and hearing, may revoke any license issued under this chapter where the licensee in the application for the license or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his or her business in an unlawful manner, or the licensee has conducted his/her business in such a manner as to endanger the public welfare, safety, order or morals.

6.12 EXPIRATION. All licenses granted under this chapter shall expire at 6:00 p.m. of the last day for which the license is issued.

6.13 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 82.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to which he or she sells a product or service and, comply with the other requirements of the law.

6.14 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight (8) a.m. and six (6) p.m.

6.15 NOTICE. The license holder and the survey on his or her bond shall be served with written notice containing particulars of the complaints against him or her, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

6.16 HEARING. The city council shall conduct a hearing at which both the licensee and any complaints shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or his or her authorized representative, fail to appear without good cause the clerk may proceed to a determination of the complaint.

6.17 RECORD AND DETERMINATION. The city council shall make and record findings of fact and conclusion of law, and shall revoke a license only when upon review of the entire record he or she finds clear and convincing evidence of substantial violation of this article or state law.

6.18 APPEAL. If the city council revokes, or refuses to issue a license, they shall make a part of the record their reasons therefore. The licensee, or the applicant, shall have a right to a hearing before the city council at its next regular meeting

CHAPTER 4: RESTAURANTS

ARTICLE 7 - GENERAL PROVISIONS

No current ordinances at this time.

TITLE VI BUILDING REGULATIONS

CHAPTER 1: BUILDING CODE

ARTICLE 1 - GENERAL PROVISIONS

1.01 Reserved for Future Use.

1.02 BUILDING OFFICIAL. The building official shall be responsible for the enforcement of this ordinance. The council may either appoint a person to be the building official or designate some other officer to carry out the duties of the building official. A building official will be employed by the City when appropriate to carry out the regulations that are set forth herein.

1.03 GENERAL, DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this ordinance, the city building code or any other ordinance, are, for the purpose of this ordinance, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in sections 3, 4, 5 6 and 7 below.

"Unsafe building" shall mean any structure or mobile home meeting any or all the following criteria:

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

2. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 20 lb. per sq. ft.

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

4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

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

6. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the State Fire Marshall or city fire chief to be a fire hazard.

11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

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

1.04 NOTICE TO OWNER. The building official shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this ordinance, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the building official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the building official.

Such notice shall be served in the manner provided for service of original notice of the Iowa Rules of Civil Procedure upon the owner of record, if he or she shall be found within the city limits. If he or she is not found within the city limits, such service may be made upon said owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the building official shall begin as of the date he or she receives such notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed or demolished, and such request shall be made at least 3 days before the deadline set in the notice if less than 15 days was set, and at least 10 days if over 21 days was set.

1.05 POSTING OF SIGNS. The City Council shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER - UNSAFE TO OCCUPY, City Council, and City of George. Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed except for the purposes of making the required repairs or of demolishing the building.

1.06 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the city council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the City Council to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

1. A Property owner may demolish a house or other structure located within City limits. The owner shall file an application with the City Clerk at least fifteen (15) days prior to the demolition date. A fee of fifty dollars ($50) shall accompany the application.

2. The application shall be made in writing, filed with the building official or council and contain the following information:

   a. Name. The name and address of the structure.
   b. Location. The street address and full legal description of the property.
   c. Identify structure to be removed.

3. The following guidelines shall be met:
   - The water line will be terminated at the shut off valve. The property owner is hereby notified that he is responsible for the water line to the city main, even though the line is terminated at the shut off valve at the time of demolition.
   - The sewer line is to be cemented shut at or near the exterior wall line of the structure. (Ordinance 122)
   - The water line terminal point will be marked on the surface with a T-post painted blue.
   - All concrete footings, wall, and flooring are to be removed from the site. No trash or debris shall remain in the soil or on the surface.
   - The basement area is to be filled level with the lot line grade with at least an 8" depth of black dirt on the top. This area shall be seeded with grass and must be kept mowed along with all the property surrounding this area.

1.07 CONSTRUCTION/OCCUPANCY. No building or other structure shall be erected, altered, repaired, used, or occupied within the city without first receiving a permit.

1.08 APPLICATION. Application shall be made in writing and filed with the City Clerk and approved by the Council. A fee of $50.00 shall accompany the application and contain the following information:

1. Name. The name and address of the applicant.

2. Location. The street address and full legal description of the property.

3. Proposed Work. The nature of work proposed to be done.

4. Use. The use for which the structure is or will be used.

5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the building official may require.

6. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction as is to be demolished and of all existing buildings.

1.09 AMENDMENTS. Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

1.10 COMPLETION OF EXISTING BUILDINGS. Nothing contained in this chapter shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before approval and adoption of the City's 2008 Municipal Code; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two (2) years after the issuance of such permit.

1.11 APPLICATION APPROVED. It shall be the duty of the City Council to examine applications for permits within a reasonable time after filing. If, after examination, he or she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he or she shall forward his or her findings to the council for their approval and disapproval.

1.12 ACTION BY COUNCIL. The council shall, within sixty (60) days, either approve or disapprove the application. If disapproved, the council shall state its reasons for disapproval and notify the applicant of same. If approved, the council shall instruct the building official to issue the building permit to the applicant. Said permit shall be issued in triplicate, one copy for the applicant, one copy for the county assessor and one copy to be retained in the city records.

1.13 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, repair, use or occupancy shall not cause or be the source of the following:

1. Noise. Any undue noise.

2. Electrical Interference. Any undue radio or television interference.

3. Odors. Any offensive odors.

4. Refuse. Any offensive or unsightly refuse.

5. Smoke. Any offensive or undue smoke.

6. Fire Hazard. Any fire hazard.

7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.

8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.

9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

1.14 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

1.15 POSTING OF PERMIT. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work until the completion of same. The council may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The City Council shall be given at least twelve (12) hours, notice of the starting of work under a permit.

1.16 REVOCATION. The council may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

1.17 PERMIT VOID. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect.

1.18 CERTIFICATE OF OCCUPANCY. No building shall be occupied or the use of a parcel of land be changed before a certificate of occupancy has been issued. A certificate of occupancy shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the City Council after the erection or alteration of a building or change in the use of a parcel of land shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the City Council for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by these regulations and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

1.19 CONTENT OF CERTIFICATE OF OCCUPANCY. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the council and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy.

1.20 RESTRICTED RESIDENCE DISTRICT ESTABLISHED. The following area is hereby defined and established as a restricted residence district:

All that area lying within the corporate limits of the city except the following described area:

Railroad property and railroad right-of-way. All of Block 8; All of Block 9, except lots 1, 2, 3, 4, 5, 6, 7, 8; All of Block 16; All of Block 17; All of Block 20; Lots 1, 2, 3, 4, Block 29.

And except for the following described property:

1. 300 E. Dakota Ave. - unplatted lots 150' x 80' in SW 1/4 of SW ¼ 36-99-44;

2. 304 E. Dakota Ave. - unplatted lots 150' x 72.5' in SW ¼ of SW ¼ 36-99- 44;

3. 301 N. Virginia St. - portion of Agr Land, SW ¼ 35-99-44 – extreme SE corner;

4. 305 E. Michigan Avenue - Wilhelm's Addition, Block 3, W 75' of Lot 7, Lots 8, 9 and 10.

5. 300 E. Michigan Avenue - Wilhelm's Addition, Block 2, Lot 11 and W 40' of Lot 12.

6. 201 E. Michigan Avenue - George OT, Block 18, Lots 1, 2, 3 & 4

7. 100 S. Virginia St. George OT, Block 8, Lots 21, 22 and 23

8. 300 S Sidney St. - George OT, Block 27, Lots 1-, included

9. 303 E. Ohio Ave. - Wilhelm's Addition, Block, Lot 8

10. 302W. Boiler Ave., and 306W. Boiler Ave. - both are in Jennings Addition, Lots 1, 2 except 100' x 60' in NE corner S 55' of N 115' of E 100' of Lot 2

11. 108 E Boiler Ave. - George CT, Block 20, S 50' of Lots 1 & 2

12. 600 S Virginia St. - Ag LD W ½ of SW ¼ of RR exc. 6A 1-98-44

13. 511 S. Baldwin St. - George OL 150' x 130' in SE corner of OL 3

14. 205 S. Baldwin St. - George CO, Block 19, Lots 20, 21 & 22

15. 200 E. Boiler Avenue - George OT, Block 19, S ½ of Lots I & 2

16. 504 W. Boiler Avenue and 506 W. Boiler Avenue - both are portions of Ag LD E ½ of SW ½ and 3A in W ½ and 3A in W ½ of SW ¼ 1-98-44

17. 324 1st Ave. North - LaCour's 3rd Addition, Lot size 320' x 200'

18. 401 S. Main St. George OT, Block 32, Lots 1, 2,3 & 4

19. E. 106 Ohio Ave. - George OT, Block 29, Lot 7

20. 307 W. Calumet Ave. portion of George Outlot 1

21. 100 W. Ohio Ave. - George OT, Block 28, Lots 7 & 8

22. 206 E. Iowa Ave. - George OT, Block 6, Lots 21

23. 202 E. Iowa Ave. - George OT, Block 6, Lots 23 & 24

(Editor's Note: Ordinance 175, passed & approved on August 6, 2003 amended section 1.21)

1.21 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than fifteen (15) feet from the property line, except as follows:

1. Between Existing Buildings. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closet front corners of the adjacent buildings on the two (2) sides, or

2. Adjacent to Existing Building. Where a building is to be erected on a parcel of land that is written one hundred (100) feet of an existing building on one side only within the same block, such building may be erected as close to the street as a line drawn from the closest front corner of that building to a point fifteen (15) feet back from the front lot line measured at the center of the lot on which the proposed building is to be erected.

3. Double Frontage. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

1.22 SIDE YARD REQUIREMENTS. Within the restricted residence district, no building shall be erected closer than five (5) feet to either side lot line. Building extremities shall include the overhang of roof or any part of structure.

1.23 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each building of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

1.24 DETACHED GARAGE. Within the restricted residence district, the extremities of detached garage or other accessory building not attached to the principal building shall be erected not closer than five (5) feet to any side or rear yard line. Building extremities shall include roof overhang or any part of structure thereof.

1.25 CERTIFYING ORDINANCES. Within fifteen (15) days of the effective date of the adoption of any amendments to the provisions of this chapter the clerk shall certify such amendment to the county recorder.

(Code of Iowa, Sec. 380.11)

1.26 PROCEDURE FOR THE GRANTING OF VARIANCES. Upon application made to the building official or to the council, the council may consider variances to the regulations set forth under these cases such variances to the regulations set forth under this article. The council shall have authority to authorize in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where a property owner can show by reason of exceptional shallowness, narrowness, topography, shape or other peculiar situations affecting the lot, that the strict application of the regulations in this article would actually prohibit the use of such property in a manner similar to that of other property controlled by this article. The council must be satisfied, by the evidence presented by the interest of the city and that without the variance there is a hardship suffered by the property owner and that there are practical difficulties in the enforcement of the ordinance as it relates to this particular property. Each application for variance must be considered separately by the council and the decision to grant or deny the variance shall be based on the particular facts in each case. The council's decision concerning the granting of a variance shall be final.

Editor's Note

Suggested for of notice and of a resolution and order of the council for the administration of this chapter is provided in the Appendix of this Code of Ordinances.

See Appedix B – Zoning Appendix Title VII pg. 341

CHAPTER 1: BUILDING CODE

ARTICLE 2 - PUBLIC BUILDINGS - TOILET FACILITIES

2.01 MINIMUM TOILET FACILITY STANDARD.

1. Places of assembly for public use including but not limited to theaters, auditoriums, and convention halls, constructed on or after January 1, 1991, shall conform to the standards for minimum plumbing facilities as provided in the Uniform Plumbing Code.

2. Restaurants, pubs and lounges constructed on or after January 1, 1991 shall conform to the standards for minimum plumbing facilities as provided in the Uniform Plumbing Code.

3. All toilets installed pursuant to this section shall be water efficient toilets which use three (3) gallons or less of water per flush.

(Code of Iowa, Sec. 104B.1)

CHAPTER 1: BUILDING CODE

ARTICLE 3 - MOBILE HOMES & MOBILE HOME PARKS

3.01 PURPOSE. The purpose of this chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals and welfare.

3.02 DEFINITIONS. For use in this chapter the following are defined:

1. "Mobile Home" or "House Trailer": shall mean any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

(Code of Iowa, Sec. 135D.1(1))

2. "Mobile Home Park" or "Trailer Camp": shall mean any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. The term "mobile home park" shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own premises and used exclusively to house their own labor or students. These temporary structures shall be for a larger period of time is made with the approval of the city council.

(Code of Iowa, Sec. 135D.1(2))

3.03 LOCATION OF MOBILE HOMES. It shall be unlawful for any person, firm or corporation to park or place any mobile home on the streets, alleys or highways, any public place, or on any private land within this city, except as is provided by state law and this chapter. This section shall not apply to:

1. Mobile Home Parks. Mobile homes parked or placed within duly licensed mobile home parks.

2. Dealer's Stock. Mobile homes parked upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

3.04 SPECIAL PERMITS. The council, upon application of a mobile home owner, may issue special permits for the location of mobile homes outside mobile home parks. The council shall issue such special permits only when it appears that location within local mobile home parks is impracticable and public health, safety and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of five (5) years, but upon expiration of a permit reapplication may be made. Not more than one mobile home shall be permitted to be located on the same premises outside of mobile home parks.

3.05 APPLICATION FOR SPECIAL PERMIT. Application for a special permit shall contain:

1. Description of Mobile Home. A description of the applicant's mobile home.

2. Property Description. A property description of the place where the mobile home will be located.

3. Property Owner. The name of the owner of the premises upon which the mobile home will be located together will the written approval from the owner of the premises where the mobile home will be located.

4. Sanitation Facilities. Information on sanitation facilities of the mobile home and those available at the place of location.

5. Mobile Home Park. A statement concerning the practicality of location within a local mobile home park.

6. Duration of Permit. A statement of the desired duration of the special permit.

3.06 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys or highways or any other public or private place for a period not in excess of twenty-four (24) hours shall not constitute a violation of Section 3.03, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this city.

3.07 MOBILE HOME PARK LICENSE. No person, firm or corporation shall establish, maintain, conduct or operate a mobile home park within this city without first obtaining an annual license therefore from the state department of health. No person, firm or corporation shall construct, expand, remodel or make such alterations to the sanitary facilities in a mobile home park within this city without first obtaining a permit therefore from the state department of health.

(Code of Iowa, Sec. 135D.3 & 135D.7)

CHAPTER 1: BUILDING CODE

ARTICLE 4 - MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES

4.01. STRUCTURES. All structures intended for residential occupancy placed, erected, assembled or constructed in the City after the effective date approved by Council shall meet and comply with the following minimum requirements.

4.02. STRUCTURE SIZE: Each such structure shall have a "main body" with a minimum exterior dimension of at least sixteen feet (16') measured from outside of the exterior walls.

4.03. MINIMUM FLOOR AREA: Each such structure shall have a minimum floor area of not less than eight hundred (800) square feet. [In order to comply with the provisions of the foregoing section 3.02 and this subsection 4.03, the minimum exterior dimensions of a residential structure shall not be less than sixteen feet by fifty feet (16' x 50')]. A structure may include porches, sunrooms, garages and "wings" of lesser dimensions and area, so long as the "main body" meets the minimum requirements.

4.04. FOUNDATION: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured home if a perimeter foundation is incompatible with the structural design of the manufactured home structure. For such a manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site.

Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line. The structure must be permanently attached to the foundation.

4.05. EXTERIOR WALL AND ROOF MATERIAL:

1. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding or lap siding, or the appearance thereof.

2. Roofing material shall be shingles (asphalt, fiberglass or wood), slate, ceramic, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal.

3. Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.

4. Soffits, eaves, window and door trim (not exceeding 18 inches in width), roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.

4.06. CEILING HEIGHT: A minimum finished ceiling height of not less than seven and one-half (71/2') feet.

4.07. ENTRANCE AND EXIT DOORS: Not less than two (2) functional entrance and exit doors.

4.08. WHEELS, AXLES OR TOWING DEVICE. No residence structure shall have attached wheels, axles or a towing device.

4.09. EXEMPTION. The provisions of this Article 3 shall not apply to "mobile" or "manufactured" homes placed in a mobile home park or a mobile home subdivision in compliance with the zoning or subdivision ordinances of the City of George.

CHAPTER 2: FIRE LIMITS

ARTICLE 5 - GENERAL PROVISIONS

5.01 FIRE LIMITS ESTABLISHED. The fire limits (Fire Zone No. 1) are established to include the following property:

The City of George and surrounding communities because of Mutual Aid.

5.02 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the fire limits, until a plan of the proposed work, together with a statement of materials to be used shall have been submitted to the building inspector or mayor etc., who if the proposal is in accordance with the provisions of the building code, shall issue a permit for the proposed work.

5.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the fire limits, unless constructed in strict compliance with the provisions of the city building code for Fire Zone No. 1.

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

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

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

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

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

CHAPTER 3: SIGNS

ARTICLE 6 - GENERAL PROVISIONS

6.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Sign" shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

2. "Ground sign" shall mean any sign supported by uprights or braces placed upon the ground and not attached to any building.

3. "Wall sign" shall mean all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

4. "Roof sign" as regulated by this ordinance shall mean any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

5. "Projecting sign" as regulated by this ordinance shall mean any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached. All projecting signs shall be illuminated signs, as defined by this ordinance.

6. "Illuminated sign" shall mean any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

7. "Facing" or "Surface" shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

8. "Incombustible material" shall mean any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

9. "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

10. "Structural trim" shall mean the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

11. "Erect" shall mean to build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.

12. "Street line" shall mean the place where the public sidewalk begins and the private property line ends.

6.02 UNSAFE AND UNLAWFUL SIGNS. If the Zoning Administrator shall find that any sign or other advertising structure regulated hereunder is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he or she shall give written notice thereof to the permit holder. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order within ten days (10) after such notice, said sign or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the council, and if such an appeal is on file, the ten-day (10) compliance period shall be extended until ten days (10) following the council's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he or she may order the appealed to the Board of Adjustments, and if the Board reverses, it shall order restitution at the city's expense.

6.03 PAINTING REQUIRED EVERY TWO (2) YEARS. The owner of any sign as defined and regulated by this ordinance shall be required to have properly painted at least once every two (2) years all parts and supports of the said sign, unless the same are galvanized or otherwise treated to prevent rust.

6.04 WIND PRESSURE AND DEAD LOAD REQUIREMENTS. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the City of George, Iowa.

6.05 REMOVAL OF CERTAIN SIGNS. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the building inspector, and upon failure to comply with such notice within the time specified in such order, the building inspector is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

6.06 EXEMPTIONS. The provisions and regulations of this ordinance shall not apply to the following signs, provided however, said signs shall be subject to the provisions of Article 6.02 of this Chapter.

1. REAL ESTATE. Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only.

2. PROFESSIONAL. Professional nameplates not exceeding one (1) square foot in area.

3. PAINTED ON EXTERIOR OF BUILDING. Signs painted on the exterior surface of a building or structure, provided, however, if said signs have raised borders, letter, characters, decorations or lighting appliances, they shall be subject to the provisions of this ordinance.

4. BULLETIN BOARDS. Bulletin boards not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.

5. CONSTRUCTION SIGNS. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding sixteen (16) feet in area.

6. OCCUPATIONAL SIGNS. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding two (2) square feet in area.

7. MEMORIAL SIGNS. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

8. TRAFFIC SIGNS. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the city council.

6.07 OBSTRUCTIONS TO DOORS, WINDOWS OR FIRE ESCAPES. No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

6.08 SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD. No sign or advertising structure as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley.

6.09 FACE OF SIGN SHALL BE SMOOTH. All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude there from, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

6.10 GOOSE NECK REFLECTORS. Goose neck reflectors and lights shall be permitted on ground signs, roof signs, and wall signs, provided however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.

6.11 SPOTLIGHTS AND FLOODLIGHTS PROHIBITED. It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

6.12 REMOVAL UPON ABANDONMENT OF USE. It is the responsibility of the owner of the sign to remove such sign when its advertising or other commercial use is abandoned.

CHAPTER 3: SIGNS

ARTICLE 7 - TYPES OF SIGNS

7.01 GROUND SIGNS. The requirements for ground signs shall be as follows:

1. MATERIALS REQUIRED. All ground signs for which a permit is required under this Chapter shall have a surface or facing of incombustible material; provided however, that combustible structural trim may be used thereon.

2. LETTERS, ETC. TO BE SECURED. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

3. HEIGHT LIMITATION. It shall be unlawful to erect any ground sign whose total height is greater than twenty (20) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above street level.

4. SPACE BETWEEN SIGN AND GROUND AND OTHER SIGNS AND STRUCTURES. Ground signs shall have an open space not less than two (2) feet between the base line of said sign and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half of the square footage of such open space. No ground sign shall be nearer than two (2) feet to any other sign, building or structure.

5. SETBACK LINE. No ground sign shall be nearer the street than the building line established by law.

6. BRACING, ANCHORAGE AND SUPPORTS. All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three and one-half (3 1/2) feet below natural surface of the ground, and shall be supported and braced by timbers or metal rods in the rear thereof, extending from the top thereof to a point of the ground at least a distance equal to one-half the height of such sign, measured along the ground, from the posts or standards upon which the same is erected.

7. SUPPORTS, ETC., TO BE TREATED. All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter the ground.

8. PREMISES TO BE KEPT FREE OF WEEDS, ETC. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

7.02 WALL SIGNS. The requirements for wall signs shall be as follows:

1. MATERIALS REQUIRED. All wall signs for which a permit is required under this Chapter shall have a surface or facing of incombustible material; provided however, that combustible structural trim may be used thereon.

2. LIMITATION ON PLACEMENT AND AREA. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached and any one wall sign shall not exceed an area of five hundred (500) square feet.

3. PROJECTION ABOVE SIDEWALK AND SETBACK LINE. No wall sign shall be permitted to extend more than six (6) inches beyond the building line, and shall not be attached to a wall at a height of less than ten (10) feet above the sidewalk or ground.

4. SUPPORTS AND ATTACHMENT. All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than 3/8 inch in diameter embedded in said wall at least five inches; provided however, that such signs may rest in or be bolted to strong, heavy, metal brackets or saddles set not over six (6) feet apart, each of which shall be securely fixed to the wall as hereinbefore provided. In no case shall any wall sign be secured with wire, strips of wood or nails.

5. WIND PRESSURE AND DEAD LOAD REQUIREMENTS. All wall signs shall conform to the requirements of Article 7.04 of this Chapter.

7.03 ROOF SIGNS. The requirements for roof signs shall be as follows:

1. MATERIALS REQUIRED. Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials; provided however, that combustible structural trim may be used thereon.

2. HEIGHT AND AREA LIMITATIONS. No roof sign shall have a surface or facing exceeding three hundred (300) square feet, nor have its highest point extended more than twenty (20) feet above the roof level.

3. SETBACK FROM ROOF EDGE. No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.

4. SPACE BETWEEN SIGN AND ROOF. All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level, and have at least five (5) feet clearance between the vertical supports thereof.

5. PROHIBITED OBSTRUCTIONS. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to another part thereof or interfere with openings in said roof and shall comply with Article 6.07 of this Chapter.

6. BRACING, ANCHORAGE AND SUPPORTS. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fireproof material, the bearing plates of said sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.

7. WIND PRESSURE AND DEAD LOAD REQUIREMENTS. All roof signs shall conform to the requirements of Article 7.04 of this Chapter.

7.04 PROJECTING SIGNS. The requirements for roof signs shall be as follows:

1. APPROVAL REQUIRED. Every projecting sign, including the frames, braces and supports thereof, shall be designed by a structural engineer or manufacturer, and shall be approved by the building inspector as in compliance with the building code of the city, and by the electrical inspector as in compliance with the electrical code of the city, shall be constructed of incombustible materials, shall be illuminated, and shall be two-faces.

2. ILLUMINATION. The reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property; and no floodlight or spotlight nor reflectors of the goose neck type shall be permitted on projecting signs.

3. LIMITATION OF GLASS. The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semitransparent incombustible material. Any glass forming a part of any sign shall be safety glass or plate glass at least 1/4 inch thick and in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be wired glass. One section, not exceeding three (3) square feet in area, constructed of wire glass or safety glass shall be permitted on each side of a sign.

4. MOVABLE PARTS TO BE SECURED. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains or hinges.

5. AREA LIMITATIONS. Projecting signs shall be limited in area as follows:

   a. Horizontal projecting signs fifty square feet each side. Horizontal projecting sign means any sign which is greater in width than in height.

   b. Vertical projecting signs one hundred square feet each side. Vertical projecting sign means any sign which is greater in height than in width.

6. THICKNESS LIMITATION. The distance measured between the principal faces of any projecting sign shall not exceed eighteen inches.

7. PROJECTION OVER PUBLIC PROPERTY. Every projecting sign shall be placed at least twelve feet above the public sidewalk over which it is erected, and of a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor less than one (1) foot. Every projecting sign erected over public driveways, alleys and thoroughfares shall be placed not less than fifteen feet above the level of same.

8. OBSTRUCTIONS AND TRAFFIC HAZARDS. Every projecting sign shall be erected in full compliance with sections 6.07 and 6.08 of this Chapter.

9. BRACING, ANCHORAGE AND SUPPORTS. Projecting signs exceeding ten square feet in area or fifty pounds in weight shall not be attached to nor supported by frame buildings nor the wooden framework of a building. Said signs shall be attached to masonry walls with galvanized expansion bolts at least 3/8 inch in diameter, shall be fixed in the walls by means of bolts extending through the wall, and shall contain proper size metal washer or plate on the inside of the wall.

10. ANCHORAGE WITH WIRE, ETC. PROHIBITED. No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any sign.

11. V-SHAPED SIGNS PROHIBITED. V-shaped signs, consisting of two (2) single faced signs erected without a roof or ceiling shall not be permitted.

CHAPTER 3: SIGNS

ARTICLE 8 - PERMITS

8.01 PERMITS REQUIRED. It shall be unlawful for any person to erect, repair, alter, relocate or maintain within the city any sign or other advertising structure as defined in this Chapter, without first obtaining an erection permit from the Zoning Administrator and making payment of the fee required by article 8.02 hereof. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required thereunder.

8.02 APPLICATION FOR ERECTION PERMIT. Application for erection permits shall be made upon blanks provided by the building inspector and shall have attached thereto the following information:

1. Name, address and telephone number of the applicant.

2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

3. Position of the sign or other advertising structure in relation to nearby buildings or structures.

4. One blueprint or drawing of the plans and specifications and method of construction and attachment to the building or in the ground.

5. Name of person, firm, corporation or association erecting structure.

6. Written consent of the owner of the building, structure or land on which the structure is to be erected.

7. Such other information as the building inspector shall require showing full compliance with this chapter and all other ordinances of the City.

8.03 ILLUMINATED SIGNS; APPROVAL BY ELECTRICAL INSPECTOR. The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the city, and he or she shall approve said permit if the said plans and specifications comply with said Code or disapprove the application if noncompliance with said Code is found. This said action of the electrical inspector shall be taken prior to submission of the application to the building inspector for final approval or disapproval of the erection permit.

8.04 PERMIT ISSUED. It shall be the duty of the building inspector upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear the proposed structure is in compliance with all the requirements of this Chapter and all other ordinances of the City of George Iowa, he or she shall then issue the erection permit. If the work authorized under an erection permit has not been completed within six months after date of issuance, said permit shall become null and void.

8.05 PERMIT FEES. Every applicant, before being granted an erection permit, shall pay to the city clerk the annual permit fee. The fee amount for this annual permit is ten dollars ($10.00).

8.06 ANNUAL INSPECTION AND FEES. The building inspector shall inspect annually, or at such times as he or she deems necessary, each sign or other advertising structure regulated by this Chapter for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair; and to meet the expense of such inspection the permit holder shall pay to the city clerk the sum five dollars ($5.00) No inspection fee other than the permit fee as required in Article 5.06 in this Chapter shall be charged during the calendar year in which the sign or other advertising structure is erected.

8.07 REVOCATION OF PERMIT. Any permit holder who fails to comply with a valid order of the building inspector within the allotted time period, or who fails to pay reasonable removal or repair expenses assessed under the preceding Article shall have his or her permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to permit holder for a period of one (1) year from the date of revocation.

CHAPTER 4: TREES

ARTICLE 9 - GENERAL PROVISIONS

9.01 DEFINITIONS. For use in this chapter, the following term is defined:

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

2. "Superintendent" means the superintendent of streets or such other person as may be designated by the council.

9.02 ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. PLANTING. The following regulations shall be followed in the planting of trees within the city property.

   a. Size. All trees planted on the streets shall be of sufficient size to warrant satisfactory results and stand the abuse common to street trees.

   b. Grade. Unless otherwise allowed for substantial reasons, all standard sized trees shall have comparatively straight trunks, well-developed leaders, and tip and root characteristics of the species or variety showing evidence of proper nursery pruning. All trees must be free of insect, disease, mechanical injuries and other objectionable features at the time of planting. To compensate for any serious loss of roots, the top of the tree should be reduced by thinning or cutting back as determined by the growth characteristics of the tree species. The leader shall not be cut off in such trimming.

   c. Planting. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to driveways.

   d. Method of support. Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the trees or endanger public safety.

2. TRIMMING OR PRUNING. Trees shall be trimmed or pruned with prior approval from the tree board according to the following:

   a. All cuts are to be made sufficiently close to the parent stem so that healing can readily start under normal conditions.

b. All dead and diseased wood shall be removed.

c. All limbs one inch in diameter or more must be precut to prevent splitting.

d. A crossed or rubbing branch shall be removed where practicable, but removal shall not leave large holes in the general outline of the tree. Crossed or rubbing branches may be cabled apart.

e. Where there is a known danger of transmitting disease by tools, said tools shall be disinfected with alcohol before use on another tree.

f. No topping or dehorning of trees shall be permitted except by special written permission of the city. Trees becoming stag-headed may have the dead portions removed back to sound green wood, with a proper forty-five (45) degree cut only.

g. Elm wood trimmed, pruned or removed shall not be used for any purpose, but shall be disposed of immediately by burning or burying.

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

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

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

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

9.05 REMOVAL OF TREES TO BE SUPERVISED. It shall be unlawful for any person to kill or remove any tree in a street or public place unless the work is done with prior approval of the tree board.

9.06 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice on the abutting property owner requiring him or her to do so within thirty (30) days. If he or she fails to trim the trees within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

CHAPTER 4: TREES

ARTICLE 10 - DISEASE CONTROL

10.01 TREES SUBJECT TO REMOVAL. The council having determined that the health of any tree within the city is threatened by a fatal disease hereby declares the following shall be removed:

1. LIVING OR STANDING TREES. Any living or standing tree or part thereof infected with a disease fungus or which harbors any of the elm bark beetles and Emerald Ash Borer that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh.).

2. DEAD TREES. Any dead tree or part thereof including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or sprayed with an effective destroying insecticide.

10.02 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material infected with Dutch elm disease or Emerald Ash Borer to remain on the premises owned, controlled or occupied by him or her within the city.
(Code of Iowa, Sec, 357.2 (12))

10.03 INSPECTION. The city shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 10.01 of this Chapter exists thereon, and shall also inspect or cause to be inspected any tree reported or suspected to be infected with a disease or any elm bark or ash bearing material reported or suspected to be infected with the elm bark beetles or ash borer beetle.

10.04 REMOVAL FROM CITY PROPERTY. If the city, upon inspection or examination, in person or by some qualified person acting for the city, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property within the city, and that the danger of other trees within the city is imminent, he or she shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of disease or the insect pests or vectors known to carry such disease fungus.

10.05 REMOVAL FROM PRIVATE PROPERTY. If the City upon inspection or examination, in person or by some qualified person acting for the city, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises, and that the danger to other trees within the city is imminent, he or she shall immediately notify by certified mail the occupant or person in charge of such property, to correct such condition within 14 days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12(3b & h))

10.06 REASONABLE CERTAINTY. If the city is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with a disease, a city representative is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

CHAPTER 5: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 11 - ABANDONED VEHICLES

11.01 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle" shall mean any of the following:
(Code of Iowa, Sec. 321.89(1b))

   a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates, or two (2) or more wheels or other parts which renders the vehicle totally inoperable.

   b. A motor vehicle that has remained illegally on public property for more than twenty-four (24) hours.

   c. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

   d. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of thirty (30) days. However, a police authority may declare the vehicle abandoned within the ten-day period commencing the notification process.

   e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

   f. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. “Demolisher” means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. “Police authority” means the Iowa highway safety patrol or any law enforcement agency of a county or city.
(Code of Iowa, Sec. 321.89(1a))

11.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned on private property. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lien holders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

11.03 NOTICE BY MAIL. The police authority or private entity which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lien holders 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 describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where it is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that failure of the owner, lien holders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lien holders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to the disposal of the personal property by sale or destruction. The notice shall 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 police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (10) day reclaim period, the owner, lien holders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lien holders or claimants after the expiration of the ten (10) day reclaiming period.

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

11.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 11.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mail notice in section 10.03.

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

11.05 EXTENSION OF TIME. The owner, lien holders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten (10) day reclaiming period, obtaining an additional five (5) days within which the motor vehicle or personal property may be reclaimed

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

11.06 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay three dollars $3.00 claimed within five (5) days of impounding, plus one dollar ($1.00) for each additional day within the reclaiming period plus towing charges if stored by the city, or upon payment of the towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges and the rate of storage charges by privately owned garages shall be established by resolution of the council.

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

11.07 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been claimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

11.08 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The city or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner or a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders a vehicle totally inoperable. The police authority shall give the applicant a certificate of authority in lieu of the certificate of title.

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

11.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of the auction, cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police authority shall apply for reimbursement the Department of Transportation.

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

11.10 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90(3a))

CHAPTER 5: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 12 – JUNK, JUNKED VEHICLES AND MACHINERY

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

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

2. BROKEN OR LOOSE PART. Any vehicle with a broken or loose fender, door, bumper, hood, door handle, window handle, running board, steering wheel, trunk top, trunk, tail pipe, or with missing or flat tires.

3. HABITAT FOR NUISANCE ANIMALS OR INSECTS. Any vehicle or piece of machinery which has become the habitat for rats, mice, or any other vermin or insects.

4. FLAMMABLE FUEL. Any vehicle or machinery which contains gasoline or any other flammable fuel.

5. DEFECTIVE OR OBSOLETE CONDITION. Any other vehicle or piece of machinery which, because of its defective or obsolete condition in any other way, constitutes a threat to the public health and safety.

6. OPERABLE ("ROAD-READY'). Any vehicle not in safe condition or road ready for use on any roadways.

7. UNINSURED. Any vehicle not insured and having proof of financial liability coverage.

8. VEHICLE means every device in, upon, or 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 includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

9 PARKED VEHICLES. Any vehicle and or machinery parked on any private or public property for a period of twenty-one (21) days, which allows weeds or grass to partially cover it.

10. INOPERABLE. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

11. "Junk" means all old or scrap copper, brass, lead or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliance; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.

There mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

12.02 JUNK, JUNKED VEHICLES AND MACHINERY A NUISANCE. Storage within the corporate limits of junk, junk vehicle, or junk machinery upon private property owned or controlled by the owner of the junk, junk vehicle or machinery, unless excepted by Article 12.03 constitutes a threat to the health and safety of the citizens and is a nuisance. If any junk motor vehicle or machinery is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

12.03 EXCEPTIONS. The provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

1. A garage or other enclosed building; or

2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefore, as authorized under the Zoning Ordinance of the City, when necessary to the operation of said business enterprise, but not including dismantling vehicles, machinery and appliances, or parts of such vehicles, machinery or appliances, or cargo boxes removed from trucks.

3. A vehicle in an appropriate storage space or depository maintained in a lawful manner by the city.

4. A display of an antique automobile provided that all of the following conditions are met:

    A. For the purposes of this subjection an “antique automobile” is one manufactured more than twenty (20) years prior to the date of display.

B. The property owner shall apply for permission from the city Council for the display, and shall pay a one-time fee of one hundred dollars ($100.00) if the display is approved. The City Council is authorized to require such documentation of intended display as deemed appropriate by the City Council and is also authorized to accept after-the-fact applications for any display which exist as of the date of the passage of the ordinance codified herein.

C. The vehicle shall be displayed together and maintained in an aesthetically pleasing manner, and continues to be do displayed.

D. The vehicle shall be displayed together with a sign identifying the vehicle and providing suitable information about the vehicle for those viewing the display.

E. The display shall be located in a commercially zone District of the City

F. No more than one such display shall exist on the property.

G. All other applicable zoning requirements shall be met.

12.04 NOTICE TO ABATE. Upon discovery of any junk motor vehicle or junk machinery stored upon private property in violation of Article 12.02, the Lyon County Sheriff's Department shall within five (5) days initiate abatement procedures.
(Code of Iowa, Sec. 364.12(3a))

CIVIL PENALTIES FOR JUNK, JUNKED VEHICLES AND MACHINERY. Any violation of this Chapter shall be a municipal infraction punishable by a fine of $50.00 for the first offense, $100.00 for the second offense, $150.00 for a third offense, and $200.00 for all subsequent offenses. The person who commits the violation may be given a notice in the citation to correct the violation within a stated reasonable amount of time and, if such correction is made within such time, the citation and civil penalty shall be withdrawn.

Each day the violation is permitted to exist constitutes a separate offense, except in the case of a violation which allows for a reasonable time to correct the violation and, in that case, the day following the deadline for such correction constitutes a separate offense if the violation continues to exist.
(Editor's Note: Section 12.04 was amended by Ordinance 171, approved by Council on June 6, 2001)

CHAPTER 6: JUNK DEALER

ARTICLE 13 - GENERAL PROVISIONS

13.01 LICENSE REQUIRED. It shall be unlawful for any person to engage in the vocation of junk dealer in the City of George without having a license as herein provided.

13.02 DEFINITIONS. The following definitions apply to this article.

1. "Junk Dealer": shall mean any person engaged in the business of collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration, restoration or salvage may furnish an item or items of value. The definition of a Junk Dealer and the requirements to license some are found on page 173, Chapter 5, Article 8.

2. "Junk": shall mean old or second hand vehicles, machinery, iron or other materials, rope, rags, glass, fabric, cordage, wood or paper not suitable for sale for the purpose for which the same was originally fabricated, but which is salvageable so as to be used again in some manner.

13.03 PERSONS ENTITLED TO BE LICENSED. Any person who satisfies the conditions prescribed for a license, and satisfies the council that his or her operation does not and will not endanger the public welfare, order, safety, health and morals shall be entitled to a license upon filing of proper application and paying the full fee required.

13.04 LICENSE FEE. The license fee shall be ~~five ($5.00)~~ one hundred ($100.00) dollars per annum, and shall expire one year after date of issue.
(Editor's note: Ordinance 217 passed and approved April 11, 2012 changes the fee for Junk Dealers.)

13.05 POWER TO INVESTIGATE AND INSPECT. The clerk shall have the power to inspect and investigate the conduct of the occupation licensed or to be licensed hereunder or to cause such an inspection or investigation to be made by the Lyon County Sheriff's Department.

13.06 REVOCATION OF LICENSE. The council, after giving licensee reasonable notice and a fair hearing, may revoke any license issued hereunder for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in his or her application for the license or in the conduct of his or her business.

2. Ordinance Violation. The licensee has violated this ordinance or has otherwise conducted his or her business in an unlawful manner.

3. Unsafe Conduct. The licensee has conducted his or her business in an manner endangering the public welfare, health, safety, order or morals.

13.07 NOTICE OF HEARING. The notice of hearing on revocation of a license shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of hearing and the reasons for the intended revocation.

13.08 TRANSFER PROHIBITED. In no case shall a license issued hereunder be transferable to another person or be used for purposes other than that for which it was issued.

13.09 REQUIREMENTS AND REGULATIONS. Applicants for a license hereunder shall comply with the following requirements and regulations:

1. MINORS. A junk dealer shall not purchase or receive junk from a minor unless he or she first receives the written consent of the parents or guardian of the minor. Such consent shall be attached to the record book as a part of the permanent record.

2. INSPECTION FOR STOLEN PROPERTY. In order to discover stolen property, peace officers shall be permitted to inspect the junk dealer's yard, store or establishment at all reasonable hours.

3. PUBLIC HEALTH. The health officer shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

4. FENCE REQUIRED. All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which fence shall be painted white. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and of equal height.

5. BURNING RESTRICTED. The burning of materials giving off offensive odors or smoke in quantities which are objectionable shall be prohibited.

6. LOCATION. The business of junk dealer shall be located only within areas where such operation is permitted by a valid zoning ordinance or restricted residence district ordinance.

7. RECORD BOOK. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.

8. SEGREGATE DAY'S COLLECTION. Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period no item shall be disposed of or altered in any manner.

CHAPTER 7: FIRE PREVENTION CODE AND FIRE FIGHTING

ARTICLE 14 - GENERAL PROVISIONS

14.01 PURPOSE. This chapter is adopted to provide the city with the rules, administration, and enforcement powers to protect persons and property against the dangers of fire or explosion by measures to enhance prevention of such occurrences and to maintain buildings in a safe condition by the proper and safe storage of materials, the preservation of adequate exits clear of obstruction, use of safe practices in furnishing buildings for the public safety and welfare of the citizens of the city.

14.02 ENFORCEMENT; FIRE MARSHAL. The chief of the fire department shall be the city fire marshal, who has the power and duty to conduct inspections and issue orders to enforce fire safety and the regulations adopted by this chapter, either by himself or through a designated deputy, named by the chief from among the membership of the volunteer fire department, who is trained in firemanship and knowledgeable of fire prevention measures. The fire chief has concurrent jurisdiction to enforce the state fire marshal's rules adopted in this chapter to enhance the public effort to prevent fires and explosions.

14.03 EXIT WAYS MAINTAINED. The provisions of state law on exits shall be reinforced by the city fire marshal, and it shall be the duty of the owner, agent or occupier of property, severally and collectively, to maintain the exits required by state law or by any city building code free from obstruction caused by storage of materials, placement of furniture, or by improper barring of exit doors. Whenever a condition which obstructs the required exits or unsafely prevents emergency use of exit doors, hallways, or passages to such doors, whether in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, retail stores, warehouses, hotels, motels, or multi-family dwellings with three or more dwelling units, the fire marshal shall order the condition remedied. The owner or occupant of the premises, upon receiving such an order in writing, shall make such corrections as have been so ordered by the authorized official within a reasonable time as set in the written order and the degree of imminent danger. The regulations of the state fire marshal, IAC 661, Chapter 5, which apply to exits and fire escapes, are adopted by reference.

14.04 FIRE EXTINGUISHER. The provisions of state law requiring fire extinguisher in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, hotels, motels, or multi-family dwellings with three or more dwelling units are adopted by reference and the city fire marshall shall enforce their requirements as they appear in IAC 661, Chapter 5. Portable fire extinguisher shall also be provided in retail stores, warehouses, and industrial establishments, with not less than one (1) such extinguisher on each floor of a building and located so that no person will have to travel more than seventy-five (75) feet from any point to reach the nearest extinguisher. Additional extinguisher may be installed in a building and may be required by the city fire marshal in areas that constitute a special hazard. The type and size of portable fire extinguisher shall be determined by the city fire marshal for the named commercial and industrial buildings in accordance with best practice as advised by the state fire marshal and the insurance industry.

14.05 STORAGE OF HAZARDOUS SUBSTANCES.

1. EXPLOSIVES. No person shall store explosives, as defined by state law and rules promulgated thereunder, classified as Class A, Class B, or Class C explosives by the Federal Department of Transportation, within the fire limits without a permit from the city fire chief except for quantities of twenty-five (25) pounds or less of smokeless powder or five (5) pounds or less of black powder for use in small arms, but a permit shall not be required for retail stocks of small arms ammunition for small bore rifles or shotguns customarily used in wild game hunting, or for target practice or skeet shooting. The city fire marshal shall have the power to limit the quantities of other explosives for which a permit is requested, but shall not grant permits for liquid nitroglycerin, dynamite with over 60% of liquid explosive ingredient, unstable types of dynamite, nitrocellulose, fulminate of mercury, explosive compositions that ignite spontaneously or markedly decompose to become more hazardous when subjected to 48 consecutive hours at a temperature of 167 degrees F.

2. FLAMMABLE AND COMBUSTIBLE LIQUIDS. The regulations for the storage and handling of flammable and combustible liquids as set forth in IAC 661, sections 5.300 et seq. are adopted by reference and shall be enforced by the city fire marshal. No flammable or combustible liquid shall be dispensed from underground tanks in residential areas except in public garages or motor fuel (service) stations which exist as legally nonconforming uses under the zoning chapter.

3. LIQUEFIED PETROLEUM GASES. The regulations for the storage and handling of liquefied petroleum gases as set forth in IAC 661, section 5.250 and 5.251 are adopted by reference and shall be enforced by the city fire marshal, and no installation exceeding 900 pound capacity shall be made without a city permit, conditioned on compliance with said state rules, issued by the city fire marshal.

14.06 MODIFICATIONS. The chief of the fire department shall have power to modify any of the provisions of this fire prevention chapter upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department. One signed copy of the decision of the chief of the fire department shall be furnished the applicant, and one signed copy shall be filed in the office of the city clerk.

14.07 APPEALS. Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning hereof have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within 30 days from the date of such decision.

14.08 PENALTIES. Any person who violates any of the provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions in the same manner as provided for in the chapter on nuisances.

14.09 INTERFERENCE WITH FIRE FIGHTING. It shall be unlawful to hinder or interfere with any officer or fireman in the performance of his or her duty at, or going to, or returning from a fire, or while attending to his or her duties as a member of the fire department.

14.10 DAMAGING FIRE DEPARTMENT PROPERTY. It shall be unlawful to cut, deface, destroy or injure any wires, poles, signal boxes, or any other property or fixtures belonging to or connected with the fire department or the fire alarm system.

14.11 FALSE ALARMS. No person, knowing the information is false, shall give or cause to be reported by any means a false report of fire.

14.12 DRIVING OVER FIRE HOSE. It shall be unlawful to drive or run any automobile, wagon, truck, locomotive, train of cars, or other vehicle across, along or upon any fire hose without the consent of any fire department official.

14.13 ASSISTING FIREMEN. It shall be unlawful for any person to refuse or neglect to assist the firemen in their duties at any fire when called upon to do so by the chief of the fire department or the officer acting in his or her place.

14.14 PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person having charge of any of the fire apparatus belonging to the city to allow or permit the same to be used for private benefit.

CHAPTER 8: FLOODPLAIN REGULATIONS

ARTICLE 15 - GENERAL PROVISIONS

15.01 STATUTORY AUTHORITY.

1. The legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

   A. The flood hazard areas of George are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

   B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

3. Statement of Purpose.

   It is the purpose of this ordinance to protect and preserve the rights, privileges and property of George and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 2 with its provisions designed to:

   A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

   B. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of Initial construction or substantial improvement.

   C. Protect individuals from buying lands which may not be suitable for intended purposes because of flood hazard.

   D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

15.02 GENERAL PROTECTION.

1. Lands to Which Ordinance Apply. The provisions of this Ordinance shall apply to all lands within the jurisdiction of George which is located within the boundaries of the Flood Plain (Zone A) District as established in Section 15.03 of this Chapter.

2. Rules for Interpretation of Flood Plain (Zone A) District. The boundaries of the Flood Plain (Zone A) District shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the George building inspector or a member of the Department of Natural Resources, State of Iowa, shall make the necessary interpretation.

3. Compliance. No structure or land shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

4. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

5. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of George or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

7. Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected thereby.

15.03 ESTABLISHMENT OF FLOOD PLAIN (OVERLAY ZONE A) DISTRICT. The areas within the jurisdiction of George having special flood hazards are hereby designated as Flood Plain (Zone A) District (as well as those for the underlying zoning district). The Flood Plain (Zone A) District boundaries shall be shown on the Flood Insurance Rate Map (FIRM) for the city of George, dated August 1, 1986.

15.04 STANDARDS FOR FLOOD PLAIN (ZONE A) DISTRICT. All uses shall meet the following applicable standards. Where needed, the Department of Natural Resources shall be contacted to compare 100-year flood elevation and floodway data.

1. All development within the Flood Plain (Zone A) District shall:

   A. Be consistent with the need to minimize flood damage.

   B. Use construction methods and practices that will minimize flood damage.

   C. Use construction materials and utility equipment that are resistant to flood damage.

   D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Structures:

   A. New or substantially improved residential structures shall have the first floor (to include basement) elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

   B. New or substantially improved non-residential structures shall have the first floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When flood-proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Administrator.

C. All new and substantially improved structures:

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designated to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade,

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Factory-Built Homes:

A. Factory-built homes, including those placed in existing factory built home parks or subdivisions, shall be anchored to resist flotation or lateral movement.

B. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

4. Subdivision (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this section. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood.

5. Utility and Sanitary Systems.

   A. All new replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

   B. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

   C. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

   D. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damaged or impaired systems.

6. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must be either similarly elevated or:

   A. Not be subject to major flood damage and be anchored to prevent movement due to flood waters, or,

   B. Be readily removable after flood warning.

8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Accessory Structures to Residential Uses

1. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of (Section 15.04 (2) C (1)) of this Ordinance.

2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

10. Recreational Vehicles

1. Recreational vehicles are exempt from the requirements of (Section 15.04 (3) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of (SECTION 15.04 (3) of this Ordinance regarding anchoring and elevation of factory-built homes.

11. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

15.05 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Flood Plain Zoning Administrator

A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.

B. Duties of the Administrator shall include, but not necessarily be limited to the following:

1. Review all flood plain development permit applications to assure that the provisions of this ordinance will be satisfied.

2. Review flood plain development applications to assure that all necessary permits have been obtained from federal, state, and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed.

5. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

2. Flood Plain Development Permit.

A. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improve and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or grilling operations), including the placement of factory-built homes.

B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

1. Description of the work to be covered by the permit for which application is to be made.

2. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

3. Indication of the use or occupancy for which the proposed work is intended.

4. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings.

5. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

6. For developments involving more than 5 acres, the elevation of the 100-year flood.

7. Such other information as the Administrator deems necessary for the purpose of the ordinance.

C. Procedure for Acting on Permit - The Administrator shall make a determination as to whether the flood plain development, as proposed, meets the applicable provisions of Section IV and shall approve or disapprove the application. In reviewing proposed development, the Administrator shall obtain, review, and reasonably utilize any available flood plain information or data from Federal, State, or other source.

3. Subdivision Review. The Administrator shall review all subdivision proposals within the Flood Plain (Zone A) District to assure that such proposals are consistent with the purpose and spirit of this Ordinance and shall advise the city council of potential conflicts. Flood plain development in connection with a subdivision (including installation of public utilities) shall require a Flood Plain Development Permit as provided in Section 15.05 of this Chapter. For proposals Greater than 50 lots or 5 acres, whichever is less, the sub divider shall be responsible for providing 100-year flood Elevation data.

4. Variance

1. The City (BOARD OF APPEALS) may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

2. Factors Upon Which the Decision of the (BOARD OF APPEALS) Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the City.

f. The requirements of the facility for a floodplain location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

a. Modification of waste disposal and water supply facilities.

b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

e. Flood proofing measures.

15.06 DEFINITIONS. Unless specifically defined below, words or phrases in the Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. BASEMENT. Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

2. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

3. DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

5. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

6. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. FACTORY-BUILT HOME. Any structure, designed for residential use, which wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assemble and installation, on a building site. For the purpose of this Ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

8. FACTORY-BUILT HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.

9. FLOOD. A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

10. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

11. FLOOD PROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

12. FLOODWAY. The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

13. FLOODWAY FRINGE - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

14. HISTORIC STRUCTURE - Any structure that is:

    a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

    d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

15. LOWEST FLOOR. The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

    a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.04 of this Chapter and,

    b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

    c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least 1.0 ft. above the 100-year flood level, and

    d. The enclosed area is not a "basement" as defined in this section. In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

16. MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than $500

17. NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

18. NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the community.

19. RECREATIONAL VEHICLE - A vehicle which is:

    a. Built on a single chassis;
    b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
    c. Designed to be self-propelled or permanently towable by a light duty truck; and
    d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

20. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
c. Basement sealing;
d. Repairing or replacing damaged or broken window panes;
e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

21. SPECIAL FLOOD HAZARD AREA. The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A of the Flood Insurance Rate Map.

22. STRUCTURE. Anything constructed or erected on the ground or attached to the ground including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar homes.

23. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

24. SUBSTANTIAL IMPROVEMENT. Any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of a structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after April 1, 1987, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

25. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

26. VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

27. 100-YEAR FLOOD. A flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

15.07 Non-conforming Uses

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

15.08 Penalties for Violations

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 (FIVE HUNDRED) ~~or imprisoned for not more than (30 (THIRTY) days~~. Nothing herein contained prevent the City of George from taking such other lawful action as is necessary to prevent or remedy violation.

(Editor's note: Ordinance 237, passed and approved December 13, 2017 amended section 15.08)

TITLE VII
COMMUNITY DEVELOPMENT

CHAPTER 1: SUBDIVISION CONTROL

ARTICLE 1 - GENERAL PROVISIONS

1.01 PURPOSE. The purpose of this chapter is to encourage the orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with an approved comprehensive plan.

(Code of Iowa, Sec 409A.1)

1.02 APPLICABILITY AND JURISDICTION. Every owner (or his/her agent) of any tract or parcel of land lying within the corporate limits of the city who has subdivided or shall subdivide the property into three (3) or more parts for the purpose of laying out an addition, subdivision, building lot or lots, or acreage lots shall cause plats of such areas to be made in the form, and containing the information as set forth in the form, and containing the information as set forth in this chapter, before selling any lots contained in the subdivision or placing the plat on record. Pursuant to the authority granted by Section 409A.9 of the Code of Iowa, the provisions of this section shall also apply to any of the following areas lying outside the corporate limits of the city:

(Describe areas, but areas must not be more than two (2) miles from the boundaries of the city)

1.03 ZONING. See Appendix B.

CHAPTER 2: INDUSTRIAL TAX CREDITS

ARTICLE 2 - INDUSTRIAL TAX CREDITS

ORDINANCE NO. 131

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF GEORGE, IOWA, 1978, BY ADOPTING A NEW SECTION 6-8 ESTABLISHING INDUSTRIAL PROPERTY TAX CREDIT

BE IT ORDAINED by the Council of the City of George, Iowa:

SECTION 1. The City Code of the City of George, Iowa, 1978, is amended by adding Section 6-8 as follows:

"6-8.01 PURPOSE. The purpose of this Chapter is to authorize partial property tax exemptions for industrial property on which improvements have been made, in accordance with the provisions of Chapter 427B of the 1987 Code of Iowa.

6-8.02 PARTIAL EXEMPTION PROVIDED. The City of George hereby provides for a partial tax exemption from property taxation of the actual value added to the industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.l(l)(E) of the 1987 Code of Iowa. This provision shall be subject to the definitions and requirements set forth in Chapter 427B of the 1987 Code of Iowa.

6-8.03 AMOUNT OF EXEMPTION. The actual value added to industrial real estate for the reasons specified in Section 6-8.02 above is eligible to receive a partial exemption from taxation for a period of five (5) years. "Actual Value Added" means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1st of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year - 75%
2. For the second year - 60%
3. For the third year - 45%
4. For the fourth year - 30%
5. For the fifth year - 15%

6-8.04 APPLICATION. An application for exemption shall be filed by the owner of the property with the local assessor by February 1st of the assessment year in which the value added is first assessed for taxation, for each project resulting in actual value added for which an exemption is claimed. Application for exemption shall be made on forms prescribed by the director of revenue of the State of Iowa, supplying all information deemed necessary by said director."

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part hereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 1st day of February, 1988.

By order of the Mayor and City Council

Art Van Gelder, Mayor

Bernette Weier, City Clerk

CHAPTER 3: URBAN RENEWAL

ARTICLE 3 – URBAN RENEWAL DISTRICT 1 (LOCKER PARK)

ORDINANCE NO. 184

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE URBAN RENEWAL DISTRICT 1 (LOCKER PARK) URBAN RENEWAL PROJECT AREA, IN THE CITY OF GEORGE, COUNTY OF LYON, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF GEORGE, COUNTY OF LYON, GEORGE-LITTLE ROCK COMMUNITY SCHOOL DISTRICT AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY SAID CITY IN CONNECTION WITH SAID URBAN RENEWAL REDEVELOPMENT PROJECT.

WHEREAS, the City Council of the City of George, Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 588 passed and approved on the 9th day of August, 2006, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Urban Renewal District 1 (Locker Park) Urban Renewal Project Area (the "Urban Renewal Project Area"), which Urban Renewal Project Area includes the lots and parcels located within the area legally described as follows:

Parcel D in the Southeast Quarter (SE ¼) of Section Thirty-five (35), in Township Ninety-nine (99) North, of Range Forty-four (44), West of the 5th P.M., Lyon County, Iowa as shown by the Plat recorded in Plat Book "9" at Page 102, in the Office of the Recorder of Lyon County, Iowa.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of George, Iowa in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of George, Iowa desires to provide for the division of revenue from taxation in the Urban Renewal Project Area, as above

described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGE, IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of George, County of Lyon, George-Little Rock Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of George certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of George, Iowa hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of George, Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Project Area pursuant to the Urban Renewal Plan, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Urban Renewal Project Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the

Urban Renewal Project Area shall be paid into the funds for the respective taxing distric as taxes by or for said taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of George, Iowa referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions o this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urba Renewal Project Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Project Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

John Stegeman
Mayor

ATTEST:

Bernette Weiss
City Clerk

(Editor's Note: Ordinance 184 was passed & approved on August 9, 2006)

ARTICLE 4 – URBAN RENEWAL DISTRICT 2 (SUNSET ADDITION)

ORDINANCE NO. 189

AN ORDINANCE AMENDING ORDINANCE NO. 187, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED URBAN RENEWAL DISTRICT 2 (SUNSET ADDITION) AREA OF THE CITY OF GEORGE, COUNTY OF LYON, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF GEORGE, COUNTY OF LYON, GEORGE-LITTLE ROCK COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE AMENDED URBAN RENEWAL DISTRICT 2 (SUNSET ADDITION) URBAN RENEWAL REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of George, Iowa has heretofore, in Ordinance No. 187, provided for the division of taxes within the Urban Renewal District 2 (Sunset Addition) Urban Renewal Project Area, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Urban Renewal District 2 (Sunset Addition) Urban Renewal Project Area; and

WHEREAS, indebtedness has been incurred by the City, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Urban Renewal District 2 (Sunset Addition) Urban Renewal Project Area, and the continuing needs of redevelopment within the amended Urban Renewal District 2 (Sunset Addition) Urban Renewal Project Area are such as to require the continued application of the incremental tax resources of the amended Urban Renewal District 2 (Sunset Addition) Urban Renewal Project Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGE, IOWA, THAT:

Ordinance Number 187 is hereby amended to read as follows:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Original Project Area shall mean that portion of the City of George, Iowa described in the Urban Renewal Plan for the Urban Renewal District 2 (Sunset Addition) Area approved by Resolution No. 622 on July 5, 2007, which Original Project Area includes the lots and parcels located within the area legally described as follows:

> Lots 13 through 15 and lots 21 through 42 of Sunset Addition to the City of George in Lyon County, Iowa.
>
> Sunset Addition is legally described as a tract of Land in the NW ¼ of Section 2, Township 98 North, Range 44, West of the 5th P.M., more particularly described as follows:
>
> Beginning at a point 1,295.6 feet, East of the NW Corner of Section 2, Township 98 North, Range 44, West of the 5th P.M., thence South 752.1 feet, thence East 1,346.3 feet, thence North 746.8 feet, thence West 1,344.4 feet, to the point of beginning and containing 23.1 acres more or less.

(b) Amendment No. 1 Area shall mean that portion of the City of George, Iowa described in Amendment No. 1 to the Urban Renewal Plan for the Urban Renewal District 2 (Sunset Addition) Area approved by Resolution No. 645 on December 5, 2007, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

> The West 45' of Lot 12 of Sunset Addition to the City of George in Lyon County, Iowa, as per Map recorded in Book 9, Page 6-10 of Maps, in the Office of the County Recorder of said county.

(c) Amended Project Area shall mean that portion of the City of George, Iowa included within the Original Project Area and the Amendment No. 1 Area,

which Amended Project Area includes the lots and parcels located within the area legally described as follows:

ORIGINAL PROJECT AREA

Lots 13 through 15 and lots 21 through 42 of Sunset Addition to the City of George in Lyon County, Iowa.

Sunset Addition is legally described as a tract of Land in the NW ¼ of Section 2, Township 98 North, Range 44, West of the 5th P.M., more particularly described as follows:

Beginning at a point 1,295.6 feet, East of the NW Corner of Section 2, Township 98 North, Range 44, West of the 5th P.M., thence South 752.1 feet, thence East 1,346.3 feet, thence North 746.8 feet, thence West 1,344.4 feet, to the point of beginning and containing 23.1 acres more or less.

AMENDMENT NO. 1 AREA

The West 45' of Lot 12 of Sunset Addition to the City of George in Lyon County, Iowa, as per Map recorded in Book 9, Page 6-10 of Maps, in the Office of the County Recorder of said county.

Section 2: The taxes levied on the taxable property in the Amended Project Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, City of George, County of Lyon, George-Little Rock Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3: As to the Original Project Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Project Area upon the total sum of the assessed value of the taxable property in the Original Project Area as shown on the assessment roll as of January 1, 2006, being the first day of the calendar year preceding the effective date of Ordinance No. 187, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As to Amendment No. 1 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2006, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

Section 4: That portion of the taxes each year in excess of the base period taxes for the Amended Project Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of George to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of George, Iowa to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Project Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for payment of bonds and interest of each taxing district shall be collected against all taxable property within the Amended Project Area without any limitation as hereinabove provided.

Section 5: Unless or until the total assessed valuation of the taxable property in the areas of the Amended Project Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 6: At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of George referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Original Project Area under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance No. 187, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amendment No. 1 Area as described above. In the event that any provision of this

Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Project Area and the territory contained therein.

Section 8: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 5th day of December, 2007.

John Steffensen
Mayor

ATTEST:

Bernetta Weeks
City Clerk

Read first time: ~~Waived~~ Dec. 5, 2007

Read second time: Waived

Read third time: _____

PASSED AND APPROVED: December 5, 2007

PUBLISHED: December 27, 2007

(Editor's Note: Ordinance 187 was passed & approved on August 8, 2007. However, Ordinance 189 was passed & approved on December 5, 2008 and replaced Ordinance 187)

CHAPTER 3: URBAN RENEWAL

ARTICLE 5 – URBAN RENEWAL DISTRICT 2

Reserved for future use

CHAPTER 4: REAL ESTATE TAX EXEMPTION

ARTICLE 6 – GRANTED UNDER CODE OF IOWA 427

APPENDICES

APPENDIX A - FRANCHISES APPENDIX

CHAPTER 1: FRANCHISES

ARTICLE 1 - ELECTRIC FRANCHISE

1.01 FRANCHISE GRANTED.

"Shall the following non-exclusive franchise Ordinance No. 245 passed by the City Council of the City of George, Iowa, on the 16th day of October, 2019, be adopted?" of which the following is a copy.

ORDINANCE NO. 245

AN ORDINANCE REPEALING ORDINANCE NO. 148, AND GRANTING TO INTERSTATE POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE TWENTY-FIVE YEAR FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE AN ELECTRIC SYSTEM IN THE CITY OF GEORGE, IOWA AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND REQUIRING SAID COMPANY TO PAY A FRANCHISE FEE TO THE CITY.

BE IT ORDAINED BY THE City Council of the City of George, Lyon County, Iowa, hereinafter referred to as the “City”:

Section 1. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the "Company," its successors and assigns, the right and non-exclusive franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

Section 2. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City. The said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

Said Ordinance in its entirety is on file in the Office of the City Clerk, 120 South Main Street, George, Iowa, or is available for public inspection by contacting the City Clerk at (712) 475-3612 during regular business hours.

ACCEPTANCE

TO THE MAYOR AND CITY COUNCIL
CITY OF GEORGE, IOWA:

INTERSTATE POWER AND LIGHT COMPANY hereby accepts the electric franchise granted it by Ordinance No. 245 of the City of George, Iowa. This Acceptance is intended to be in accordance and compliance with State law and the terms and provisions of said Ordinance.

Dated the 5th day of November, 2019.

INTERSTATE POWER AND LIGHT COMPANY. ("Company")

By: Terry Kouba
Title: President

ATTEST:
Renee Erschen

I, Loralye Wibben, City Clerk of the City of George, Iowa, do hereby certify that on the 15th day of November, 2019 there was filed in my office by Interstate Power and Light Company, the Acceptance of the electric franchise granted by Ordinance No. 245 of the City of George, Iowa, and that the foregoing is a true copy of said Acceptance so signed.

Dated at George, Iowa, this 15th day of November, 2019.

Loralye Wibben
City Clerk of the City of George, Iowa

CHAPTER 1: FRANCHISES

ARTICLE 2 - GAS FRANCHISE

2.01 FRANCHISE GRANTED.
"Shall the following non-exclusive franchise Ordinance No. 246 passed by the City Council of the City of George, Iowa, on the 16th day of October, 2019, be adopted?" of which the following is a copy.

ORDINANCE NO. 246

AN ORDINANCE REPEALING ORDINANCE NO. 149 AND GRANTING TO INTERSTATE POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE TWENTY-FIVE YEAR FRANCHISE TO ERECT, CONSTRUCT, RECONSTRUCT, MAINTAIN, AND OPERATE PLANT AND SYSTEMS FOR THE DISTRIBUTION OF NATURAL GAS IN THE CITY OF GEORGE, IOWA AND TO SELL, DISTRIBUTE, AND SUPPLY NATURAL GAS TO SAID CITY AND ITS INHABITANTS, AND REQUIRING SAID COMPANY TO PAY A FRANCHISE FEE TO THE CITY.

BE IT ORDAINED BY THE City Council of the City of George, Lyons County, Iowa, hereinafter referred to as the “City”:

Section 1. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the "Company," its successors and assigns, the right, privilege and non-exclusive franchise for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. The term "gas" as used in this franchise shall be construed to mean natural gas only.

Section 2. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City. The Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

Said Ordinance in its entirety is on file in the Office of the City Clerk, 120 South Main Street, George, Iowa, or is available for public inspection by contacting the City Clerk at (712) 475-3612 during regular business hours.

ACCEPTANCE

TO THE MAYOR AND CITY COUNCIL
CITY OF GEORGE, IOWA:

INTERSTATE POWER AND LIGHT COMPANY hereby accepts the natural gas franchise granted it by Ordinance No. 246 of the City of George, Iowa. This Acceptance is intended to be in accordance and compliance with State law and the terms and provisions of said Ordinance.

Dated the 5th day of November, 2019.

INTERSTATE POWER AND LIGHT COMPANY. ("Company")

By: Terry Kouba
Title: President

ATTEST:
Renee Erschen

I, Loralye Wibben, City Clerk of the City of George, Iowa, do hereby certify that on the 15th day of November, 2019 there was filed in my office by Interstate Power and Light Company, the Acceptance of the natural gas franchise granted by Ordinance No. 246 of the City of George, Iowa, and that the foregoing is a true copy of said Acceptance so signed.

Dated at George, Iowa, this 15th day of November, 2019.

Loralye Wibben
City Clerk of the City of George, Iowa

CHAPTER 1: FRANCHISES

ARTICLE 3 - GENERAL TELEPHONE COMPANY

ORDINANCE NO. 119

3.01 PURPOSE. The purpose of this Ordinance is to provide for the sale of real property from the City of George, Iowa, to Frontier Telephone Company for the mutual benefit of both parties.

3.02 FRANCHISE GRANTED. Frontier Telephone Company, its lessees, successors and assigns (hereinafter referred to as the grantee) are hereby granted the nonexclusive franchise, right and privilege for a period of twenty-five (25) years to use the streets, alleys, bridges and other public places of the city for the purpose of erecting, maintaining and operating a telephone system including all necessary appurtenances and to use jointly or otherwise the property of other companies and permit other companies to use its property under such arrangements as such companies and the grantee agree upon.

3.03 LOCATION OF POLES. The location of poles by the grantee under authority of this article shall be subject to the supervision of the street commissioner or such other official as the council may designate. All poles shall be neat and symmetrical and be so located as to minimize interference with the safety or convenience of persons traveling the streets, alleys, bridges and other public places.

3.04 REPAIR OF SIDEWALK OR STREET PAVEMENT. The grantee shall properly repair or replace any sidewalk or street surface which may be displaced or damaged by it in the erection and maintenance of its telephone system. Upon the failure of the grantee to do so and after twenty (20) days notice in writing given by the Mayor to the grantee, the city may repair or replace such portion of the sidewalk or street surface as may have been disturbed by the grantee and collect the costs so incurred from the grantee.

3.05 SIGNAL WIRES. The grantee shall, on demand, during the life of the franchise, provide cross-arm or bracket space on each pole owned by it on which the city may desire to attach signal wires for the free use of the police and fire alarm systems of the city. All such wires shall be placed and maintained so as not to interfere with the convenient use and maintenance of the grantee's telephone system and the location of such wires shall be subject to the supervision of the grantee. All such wires shall be placed and maintained in accordance with the National Electric Safety Code, as from time to time amended.

3.06 FRANCHISE SUBJECT TO AUTHORITY OF CITY. The grantee agrees for and in behalf of itself, its lessees, successors and assigns, that all authority and rights granted in this article shall be subject to all rights, powers and authority now or hereafter possessed by the city to regulate, control and direct or otherwise by ordinance or resolution legislate concerning the exercise of the franchise herein granted and concerning the manner in which the grantee shall use the streets, alleys, bridges and other public places of the city.

EDITOR'S NOTE

Ordinance No. 119 adopting a telephone franchise for the city was adopted on March 7, 1985.

CHAPTER 1: FRANCHISES

ARTICLE 4 - CABLE TELEVISION REGULATIONS

ORDINANCE NO. 112

4.01 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this article, have the meanings ascribed to them in this section:

1. "Cable Television System" means any facility that, in whole or in part , receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.

2. "Channel" means the segment of the electromagnetic spectrum to which a source of television transmission is assigned.

3. "FCC" means the Federal Communications Commission.

4. "Franchise" means the rights, privileges, and authority granted by the city to the grantee hereunder and shall include all of the terms and conditions of this article.

5. "Grantee" means the person granted a franchise by an election. When the context so requires, the term "grantee" means and includes the grantee, its officers, agents, employees, servants and independent contractors.

6. "Private Property" means all property, real, personal or mixed, owned by a private person, including property owned by a public utility not owned or operated by the city.

7. "Property of the Grantee" means all property, real, personal or mixed, owned or used by the grantee however arising from or related to or connected with the franchise.

8. "Public Property" means all property, real or personal or mixed, owned by the city, including property owned by a public utility owned or operated by the city.

4.02 PUBLIC ACCESS. Grantee shall provide installation (which shall include all external wiring required for the building and all internal wiring for the connection of one outlet) and cable services without charge to all public and private primary and secondary schools and all municipally-owned buildings located within the city. Service shall be provided on a color capable line and improvements shall be made as technology permits to serve properly the schools and municipal buildings.

4.03 CAPACITY AND PROGRAMMING. Grantee shall provide at least twenty television channels as a part of its cable television service, including the signals of all television broadcast signals generally available off the air to residents in the city and a number of additional television signals consistent with the rules and regulations of the FCC and all other automated video services and such audio services as it wishes and as are consistent with the terms of this article.

4.04 PERMISSION FROM SCHOOLS. Grantee shall not televise, tape or in any way reproduce or show to the general public any school activity, wither as a public service or as a commercial activity, without the prior approval of the schools involved.

4.05 SERVICE RULES. Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of its franchise or with the rules and regulations of the FCC, and other applicable laws, rules and regulations. Grantee shall submit to the city the form of its service agreement between grantee and its subscribers and channel users, shall furnish the city a full schedule of its charges to be paid by subscribers before soliciting for subscribers within the city, and shall furnish the city any amendments or alterations in the service agreement or schedule of charges.

4.06 RATES, MAXIMUMS, REVISION. Grantee may charge no more than the following rates for its services to subscribers:

1. Single User Rates. (Reserved)

   Single user charges include all single dwelling units, multiple dwelling units, where billing is made to each individual occupant, individual companies, firms and professional offices, bars and restaurants. The specified installation charges may be lowered from time to time for promotional purposes.

2. Multiple User Rates. (Reserved)

   Multiple user charges include motels, hotels, mobile home parks, and all multiple dwellings and other business establishments where one billing is made to the owner for five or more single occupant units or outlets. Multiple users shall not include any multiple residential dwelling in which the individual tenant is responsible for the payment of the monthly service charge.

3. The charge for moving or reconnecting an outlet shall not exceed $25.00. The charge for reconnecting a subscriber or housing unit after disconnecting for any reason shall not exceed $20.00 providing all wiring, other than internal wiring, has remained in its prior position.

4. The rates and charges specified herein may be raised or lowered by the city if it finds, upon application of grantee, the request of any party, or its own motion and in compliance with the procedure set forth herein, that a change in rates is necessary to further the public interest in quality cable television service. To allow an application for a change in rates or charges hereunder to be considered and acted upon, it shall be filed with the council, which shall publish public notice of the application for two consecutive weeks in a newspaper of general circulation in the city. Notice shall specify a time and place for a public hearing; any interested person shall have the right to give testimony and present evidence on the change in rates or charges proposed. The council shall review the testimony and present evidence and shall determine whether the rates and charges in question shall be increased, decreased or remain the same. In connection with any application considered hereunder, the city or any interested party shall have the rights to inspect the books and records shall be governed by the laws of the state of Iowa relating to public documents.

4.07 QUALITY OF SIGNAL. Grantee shall, during the period of its franchise, furnish reasonable, adequate and efficient cable television reception service to all the residents of the city and grantee shall maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements shall be temporarily suspended in the event of natural disaster or emergency conditions or other circumstances beyond the control of grantee.

4.08 EQUIPMENT STANDARDS. Grantee's plant and equipment, including the antenna site, head end, distribution system, towers, structures, poles, wires, underground cable and appurtenances, shall be installed in accordance with good engineering practices and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the city may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places or structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the National Electrical Safety Code of the National Board of Fire Underwriters and National Electric Safety Code (outside work) and such applicable laws of the state of Iowa and enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in a good order and repair.

4.09 MONITORING TESTS. Grantee's cable television system shall meet technical standards of the rules and regulations of the FCC and grantee shall perform the periodic tests and make the measurements specified in such rules. The system shall be so designed, engineered and maintained by grantee so as not to interfere with the television and radio reception of residents of the city who are not subscribers of its services.

4.10 MAPS. Grantee shall furnish the city, without charge, reproducible prints showing the location of all poles within the city's corporate limits, joint poles, underground cables, ducts and other cable TV facilities. Said cable TV company shall submit a new up-to-date map each year on or near the anniversary date of the franchise, and may, at its option, submit amendments at more frequent intervals to the end that its facilities can be more fully protected from injury due to public improvements and the city more readily enforce its controls over the use of its streets, alleys, and other public places. The city agrees to require its officers, engineers, contractors, supervisors and employees to exercise diligence in avoiding damage to such cable facilities and to consult with grantee's representatives where reasonable doubts exist as to location and chance of damages to grantee's facilities. Grantee agrees that its officers, supervisors, employees and agents will take similar precautions with city facilities.

4.11 CITY CODES AND ORDINANCES. Grantee shall be required to conform to all present city codes, including but not limited to plumbing and electrical codes and any ordinance providing for the manner and method of cutting streets, excavations in the right-of-way, backfills, etc. Grantee shall restore all property of the city and of the inhabitants thereof to its original condition by any city employee when carrying out said employee's duties.

4.12 LIABILITY OF CITY EMPLOYEES. Grantee shall hold the city harmless from any damage which grantee's cable, equipment or other integral parts of its system may cause as a result of any action by any city employee when carrying out said employee's duties.

4.13 NONINTERFERENCE. All transmission and distribution structures, lines and equipment erected by grantee within the city shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and/or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.

4.14 RESTORATION OF STREETS. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, grantee shall, at its own cost and expense and in a manner approved by the city, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good a condition as before said work commenced.

4.15 RELOCATION, REMOVALS, PUBLIC WORK. If at any time during the period of a franchise, the city shall elect to alter or change the grade of any street, alley or public way, grantee, upon reasonable notice to the city, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

4.16 LOCATION STANDARD. Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric, or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in the alleys shall be placed close to the line to the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said street, alleys and public ways.

4.17 MOVING BUILDINGS. Grantee shall, on the request of any person holding a building moving permit issued by the city, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and grantee shall have the authority to require such payment in advance. Grantee shall be given not less than five days advance notice to arrange for such temporary wire changes.

4.18 PROTECTION OF WORK. Any opening or obstruction in the streets or other public ways made by the grantee in the course of the construction, operation or removal of cable installation shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Grantee shall, whenever it is deemed necessary by the city, install such steel plates as may be necessary to allow public roadway to remain open while grantee is in the course of the construction, operation or removal of cable television.

4.19 REMOVAL OF PROPERTY ON TERMINATION. Upon termination of its franchise the grantee shall remove its poles, cable television transmission and distribution system, and other appurtenances from the streets and sidewalks in the city, when ordered to do so by the city, and shall restore such streets and sidewalks to their original condition.

4.20 REVOCATION OF FRANCHISE. If grantee shall fail to comply with any of the provisions of its franchise, or default in any of its obligations hereunder, except for causes beyond the reasonable control of grantee, and shall fail within 30 days after written notice from the city to commence, and within a reasonable time, complete the correction of such default and non-compliance, the city council shall have the right to revoke its franchise and all rights of grantee hereunder. In the event grantee shall be adjudicated bankrupt or placed in receivership, the city may declare the franchise forfeited and terminated.

4.21 FCC CERTIFICATE. Grantee shall apply to the Federal Communications Commission for a certificate of compliance within a reasonable period (not exceeding 90 days) from the date of the granting of its franchise. Within twelve months of the grant of such certificate by the FCC, grantee shall complete significant construction of its basic trunk line, and within eighteen months, grantee shall complete installation of its entire system. Grantee shall be entitled to a reasonable and sufficient extension of the schedule specified herein in the event of a legal challenge or threat of such challenge to the ability of the grantee to provide on its cable television system broadcast signals not available off the air in the city, and in the event construction is delayed by acts of God, earthquake, lightning, flood, fire, explosion, vandalism, disturbance, late delivery of equipment, supplies or machinery by suppliers, late performance by suppliers or services, or other similar causes reasonably beyond grantee's control.

4.22 LIABILITY OF GRANTEE. Grantee shall at all times defend, indemnify, protect and save harmless the city and other political subdivisions in the area from and against any and all liability, losses and physical damage to property and bodily injury or death, including payments made under worker's compensation laws, which may arise out of and be caused by the erection, construction, replacement, removal, maintenance and operation of grantee's cable system, and resulting from or by any negligence, fault or misconduct on the part of the grantee, its agents, officers, servants, and employees. Grantee shall carry public liability insurance in the amounts of not less than $1,000,000.00 Bodily Injury/$1,000,000.00 Property Damage for the protection of itself and the city and the political subdivisions by reason of the cable television activities. The grantee shall also carry the worker's compensation insurance coverage on all its employees who are engaged in any manner in the cable television system. The grantee shall be notified of any claim, demand or action brought against the city or its political subdivisions for which the city and its political subdivisions may seek reimbursement or defense as provided hereunder.

4.23 PREFERENTIAL RATES PROHIBITED. Grantee shall not, as to rates,charges, service facilities, rules, regulations or in any person or subject any person to any prejudice or disadvantage; provided, however, this section shall not be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled.

4.24 ASSIGNING FRANCHISE. The grantee shall not sell, transfer or encumber its system or its franchise, without first securing the approval of the city council; however, grantee is hereby specifically authorized to assign or encumber its system and franchise for the purpose of financing the construction or operation of its system in the city. Grantee shall decide the right of first refusal to purchase the system and franchise for their fair market value as determined by the existing offers from other bona fide purchasers.

4.25 COMPLIANCE WITH PRESENT AND FUTURE LAWS. The city and the grantee shall at all times comply with all present and future rules and regulations of the FCC or any duly authorized agency of the United States of America, and all laws duly enacted now or hereafter by the United States Congress or Iowa General Assembly.

4.26 DISCONTINUING CUSTOMER'S SERVICES. Grantee may terminate service to any user not paying the established rates when payment shall be delinquent for fifteen days after billing. In addition, grantee may charge an installation charge to commence service terminated for nonpayment.

4.27 PUBLIC ACCESS CHANNEL.

1. The grantee shall reserve one channel of its system for joint use by the city, school or other public bodies as a public service, educational or informational channel. The city, school or other public body shall furnish any special equipment and personnel necessary to feed public service, educational or informational programs into the grantee's system.

2. Grantee shall make no charges for use of said channels. Grantee shall make no pre-channel or pre-program charge of any kind of any subscriber for the privilege of receiving the channel designated as public access channel.

3. Grantee shall not televise, tape or in any way reproduce or show to the general public any school activity, either as a public service or as a commercial activity, without the prior approval of the schools involved.

4.28 SELECTION OF FRANCHISE.

1. Invitation for Proposals. In selecting a franchisee pursuant to this article, the city shall prepare an invitation for proposal to seek bids for a broadband telecommunications network to be established by franchise in the city. This request for proposal shall include information and instructions relating to the preparation and filing of proposals.

2. Applications for a Franchise. Applications for an original franchise grant shall be filed with the city clerk in accordance with the filing instructions promulgated by the city and will be accompanied by a bid bond if required. Such applications shall contain written information, as outlined in the requests for proposals, presented in the specific form required.

3. Ten (10) copies of the application shall be supplied to the city, each separately bound and containing no information not specifically requested by the city. Supplementary or additional information that the applicant deems reasonable for consideration may be submitted at the same time as the application in the same number of copies. The city may, at its discretion, consider such additional information as part of the application.

4. The city reserves the right to require any supplementary or additional information it deems necessary in order to make the proper analysis and determination.

5. Each applicant for a franchise hereunder if required by the city shall submit a proposal bond in a form acceptable to the city or a certified check on a bank that is a member of the Federal Deposit Insurance Corporation, payable to the order of the city in an amount of five thousand dollars ($5,000.00).

6. Proposal bonds or certified checks received in lieu thereof from applicants whose proposals are not accepted by the city shall be returned to the applicant as soon as the proposal is rejected. The proposal bond on a franchise shall be returned upon receipt by the city of the performance bond as set forth herein.

7. Proposals will be evaluated according to the following criteria and such other criteria as are contained in the invitation for proposals.

   A Service Package. Preference will be given to the applicant who proposes the best total service package to the citizens of the city.

   B. Installation Plan. Preference may be given an installation plan that would provide flexibility needed to adjust to new developments, maintenance practices, and service that would be available to the subscriber and the community immediately and in the future.

   C. Financial Soundness and Capability. The evidence of financial ability required in the applicant's proposal shall be such as to assure ability to complete the entire system within a maximum of eighteen (18) months of the date of commencement of construction.

   D. Demonstrated Experience in Operating a BTN under City Franchise.

      Preference may be given upon evidence of the applicant's experience in operating a BTN under city franchise, where such evidence would show or tend to show or confirm the ability of the applicant to furnish sufficient and dependable service to the potential public and private users.

E. Rate Schedule. Preference may be given to the applicant submitting the most reasonable installation and subscriber rate schedules.

F. Line Extension Policy. Preference may be given to the applicant submitting the most reasonable line extension policy.

8. After examining all applications submitted pursuant to the prescribed procedures, with respect to the applicant's legal, character, financial, technical and other qualifications, including adequacy and feasibility of its construction plans, and after reviewing the recommendations of the staff, the council shall select the person who they consider has presented a proposal which will best serve the interests of the city and shall submit the question of granting to said person a nonexclusive franchise, pursuant to the terms of this article, to the citizens of the city for their approval either at a special or general election. However, no provisions of this article shall be deemed or constructed as to require the council to submit to a vote any prospective franchisee following the receipt of any franchise application(s).

9. Any solicitation for proposals for granting a franchise hereunder by the city will refer to an incorporate this article by reference.

10. No franchise shall be granted hereunder without the approval of a majority of the electors of the city voting at a special franchise ordinance election.

(Added By Ordinance No. 112)

CHAPTER 1: FRANCHISES

ARTICLE 5 - CABLE TV FRANCHISE

ORDINANCE NO. 113

5.01 PURPOSE. An ordinance to grant Siebring Electric Company - Cable Division, its successors and assigns, the nonexclusive rights, privileges and authority to construct, operate, maintain, repair, replace, renew, reconstruct, and remove a cable television system across public property in the city limits for a term of twenty-five (25) years.

Be it ordained by the City Council of the City of George, Iowa:

1. GRANT OF FRANCHISE. A nonexclusive franchise is hereby granted to Siebring Electric Company- Cable Division, its successors and assigns, to establish, construct, operate, maintain, repair, replace, renew, reconstruct, and remove a cable television system across public property in the City Limits for a term of twenty-five (25) years, in accordance with the laws and regulations of the United States of America and the State of Iowa and the Ordinances and regulations of the City of George, Including the nonexclusive right, privilege and authority:

(a) To sell and supply audio, video, and broad-banded interactive communication service to persons within the City;

(b) To use public property within the City;

(c) To engage in such further activities within the City as may now or hereafter be consistent with the generally accepted principles applicable to the operation of a cable television system.

2. EFFECTIVE DATE OF FRANCHISE. The franchise shall become effective from and after the effective date of this Ordinance.

3. OWNERSHIP OF FRANCHISE. Siebring shall not assign or transfer any right granted under this Ordinance to any other person, company or corporation without prior consent of the City Council, which consent have the right to assign this franchise to a corporation wholly owned by the company or to a limited partnership of which the company or other wholly owned subsidiary of Siebring Electric Company, is a general partner without prior consent of the City.

4. SEVERABILITY CLAUSE. Should any section, clause or provision of this Ordinance be declared invalid by a court of record, the same shall not affect the validity of the Ordinance as a whole or any part thereunder other than the part so declared invalid.

5. CONFLICTING ORDINANCES. All Ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed, provided, however, that such repeal shall only be to the extent of such conflict.

6. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall be in full force and effect from and after its adoption and approval by the City Council of George, Iowa, its publication as provided by law, and its written acceptance by Siebring Electric Company - Cable Division.

(Ordinance Adopted October 4, 2000, Ordinance No. 168)

Editor's Note: Premier Communications purchased Siebring Electric Company in September of 2006).

APPENDIX B - ZONING APPENDIX

ZONING

At time of Codification the City had no Zoning Ordinance. The City has a Restricted Residence District as detailed in Title VI, Chapter 1.

The City Council passed and approved Ordinance 197 on December 9, 2009 which removes Zoning Ordinances from the City Code Book and places them into a Planning & Zoning Regulations Manual.

APPENDIX C: FEE SCHEDULE

FEE SCHEDULE

(Editor's Note: Ordinance 203 passed and approved March 10, 2010 amending the Code Book by repealing the following sections relating to fee structures.)

ORDINANCE 203

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF GEORGE BY REPEALING THE FOLLOWING SECTIONS RELATING TO FEE STRUCTURES.

WHEREAS, the fee schedules will be removed from the Municipal Code Book and placed into a Fee Schedule Policy that will be reviewed yearly by the City Council.

WHEREAS, the following fee schedules will be repealed from the Municipal City Code Book.

NOW THEREFORE, BE IT ORDAINDED by the City Council of George, Iowa:

SECTION 1. That the Municipal Code of the City of George, passes an Ordinance and is hereby repealing the following sections of the George City Code regarding fee schedules and place them into a Fee Schedule Policy Manual as follows:

TITLE II, CHAPTER 2, ARTICLE 4, SECTION 4.07 SUBSECTION 4. FEE. Before any permit is issued, the person who makes the application shall pay a fee of one hundred dollars ($100.00) to cover the cost of issuing the permit and supervising, regulating and inspecting the work.
(Delete: of two hundred dollars ($200.00))

TITLE II, CHAPTER 3, ARTICLE 7, SECTION 7.05, SUBSECTION 3. FEE. Before any permit is issued, the person who makes the application shall pay a fee of one hundred dollars ($100.00) to cover the cost of issuing the permit and supervising, regulating and inspecting the work.
(Delete: of twenty-five dollars ($25.00))

TITLE II, CHAPTER 6, ARTICLE 12, SECTION 13.04. FEE. Any person who applies for and is granted an excavation permit shall submit to the City Clerk a fee of seventy-five dollars ($75.00) prior to beginning the excavation.
(Delete: in the amount of one hundred dollars ($100.00))

TITLE IV, CHAPTER 3, ARTICLE 17, SECTION 17.02, SUBSECTION 3. FEE. The applicant shall pay a fee of twenty five dollars ($25.00) to the City of George upon issuance of the permit. The City Clerk shall give the applicant a written receipt showing the sum received and the date.
(Delete: of ten dollars ($10.00))

TITLE IV, CHAPTER 3, ARTICLE 20, SECTION 20.20. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the city for such work. The applicant shall submit to the City Clerk a fee of twenty five dollars ($25.00) prior to beginning work.
(Delete: The cost of the permit shall be fifty dollars ($50.00))
Add: The applicant shall submit to the City Clerk a fee prior to beginning work.

TITLE V, CHAPTER 3, ARTICLE 5, SECTION 5.07, SUBSECTION 5. PERMIT FEE. A permit fee of fifty dollars ($50.00) shall be payable at the time of filing the application with (Clerk). A separate permit will be required for each house, building or similar structure to be moved.
Delete: (Clerk)
Add: (Zoning Administrator)

TITLE V, CHAPTER 3, ARTICLE 4, SECTION 4.07 SUBSECTION 2. FEE. The fees for permits shall be $10.00 for each daily permit and $100.00 for an annual permit.
Delete: This section in total.

TITLE V, CHAPTER 3, ARTICLE 6, SECTION 6.07, SUBSECTIONS 1 & 2. FEES. Every licensee shall pay the following fee before a license shall be issued:

1. PEDDLERS:
    a. For one day or any part thereof: $10.00
    b. For more than one day up to one week: $50.00 per week.
    c. For up to 6 months: $100.00
    d. For one year or a major part thereof: $200.00
2. SOLICITORS
    a. In addition to the investigating fee for each person actually soliciting (Principal of Agent) a fee for the principal solicitor of $10.00 per year shall be charged.

Delete: Section 6.07, Subsections 1 & 2
Add: 6.07 FEES. Every licensee shall pay a fee prior to receiving a license as established by the city Council.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Council member Hopp moved that the proposed Ordinance 203 be adopted. Grave seconded the motion to adopt. The roll was called and the vote was:
AYES: Bruinsma, Conaway, Grave, Hopp, McConnell.
NAYES: None

WHEREUPON, the Mayor declared this ordinance to be adopted.
Jerry Nichols, Mayor, Laurie Koerselman, City Clerk. Passed and approved March 10, 2012.

FEE SCHEDULE FOR BUILDING PERMITS

Sidewalk - New/Removal	$ 25.00
Fence	$ 10.00
Driveway - New/Repair	$ 25.00
Construction/Occupancy (Requires Site Plan)	$ 50.00
Excavation (excludes utilities)	$ 75.00
House-mover	$ 50.00
Structure Off-lot	$ 50.00
Demolition/Moving of Structure	$ 50.00
Sign Installation & Maintenance	$ 10.00
Variance (Board of Adjustment)	$ 100.00
Special Exception (Board of Adjustment)	$ 75.00
Subdivision - New (Council)	$ 250.00
Water Connection Tapping Fee	$ 100.00
Sewer Connection Tapping Fee	$ 100.00

Updated September 2012 by order of George City Council

APPENDIX D: JOB DESCRIPTIONS

CHAPTER 1: STREET SUPERINTENDENT

Position Title: Superintendent of Streets

General Characteristics:

Recruited by:	City Council and Mayor
Recommended for appointment by:	City Council
Contracted by:	City Council

Working Relationships:

Type of authority:	Supervisor
Reports to:	City Council, Mayor
Supervises:	Helpers
Consults with:	City Council, Mayor, & City Clerk

Basic Functions:

Responsible for the repair, maintenance and safe travel on bridges, streets, alleyways and pedestrian walkways throughout the city.

Position Responsibilities:

1. Responsible to maintain, repair, and construct when required, bridges, sidewalks, streets, and alleyways.
2. Responsible to inspect bridges, alleyways, & sidewalks to assure safe passage by all who use same.
3. Is primarily responsible for snow removal, sanding for icy conditions, and any condition that may restrict travel and/or be a hazard to the public who travel in the city.
4. Responsible to supervise all excavations in the streets, sidewalks, and alleys to determine sufficient safety measures are followed and required barricades with warning lights are maintained, and such excavations are refilled and pavement replaced. All repairs shall be approved by the Superintendent of Streets.
5. Responsible to investigate all complaints of dangerous or impassible conditions on any street, sidewalk, bridge, alleyway, underpass or overpass. Said condition/s is/are to be repaired and/or reported to the Mayor and/or the Council for a decision as to the disposition of the condition.
6. Responsible to routinely patch & repair streets on at a minimum once a year.
7. Responsible to install, supervise, and inspect the installation of all storm intakes, storm sewer lines, and clean as conditions warrant.
8. Responsible to maintain street in safe, non-hazardous driving conditions.

This will require the following:

- Inspection of all streets at least twice a year, recording the required repairs.
- Responsible to conduct and/or supervise all street repairs including seal coating, curb & gutter installation, grading, & rebuilding of streets.

- Review street repairs and renovation with the Council street committee and the Mayor.
- Secure & store all materials required for street repair & maintenance.

9. Responsible to inspect and maintain alleyways through the city including snow removal, graveling, and grading as needed.
10. Responsible to trim & remove trees on city property. This work should be completed as requested by residents and/or to assure safe travel along the streets & alleyways. Prior to any tree removal, a review of the tree(s) to be removed is required by the Tree Committee.
11. Responsible to maintain the city refuse site in an organized matter. This means that debris is to be cataloged by type and an area within the refuse side assigned to each cataloged type.
12. Responsible to be certified to spray weeds throughout the city on city property in identified areas, including streets, curbs, ditches, Category 6-Right of Way.
13. Responsible to repair and/or replace all city owned signage that has been damaged.
14. Responsible to assist the Superintendent of Public Works on an as needed basis. Assistance will be provided based on a priority schedule of work to be completed in both the public works & street department.
15. Responsible, along with the Superintendent of Public Works, to see that all city equipment is at a satisfactory/efficient operating level.
16. Responsible to see that all city Christmas decorations are installed the week after Thanksgiving and removed and stored the week after New Years..
17. Responsible to recommend to the City Council when conditions dictate that streets be either widen or narrowed to satisfy a previously agreed to configuration in City Zoning.
18. Responsible to paint parking areas, handicapped parking and no parking zones that assure efficient parking & traffic flow.
19. Responsible to oversee and supervise individuals employed or assigned to this position.
20. Responsible to secure supplies, materials, and chemicals that are required to maintain an efficient operational level of all equipment & processes assigned to this position.

<u>Preparation, Experience, and Skills:</u>

1. Is physically able to do the work involved with city operations & maintenance.
2. Has the knowledge and skills to be trained commensurate with the responsibilities of the position.
3. Character traits are of an accepted level, including the avoidance of profanity, limited use of alcohol and not smoking on City property.
4. Report to work each day clean and neat.
5. Show by attitude an interest in promoting the welfare of the city.
6. Is capable of operating heavy equipment. For example: a truck with snow plow, large front-end loader, street sweeper, etc.
7. Possess mechanical knowledge and skills.
8. Able to obtain certification as Competent Person for excavations.

9. Able to obtain certification in areas the City Council requires.
10. Is capable of working with the public and dealing with public issues in a pleasant & professional decorum.

Terms:

Employment is at the discretion of the City Council.

Evaluation:

Job performance will be reviewed yearly with the Mayor and/or City Council.

CHAPTER 2: SUPERINTENDENT OF PUBLIC WORKS

Position Title: Superintendent of Public Works

General Characteristics:

Recruited by:	City Council & Mayor
Recommended for Appointment:	City Council
Contracted by:	City Council

Working Relationships:

Type of Authority:	Supervisor
Report to:	City Council and Mayor
Supervises:	Helpers
Consults with:	City Council, Mayor and City Clerk

Basic Functions:

Maintain, supervise, and operate efficiently the water and sanitary sewer systems.

Position Responsibilities:

Job Responsibilities:

The job responsibilities are described in Iowa Code, Sec 372.13 (4) and as defined by the City Council as follows.

1. Install, supervise and inspect the installation of all sanitary sewers within the city limits.
2. Install, supervise and inspect the installation of all water mains and taps within the city limits.
3. Shut off water supply when deemed necessary or in accordance with the City's Water Ordinance (City of George-Ordinance 177).
4. Responsible for repair of water meters and the reading of meters monthly.
5. Uncover manholes that are buried, raising them where necessary to grade level for accessibility.
6. Abate incomplete work either finished or correct any work on any private connection to the public sewer system as authorized by Title II, Chapter 2, Article 4.17, of the Municipal Code.
7. Responsible to take water and wastewater samples to have tested at a Certified Laboratory.
8. Responsible to take chlorine readings daily.
9. Responsible for the maintenance and operation of the chlorinator, flow meters, lines, injector nozzles, and changing of chlorine cylinders.
10. Responsible to oversee the mechanical operation of the Swimming Pool.
11. Responsible for the maintenance and operation of the sewer lift stations.
12. Responsible to winterize all facilities that will not be maintained open to the public during the winter months.
13. Responsible for the maintenance, repair, and replacement of the city water and sewer lines.

14. Responsible to oversee and inspect prior to backfilling all taps and hookups of water and sewer lines.
15. Responsible for the operation of fire hydrants including repair and replacement.
16. Responsible for the operational efficiency of all city wells including the frequent checking of all critical mechanical devices to assure mechanical soundness.
17. Responsible for the preparation, on a schedule established by the State, of a record of water quality and file same in a timely matter.
18. Responsible, as a means to maintain the water and sanitary sewer systems operational, to flush the water main and jet wash the sanitary sewer lines at a minimum twice a year. Zone valves will be operated at least once a year.
19. Responsible for the maintenance of the lagoon system and the area around the lagoon.
20. Responsible to assist the Superintendent of Streets with all projects and assignments as set forth by the Council and Mayor. Generally, this assignment encompasses the beautification of the city.
21. Responsible to fog for mosquitoes, etc.
22. Responsible to check and replace furnaces filters in all city facilities that are heated and/or air conditioned. These should be checked at least four (4) times a year.
23. Responsible, along with the Superintendent of Streets, to see that all city equipment is at a satisfactory/efficient operating level.
24. Responsible to maintain an inventory of all equipment, materials and supplies that are considered relevant to this job description.
25. Responsible to oversee and supervise individuals employed as assigned to this position.
26. Responsible to secure supplies, materials and chemicals that are required to maintain an efficient operational level of all equipment and processes assigned to this position.
27. Responsible to file reports as deemed necessary by the Mayor and/or City Council.
28. Responsible for maintenance and repair of park facilities, including the campground.
29. Responsible for cleaning and mowing roadside ditches along right-of-way approaches to the city.

Preparation, Experience, and Skills:

1. Is physically able to do the work involved with city operations and maintenance.
2. Has either the knowledge or ability to be trained commensurate with the responsibilities of the position.
3. Character traits are of an acceptable level, including the avoidance of profanity, limited use of alcohol, not smoking on City property.
4. Report to work each day clean and neat.
5. Show by attitude an interest in promoting the welfare of the city.
6. Is capable of operating heavy equipment. For example: Trucks with snow plow, large front end loader, street sweeper, etc.
7. Possess mechanical knowledge and skills.

8. Able to obtain certification as Competent Person for excavation.
9. Able to obtain a Grade I Wastewater and Grade II Water Treatment Distribution License
10. Able to obtain certification in areas the City Council requires.
11. Is capable of working with the public and dealing with public issues in a pleasant and professional decorum.

Term of Employment

Employment is at the discretion of the City Council.

Evaluation:

Job performance will be reviewed yearly with the Mayor and/or City Council.

CHAPTER 3: CUSTODIAN

Position Title: Custodian

General Characteristics:

Recruited by:	City Council, Mayor
Recommended for Appointment:	City Council
Contracted by :	City Council

Working Relationships:

Type of Authority:	Line
Report to:	City Clerk, Mayor, City Council
Supervises:	
Consults with:	Mayor, City Clerk, City Council

Basic Functions:

Is to clean all city facilities including park restrooms, showers, community room, city office, etc.

Position Responsibilities:

1. Clean up after meetings for council as well as when the community rooms are rented out.
2. Clean and maintain carpets.
3. Clean carpet as well as entire library.
4. Once a year all the paneling is cleaned.
5. Report any painting that needs to be done in community rooms, library and shelter houses at parks to maintenance department who takes care of this.
6. Report any light bulbs needing replacement in community rooms, library or parks to maintenance department for replacement.
7. Clean coffee pots after a certain number of meetings.
8. Set up rooms as needed for various meetings.
9. Keep calendar of meetings.
10. Clean clerk's office, hallway and bathroom.
11. Keep track of supplies for the entire community room. Order supplies as needed. Order supplies for rest rooms for the parks.
12. Clean refrigerators, stoves and microwaves in community rooms.
13. Put tables and chairs in racks.
14. Make sure all tables and chairs are in good repair. If in need of repair, report this to the city clerk.
15. Hose down floors of park restrooms and shelter houses every Monday and Friday.
16. Once a year inventory kitchen utensils in community room. Reorder as needed. Submit inventory to City Clerk upon completion.
17. Wash windows and screens as needed.
18. Close and lock park restrooms after scheduled events have terminated.

Preparation, experience and skills

1. Prior experience as custodian.
2. Capable of establishing a personal relationship with members of the community.
3. Is trustworthy.
4. Is able to communicate effectively with city staff and the public.
5. Is able to be flexible in time of day to work and week-ends.

Term of Employment

This position is employed at the discretion of the City Council.

Evaluation

Job performance will be reviewed yearly with the Mayor and City Clerk.

CHAPTER 4: CITY CLERK

Position Title: City Clerk/Treasurer

General Characteristics:

Recruited by: City Council and Mayor
Recommended for appointment by: City Council
Contracted by: City Council

Working Relationships:

Type of authority: Supervisor
Reports to: City Council and Mayor
Supervises: Deputy Clerk and helpers
Consults: Dept heads, Mayor, Committees

Basic Functions:

Performs all functions assigned to this position by the Code of Iowa, the City Council, and applicable ordinance. Generally, this includes serving as Chief Accounting Officer; serving as custodian of the City Treasury; serving as custodian of City records; assuring that all required publications are placed in a timely manner; and being personable and able to deal with the public and the many issues & demands that come before the person who serves in this position.

Position Responsibilities:

1. Responsible to serve as custodian of all official city records, resolutions, ordinances, insurance policies, personnel records, documents, and significant papers.
2. Responsible to record, index, and certify all resolutions and ordinances passed by the City Council.
3. As Chief Accounting Officer, this person will maintain the accounts according to generally acceptable accounting procedures. A facet of this procedure includes the preparation of a budget that will be submitted to the Council in February each year; keeping records on accounts receivable; the disbursement of funds by accounts; and report to the City Council monthly on the financial condition of the City.
4. Responsible to coordinate City business with mayor, City Attorney, and City Council.
5. Responsible to assist the mayor with the preparation of the monthly agenda.
6. Responsible for the publications, in a timely manner, of ordinances and resolutions; certify for each ordinance the time and matter of publication.
7. Responsible to see that the financial records required to be published are published timely according to the Code of Iowa governing same.
8. Responsible to record and register municipal bonds and special assessments.
9. Responsible to record all city investments noting length of investment, with starting & ending date, interest rate and a schedule of allocation from each account.

10. Responsible to administer oath of office to any city officer who is required to take an oath.
11. Required to attend all meetings of the Council and its committees.
12. Responsible to serve as secretary to the City Council, recording Council proceedings, publishing the minutes of all regular & special meetings and the posting of the agenda for all City Council meetings and City Committees.
13. Responsible to keep the Mayor & City Council apprised of relevant information pertaining to city business.
14. Responsible to accept nomination petitions of candidates for a city office. Reviews each petition to verify the adequate number of signatures and date petition was filed. Petitions are to be delivered to the Commissioner of Elections in a timely manner as required by Code of Iowa 376.4.
15. Responsible to issue license and permits that were previously approved by the City Council.

Preparation, Experience, and Skills

1. Prefer a graduate from the Iowa Municipal Clerk's Institute.
2. At a minimum a high school graduate, with preference given to post high school training in a business curriculum.
3. Prior experience as a bookkeeper, office manager, business owner, or being knowledgeable in regard to general business procedures.
4. Capable of establishing a personal relationship with members of the community yet is able to maintain a business-like atmosphere in the office and with the community.
5. Is competent in the operation of office equipment and possesses a high level of knowledge in regards to computer operations and software configuration.
6. Is able to communicate effectively with city staff and the public. Speaking skills should be above average.

Terms of Employment

Is appointed at the first meeting in January following a regular city election for a two-year term commencing on that date and continuing until a successor is appointed and qualified. The term of employment is at the discretion of the City Council.

Evaluation:

Job performance will be reviewed yearly with the Mayor and/or City Council. A more detailed description of the City Clerk/Treasurer is found in the Policy Manual Title I, Chapter 4, Article 10, 10.01 through 10.07

CHAPTER 5: DEPUTY CLERK

Position Title: Deputy Clerk

General Characteristics:

Recruited by:	City Council, Mayor, and City Clerk
Recommended for Appointment:	City Clerk, Mayor, and City Clerk
Contracted by:	City Council

Working Relationships:

Type of Authority:	Line
Report to:	City Clerk and Mayor
Consults with:	Mayor and City Clerk

Basic Functions:

Will assist the City Clerk in all aspects of the work performed by the City Clerk and will prepare material for the Mayor that relates directly to the Mayor's office.

Position Responsibilities:

This position will in most cases be a stepping stone to the City Clerk's position. Therefore, the qualifications will be similar to that of the City Clerk.

1. Will be knowledgeable in accounting procedures and record keeping.
2. Will assist the City Clerk as the custodian of city records, such as, City Ordinances, Resolutions, personnel records.
3. Will review with the City Clerk and become familiar with the requirements for all publications.
4. Is able to meet the public with a pleasant and professional demeanor.
5. Is able to efficiently and effectively handle office procedures as assigned by the City Clerk.
6. Is able to assist the City Clerk with preparation of newsletters, agendas, and the development of written materials.
7. Is knowledgeable in regard to the Iowa Code as it relates to the operation of city government.

Preparation, Experience, and Skills:

1. At a minimum possess a high school diploma.
2. Will possess knowledge of bookkeeping and accounting procedures.
3. Will be knowledgeable in software operations and possess basic skills in computer.
4. Is able to communicate effectively with city staff and the public.

Term of Employment

Employment is at the discretion of the City Council.

Evaluation:

Job performance will be reviewed at a minimum twice a year by the City Clerk and Mayor.

CHAPTER 6: SWIMMING POOL MANAGER

Position Title: Swimming Pool Manager

General Characteristics:

Recruited by:	City Council & Mayor
Recommended for appointment by:	City Council & Mayor
Contracted by:	City Council

Working Relationship:

Type of authority:	Supervisor
Reports to:	Mayor
Supervises:	Lifeguards
Consults with:	City Clerk & Mayor

Basic Function:

Responsible for the overall operation and supervision of the swimming pool, the scheduling and overseeing of the Red Cross Swimming Lessons, the scheduling and training of the lifeguards, and will maintain accurate records on pool operations and staffing.

Position Responsibilities:

1. Shall hold a current Certified Pool Operator Certificate.
2. Shall maintain operational records on site for the previous 12 months. These records shall be available upon request by the State Inspector and the Mayor. These records shall contain a day-to-day account of swimming pool operations as required by the State Public Health Department and the City of George. The data to be collected, recorded and maintained shall be on file at the Swimming Pool and the City Clerk's Office.
3. Daily vacuuming of the swimming pool.
4. Daily maintain clean and disinfected bathhouse/showers, designating the responsibility to the on-duty lifeguards.
5. Hose off the deck and disinfect at a minimum of three times a week.
6. Shall organize and publicize, at the appropriate times, for Certified Red Cross Swimming Lessons, collect money, schedule sessions and supervise the program.
7. Shall terminate with the approval of the Mayor.
8. Shall be responsible for canceling swimming lessons due to inclement weather or when emergency situations are present. Shall announce on the radio any change of the routine hours and schedules at the pool.
9. The Manager is responsible for the scheduling of lifeguards. The guards shall be scheduled efficiently. It is the Manager's discretion as to the number of guards on duty. However, the number shall at all times meet State regulations.

10. Shall be responsible to schedule a safety meeting with the City Rescue Team in regard to the training required by State & Federal rules and regulations for response to an emergency at the pool.
11. Shall be responsible for developing an Emergency Plan for all potential situations that may occur during the course of pool operations. This shall include: drowning, near drowning, accidents, etc.
12. The chemicals and materials that are required to be on hand for the successful operations of the pool shall be the responsibility of the Pool Manager.
13. Shall be responsible to see that the required first aid equipment/supplies/materials are on hand and current in everyway.
14. Shall oversee and enforce all pool rules. Shall provide orientation for the lifeguards on these rules, and maintain strict compliance.
15. Shall be on duty for all pool parties. They shall be held from 5-8 p.m. Adequate lifeguard supervision will also be present.
16. Shall conduct meetings often with lifeguards to discuss pool operations, policy, and rules & regulations.
17. Shall collect and review for accuracy all lifeguard time sheets. These shall be submitted to the City Clerk per her request. The time sheets are to be signed by the Pool Manager.

CHAPTER 7: SWIMMING POOL ASSISTANT MANAGER

Position Title: Swimming Pool Assistant Manager

General Characteristics:

Recruited by:	City Council & Mayor
Recommended for appointment by:	City Council & Mayor
Contracted by:	City Council

Working Relationship:

Type of authority:	Supervisor
Reports to:	Pool Manager
Supervises:	Lifeguards
Consults with:	Pool Manager, City Officials by request

Basic Function:

Shall be able to function as Pool Manager in every way. Shall supervise lifeguards in the absence of the Pool Manager or as assigned by the Pool Manager.

Position Responsibilities:

1. Shall hold a lifeguard and WSI Certification.
2. Shall serve as a lifeguard and WSI Instructor.
3. Shall perform duties and responsibilities assigned to this position by the Pool Manager.
4. Shall be responsible for pool operation during the absence of the Pool Manager.
5. Shall meet frequently with the Pool Manager to coordinate pool schedules, lifeguard assignments and supervision, and the general management of pool activities.
6. Shall be familiar with the Pool Manager's job description.

I have read and understand the responsibilities as outlined herein. I agree to these standards of performance. If I have questions about my work and related responsibilities I will direct these to the Pool Manager or Assistant Pool Manager. I understand that if I do not fulfill my responsibilities as outlined herein, I may be terminated from my position.

CHAPTER 8: SWIMMING POOL LIFEGUARDS

Position Title: Swimming Pool Lifeguard

General Characteristics:

Recruited by:	City Council & Mayor
Recommended for appointment by:	City Council
Contracted by:	City Council

Working Relationship:

Type of authority:	Line
Report to:	Pool Manager
Supervises:	Pool patrons
Consults with:	Pool Manager

Basic Function:

To provide a safe, orderly environment in and around the swimming pool.

Position Responsibilities:

1. Shall recognize the role of the Pool Manager and Assistant Manager and will follow their directions in all aspects of their job as lifeguard.
2. Shall be available and willing while on duty to rotate through the various assignments as determined by the Manager or Assistant Manager.
3. Shall hold a lifeguard certificate and CPR certificate prior to being assigned life-guarding responsibilities.
4. Swimming Instructors shall hold a lifeguard certificate and WSI certification prior to being assigned swimming instructor responsibilities.
5. The Manager shall schedule lifeguards. Guards shall be present at time and days scheduled.
6. Lifeguards are expected to work Saturday's and Sunday's as scheduled by the Pool Manager.
7. Lifeguards should plan to report 10-15 minutes prior to their shift.
8. Lifeguards shall enforce the rules and regulations for the pool. Infractions shall be disciplined in a fair and appropriate manner.
9. Lifeguards shall wear appropriate attire while on duty. The Pool Manager will specify the attire to be worn.
10. Shall be alert and vigil at all times while on duty.
11. Shall use appropriate language while on duty and will speak only when necessary while guarding.
12. Shall maintain a cheerful and open attitude to help children and families enjoy their time at the pool.
13. There shall be no smoking, drugs and/or alcoholic beverages used during working hours or on pool property or in the parking area.
14. Shall check bathhouse for cleanliness throughout your shift as directed by the Pool Manager or Assistant Manager.

15. Shall perform duties at the opening and closing of the pool as prescribed by the Manager or Assistant Manager.
16. There shall be no boyfriends/girlfriends allowed to visit or in anyway interrupt a lifeguard while on duty.
17. Shall record daily and accurately times worked with the time sheet submitted to the Manager weekly. The Pool Manager will sign the time sheet for each guard and submit same to the City Clerk.
18. The lifeguard, with the Pool Manager, is responsible to see that your certifications are current and on file at the pool.
19. During swimming lessons, instructors should be in the water or stationed as directed by the Pool Manager.

I have read and understand the responsibilities as outlined herein. I agree to these standards of performance. If I have questions about my work and related responsibilities I will direct these to the Pool Manager or Assistant Pool Manager. I understand that if I do not fulfill by responsibilities as outlined herein, I may be terminated from my position.

CHAPTER 9: PUBLIC WORKS TECHNICIAN

Position Title: Full-Time Public Works Technician

General Characteristics:

Recruited by:	City Council and Mayor
Recommended for appointment by:	City Council
Contracted by:	City Council

Working Relationships:

Type of authority:	Line
Reports to:	Mayor, Superintendent of Public Works
Supervises:	None
Consults with:	City Council, Mayor, & City Clerk

Basic Functions: Responsible for the various maintenance activities, assist the Superintendent of Public Works as needed and do miscellaneous city tasks as requested.

Position Responsibilities:

1. Assist with the maintenance and repairing of streets, sidewalks, bridges, alleyways, etc.
2. Assist with snow removal and sanding for icy conditions.
3. Maintain the grass on all city property (parks, maintenance buildings, etc)
4. Assist or complete meter reads, changing meters, touchpads, shut-offs and other things as assigned.
5. Help with maintenance and repair of park facilities, including campground.
6. Responsible to maintain the city refuse site in an organized matter.
7. Responsible to help with installing City Christmas decorations the week after Thanksgiving and removing the week after New Year's.
8. Responsible to paint parking areas, handicapped parking and no parking zones that assure efficient parking and traffic flow.
9. Assist the Superintendent of Public Works as needed and requested.
10. Complete miscellaneous tasks as requested by the Mayor, City Council and City Clerk.

Preparation, Experience, and Skills:

1. Is physically able to do the work involved with city operations & maintenance.
2. Has the knowledge and skills to be trained commensurate with the responsibilities of the position.
3. Character traits are of an accepted level, including the avoidance of profanity, limited use of alcohol and not smoking on City property.
4. Report to work each day clean and neat.
5. Show by attitude an interest in promoting the welfare of the city.
6. Is capable of operating heavy equipment. For example: a truck with snow plow, large front-end loader, street sweeper, etc.
7. Possess mechanical knowledge and skills.
8. Able to obtain certification in areas the City Council requires.

9. Is capable of working with the public and dealing with public issues in a pleasant & professional decorum.

Terms: Employment is at the discretion of the City Council.

Evaluation: Job performance will be reviewed yearly with the Mayor and/or City Council.