

VOLGA CODE OF ORDINANCES

2026

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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

1. "Building" means any man-made structure permanently affixed to the ground.
2. "City" means the City of Volga, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. "Clerk" means the City Clerk of Volga, Iowa
4. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. "County" means the County of Clayton, Iowa;
7. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
(Amended in 2010)
8. "Fiscal Year" means July 1 to June 30.

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

10. "May" confers a power;

11. "Month" means a calendar month;

12. "Must" states a requirement;

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

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

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

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

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

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

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

20. "Property" includes real and personal property;

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

22. "Shall" imposes a duty;

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

24. "State" means the State of Iowa;

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

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

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

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

29. "Year" means a calendar year;

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

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

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

1. Gender. Any gender includes the other gender;

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

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

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

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

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

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Volga Municipal Code of 2019 constituting this

Municipal Code and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

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

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

(Amended in 2010)

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

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

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

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

(Amended in 2010)

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

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

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

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

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.
(Code of Iowa, Sec. 364.22)

1. Definitions.
 - a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Volga, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Volga, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.
 - b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Volga.
 - c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.
2. Violations, Penalties, and Alternative Relief.

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

Schedule of Civil Penalties

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

Repeat Offense: Not more than one thousand dollars (\$1,000.00)
(Amended during 2010)

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
 - c. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action.
3. Civil Citations
- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.
 - b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
 - c. The original of the citation shall be sent to the Clerk of the district court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.
 - d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - (1)The name and address of the defendant.
 - (2)The name or description of the infraction attested to by the officer issuing the citation.
 - (3)The location and time of the infraction.
 - (4)The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - (5)The manner, location, and time in which the penalty may be paid.
 - (6)The time and place of court appearance.

(7)The penalty for failure to appear in court.

(8)The legal description of the affected property, if applicable.

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

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of \$100.00 . No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-4-1 PURPOSE AND INTENT.

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

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

1-4-2 GENERAL.

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

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

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

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

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

1-4-3 FORM OF NOTICE OF HEARING. The notice to parties shall be substantially in the following form, but may include other information:

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

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

1-4-5 CONDUCT OF HEARING.

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

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

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

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

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

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

a. To call and examine witnesses on any matter relevant to the issues of the hearing;

b. To introduce documentary and physical evidence;

c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

d. To impeach any witness regardless of which party first called the witness to testify;

e. To rebut the evidence against the party; and

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

7. Official notice.

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

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

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

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

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

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

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

1-4-6 METHOD AND FORM OF DECISION.

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

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

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

TITLE I GENERAL PROVISIONS

CHAPTER 5 BOUNDARIES

1-5-1 Corporate Limits

1-5-1 CORPORATE LIMITS. The corporate limits of the City of Volga shall be the City Limits

The Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 9-92-6. The Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 4-92-6, the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 3-92-6, and the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 10-92-6.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

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

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

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-8	Bonds Filed
2-2-2	Appointment of Officers	2-2-9	Conflict of Interest
2-2-3	Terms of Appointive Officers	2-2-10	Resignations
2-2-4	Vacancies in Offices	2-2-11	Non-eligibility for Reappointment
2-2-5	Bonds Required	2-2-12	Removal of Appointed Officers
2-2-6	Surety	2-2-13	Positions Combined
2-2-7	Blanket Position Bond	2-2-14	Boards and Commissions

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk/Treasurer, Mayor Pro-Tem, Sewer/Water Superintendent, Public Works Superintendent, Attorney, Floodplain Administrator, and Fire Chief (Director).

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

The City Council shall appoint the Fire Chief of the volunteer fire department, the Attorney, and the Clerk for a term of two (2) years.

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

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

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

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

2-2-5 BONDS REQUIRED. Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond. In lieu of a bond, a municipal officer may obtain an insurance policy in an amount not less than the amount of a required bond, in accordance with State and City law.

(Code of Iowa, Sec. 64.3 and 64.13)

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.23)

2-2-9 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for his city, unless expressly permitted by law. A contract entered into in violation of this section is void.

(Code of Iowa, Sec. 362.5)

2-2-10 RESIGNATIONS. Resignations may be made by all council members and officers to the clerk or mayor and may be submitted in the following form: in writing, email, or other electronic medium that is captured such as a text message that can be achieved and reproduced by any means possible; or made during open session or made in the presence of two people. Resignations are effective upon submission and cannot be withdrawn upon submission to the clerk.

(Code of Iowa, Sec. 69.4(5))

2-2-11 NONELIGIBILITY FOR REAPPOINTMENT. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if, during that time, the compensation for the office has been increased.

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

2-2-12 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 clerk and a copy shall be sent by certified mail to the person removed. Upon request filed with the 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 is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

2-2-13 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.

2-2-14 BOARDS AND COMMISSIONS.

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

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-8	Powers and Duties of the City Attorney
2-3-2	Books and Records	2-3-9	Powers and Duties of the Public Works Superintendent
2-3-3	Deposits of Municipal Funds	2-3-10	Powers and Duties of the Water/Sewer Superintendent
2-3-4	Transfer of Records and Property To Successor	2-3-11	Powers and Duties of the Fire Chief
2-3-5	Powers and Duties of the Mayor	2-3-12	Drug Testing Program for City Employee
2-3-6	Powers and Duties of the Clerk		
2-3-7	Powers and Duties of the Police Chief		

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

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

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

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

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

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

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

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time. (Code of Iowa, Section 372.14(1))

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

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

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

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

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

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

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

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

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

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

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

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City

Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

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

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

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

13. The mayor is not a member of the council and may not vote as a member of the council.
(Code of Iowa, Sec. 273.4)

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

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.
(Code of Iowa, Sec. 372.13(4) and (6))

2. The Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.
(Code of Iowa, Sec. 380.7(1))

3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when such maps or charts contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and

coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

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

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

(Code of Iowa, Sec. 384.20)

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 376.4)

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.16)

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

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

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

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

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

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

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

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

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

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

32. The Clerk shall administer oaths of office to any city officer who is required to give an oath. (Code of Iowa, Sec. 78.2(4))

33. The Clerk shall keep an official resolution book and enter each resolution therein.

34. Write grants as approved by the mayor and council, administer grants awarded, and coordinate with other agencies that are writing grants for the City.

2-3-7 POWERS AND DUTIES OF THE POLICE CHIEF. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein. (Code of Iowa, Sec. 28E.30)

The City of Volga contracts with the Clayton County Sheriff Department for law enforcement services. Stipulations for this contract are as addressed in the latest version of the 28E agreement for law enforcement services between the City of Volga and the Clayton County Sheriff's Office.

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

2-3-9 POWERS AND DUTIES OF THE PUBLIC WORKS SUPERINTENDENT. The duties of the Public Works Superintendent shall be as follows:

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

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

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

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

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

5. The Superintendent shall 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 approval.

6. The Superintendent shall report to the council all persons refusing to comply with or violating any ordinance in relation to streets, alleys or public grounds.

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

8. Water and Wastewater Operations. The Superintendent shall perform daily water testing and facilities monitoring as coordinated with the water/sewer superintendent.

9. Park Board. The Superintendent shall work in cooperation with efforts to maintain all parks, equipment and projects under Park Board direction.

10. Christmas Lights. The Superintendent shall put up and take down lights that have been maintained and are ready for display.

2-3-10 POWERS AND DUTIES OF THE WATER/SEWER SUPERINTENDENT. The duties of the Water/Sewer Superintendent shall be as follows: (Code of Iowa, Sec. 372.13(4))

1. The Superintendent shall supervise and inspect the installation and connection of all water mains and service pipes in the city in accordance with the State Plumbing Code and maintain the system in an adequate manner.

2. The Superintendent shall operate city water supply and storage facilities in accordance with the best practice for the protection of the purity of the water supply, and provision of an adequate supply and pressure to the system.

3. The Superintendent shall make or supervise the making of all taps to water mains.

4. The Superintendent shall shut off water supply when deemed necessary under policies set by the council.

5. The Superintendent shall oversee the installation and repair of water meters.

6. The Superintendent shall maintain written records of inspections of installation or tapping of the water system, of purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.

7. The Superintendent shall make, to the mayor monthly, oral or written reports on departmental activities on or before the first day of each succeeding month.

8. The Superintendent shall supervise the installation of all sanitary sewers in the city in accordance with the State Plumbing Code and supervise the storm drainage system in the city.

9. The Superintendent shall inspect all sewer connections and sewer interceptors and keep records of these inspections.

10. The Superintendent shall uncover manholes that are buried, raising them where necessary to keep them accessible.

11. Should any excavation be left open or partly refilled for twenty-four (24) hours after the private sewer is installed and connected with the public sewer, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit. The plumber's bond required for a plumber's license shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12(3h))

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

13. The Superintendent shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities enterprise. The Superintendent shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

14. The Superintendent shall monitor water and wastewater quality to meet EPA/DNR requirements.

15. The Superintendent shall maintain adequate treatment and testing materials.

16. The Superintendent shall coordinate repairs and replacement of defective or obsolete equipment.

17. The Superintendent shall obtain proper licenses as required by system, including continuing education.

2-3-11 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows: (Code of Iowa, Sec. 372.13(4))

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

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

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

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

5. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

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

a. Fire prevention.

b. Maintenance and use of fire escapes.

c. The investigation of the cause, origin and circumstances of fires.

d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.

e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

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

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

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

10. The Fire Chief shall appoint carefully selected volunteer firemen, with council approval, fill vacancies among them and discharge them when necessary.

2-3-12 DRUG TESTING PROGRAM FOR CITY EMPLOYEES. The drug testing program for city employees shall be as follows:

1. The purpose on the drug testing program is to provide guidelines for all employees to follow concerning the use or possession of drugs and the procedures involved in employee drug testing.

2. It is the policy of the City of Volga that the critical mission of any city employee justifies maintenance of a drug-free environment through the use of a reasonable employee drug-testing program. The public has a right to expect that those who are employed as a public servant, either sworn or in a civilian capacity, are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances, and other forms of drug abuse will seriously impair an employee's physical and mental health, and thus, their job performance. This confidence is further eroded by the potential for corruption created by drug use. Therefore, in order to ensure the integrity of the city and to preserve public trust and confidence in a fit and drug-free law enforcement profession, the city of Volga shall implement a drug-testing program to detect prohibited drug use by all employees.

3. In this policy, "drug test" means any blood, urine, saliva, chemical or skin tissue test conducted for the purpose of detecting the presence of a chemical substance in an individual.

4. The following procedures and rules shall apply to all applicants and all employees of the City of Volga, while on and off duty:

a. No employee shall engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on city premises or while in a City of Volga vehicle or while conducting city business.

b. No employee shall illegally possess any controlled substance.

c. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner:

(1) Employees shall notify their immediate supervisor when required to use prescription medicine which they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication, and the prescribed period of use.

- (2) Supervisors shall document, in writing, this information through the use of an internal memorandum and maintain this memorandum in a secured file with the supervisor.
- (3) The employee may be temporarily reassigned to other duties, where appropriate.

d. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.

e. Any employee who unintentionally ingests or is made to ingest a controlled substance shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.

f. Employees shall report to their supervisor any conviction under a criminal drug statute for violations within five (5) days after entry of said conviction.

g. Any employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled substance shall immediately report the facts and circumstances to their supervisor.

- (1) Compliance with the terms and reporting requirements of this policy is required as a condition of employment for all employees.
- (2) Violations of this policy will result in disciplinary action, up to and including termination, in addition to other legal consequences.
- (3) Discipline of sworn employees for violation of this Policy shall be in accordance with the due process rights provided in the City's discipline and grievance procedures.

5. Applicants for any position with the city of Volga shall be required to take a drug test as a condition of employment during a pre-employment medical examination. Applicants shall be disqualified from further consideration for employment under the following circumstances:

- a. Refusal to submit to required drug-test; or
- b. Confirmed positive drug-test indicating drug use prohibited by this policy;

6. All employees of the city of Volga will be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use, as provided herein:

a. The Mayor may order an employee to take a drug test upon documented probable cause to believe said employees' faculties are impaired on the job as a result of the employee using drugs. A summary of the facts supporting the order shall be made available to the employee prior to the actual test.

b. Employees will be required to submit to unannounced drug testing, no more than, once per quarter of the calendar year.

7. The testing procedures and safeguards provided in this policy to ensure the integrity of the city, drug-testing shall be adhered to by any personnel administering drug tests:

a. Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before they enter the testing area.

b. A pre-test interview shall be conducted by testing personnel with each employee in order to ascertain and document the recent use of any prescription or nonprescription drugs, or any indirect exposure to drugs that may result in a false positive test result.

c. The bathroom facility of the testing area shall be private and secure.

(1) Authorized testing personnel shall search the facility before an employee enters it to produce a urine sample, and document that it is free of any foreign substances.

(2) Testing personnel of the same sex as the employee shall observe production of the urine sample.

d. Where the employee appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug-testing report form. The employee shall be permitted no more than three hours to give a sample, during which time he or she shall remain in the testing area, under observation. Up to forty (40) ounces of water may be given to the employee to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a drug test.

e. Employees shall have the right to request that their urine sample be split and stored in case of legal disputes. The urine samples must be provided at the same time and marked and placed in identical specimen containers by authorized testing personnel. One sample shall be submitted for immediate drug testing. The other sample shall remain at the facility in frozen storage. This sample shall be made available to the employee or the employee's attorney should the original sample result in a legal dispute or the chain of custody be broken.

f. Specimen samples shall be sealed, labeled and checked against the identity of the employee to ensure the results match the tested specimen. Samples shall be stored in a secured and refrigerated atmosphere until tested or delivered to the testing lab representative.

g. Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel.

8. In conducting those tests designed to identify the presence of chemical substances in the body, to the extent feasible, said tests shall only measure and the records of the tests shall only show or make use of information regarding chemical substances in the body which are likely to affect the ability of the employee to perform safely the employee's duties while on the job.

- a. The testing or processing phase shall consist of a twostep procedure:
 - (1) Initial screening test, and
 - (2) Confirmation test.

b. The test sample is first tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending". Notification of test results to the Mayor or other Departmental designee shall be held until the confirmation test results are obtained.

c. A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test. When possible and practical, the confirmatory test shall use a portion of the same test sample withdrawn from the employee for use in the first test.

d. The drug screening test selected shall be capable of identifying marijuana, cocaine and every major drug of abuse including heroin, amphetamine and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.

e. Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial immunoassay drug, screening test:

Initial Test

Level ng/ml

- a) Marijuana metabolite - - - - - 100
- b) Cocaine metabolite - - - - - 300
- c) Opiate metabolites - - - - - 300*
- d) Phencyclidine - - - - - 25
- e) Amphetamines - - - - - 1000

25 ng/ml if immunoassay specific for free morphine.

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GC/MS test on a urine specimen that tested positive using a technologically different initial screening method:

Confirmatory Test

Level ng/ml

- a. Marijuana metabolite - - - - - 15 (1)
- b. Cocaine metabolite - - - - - 150 (2)
- c. Opiates:
 - Morphine - - - - - 300*
 - codeine - - - - - 200*
 - Phencyclidine - - - - - 25

Amphetamines:
Methamphetamine - - - - - 500
(1) Delta-9 tetrahydrocannabinol-9
carboxylic acid
(2) Benzoylecgonine

f. The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of custody, technical expertise and demonstrated proficiency in urinalysis and must be approved under the rules adopted by the Iowa Department of Public Health.

g. Employees having a negative drug test shall receive a memorandum stating that no illegal drugs were found. If the employee requests such, a copy of the letter will be placed in the employee's personnel file.

h. An employee shall be accorded a reasonable opportunity to rebut or explain the results of a drug test.

i. Any employee who breaches the confidentiality of testing information shall be subject to discipline.

9. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.

a. Where a positive result is confirmed, urine specimens shall be maintained in secure, refrigerated storage for an indefinite period.

10. All records pertaining the City of Volga's required drug tests shall remain confidential and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.

a. Drug test results and records shall be stored and retained for an indefinite period in a secured area.

b. Results of drug tests will be recorded in the employee's personnel records. However, if an employee whose test indicated the employee was under the influence of alcohol or a controlled substance or indicated the presence of a controlled substance has undergone a substance abuse evaluation and, when treatment was indicated pursuant to the substance abuse evaluation, successfully completed treatment for substance abuse, the employee's personnel records shall be expunged of any reference to the test or to the results when the employee leaves employment.

11. The City of Volga shall provide substance abuse evaluation, and treatment if recommended by the evaluation, with costs apportioned as provided under the employee benefit plan or at City of Volga's expense, if there is no employee benefit plan, the first time an employee's drug test indicates the presence of alcohol or a controlled substance. If an employee fails to

undergo substance abuse evaluation when required under the results of a drug test or fails to successfully complete substance abuse treatment when recommended by an evaluation, the employee may be disciplined up to and including discharge. The substance abuse evaluation and treatment provided by the City of Volga shall take place under a program approved by the Department of Public Health or accredited by the joint commission on accreditation of hospitals.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

- | | | | |
|-------|----------------|-------|--------------------------|
| 2-4-1 | Council Member | 2-4-4 | Floodplain Administrator |
| 2-4-2 | Mayor | 2-4-5 | Other Officers |
| 2-4-3 | Mayor Pro Tem | | |

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be two hundred dollars (\$200.00) per year, paid in quarterly installments.
(Code of Iowa, Sec. 372.13(8))

2-4-2 MAYOR. The Mayor shall receive an annual salary of six-hundred (\$600.00) to be paid in quarterly installments.
(Code of Iowa, Sec. 372.13(8))

2-4-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen days or more, the Mayor Pro Tem may be paid for that period the compensation determined by the City Council, based upon the Mayor Pro Tem's performance of the mayor's duties and upon the compensation of the mayor.
(Code of Iowa, Sec. 372.13(8))

2-4-4 FLOODPLAIN ADMINISTRATOR. The Floodplain Administrator shall receive an annual salary of six-hundred (\$600.00) to be paid in equal quarterly installments.

2-4-5 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.
(Code of Iowa, Sec. 372.13(4))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-10	Budget Officer
2-5-2	Budget Amendment	2-5-11	Expenditures
2-5-3	Reserved	2-5-12	Authorizations to Expend
2-5-4	Accounts and Programs	2-5-13	Accounting
2-5-5	Annual Report	2-5-14	Budget Accounts
2-5-6	Monthly Reports	2-5-15	Contingency Accounts
2-5-7	Council Transfers	2-5-16	Investment Policy
2-5-8	Reserved	2-5-17	Purchasing
2-5-9	Special Funds; Imprest Cash Funds		

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

(Code of Iowa, Sec. 384.16)

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

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

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

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

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

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

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

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

2-5-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes: (Code of Iowa, Sec. 384.18)

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

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

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

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

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

2-5-3 RESERVED.

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

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other

person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

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

(Code of Iowa, Sec. 384.22)

2-5-6 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.

2-5-7 COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

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

2-5-8 RESERVED.

2-5-9 SPECIAL FUNDS; IMPREST CASH FUNDS. The clerk shall be custodian of a petty cash fund not to exceed twenty-five dollars (\$25.00) for the payment of small claims for minor purchases, collect on delivery, transportation chards, 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 or his agent.

At such time as the petty cash fund in 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.

2-5-10 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-5-11 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding two hundred dollars (\$200.00) (or an amount determined by City Council) may be made by those officials authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends, and holidays excepted. Purchases totaling \$201 to \$499 must have the Mayor or City Clerk sign the purchase order prior to making the purchase. And purchase orders over five hundred dollars (\$500.00) must be pre-approved by the City Council. Purchases from petty cash shall be excepted.

2-5-12 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-13 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk and the Mayor or Mayor Pro Tem.

(Code of Iowa, Sec. 384.20)

2-5-14 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates

and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
(Code of Iowa, Sec. 384.20)

2-5-15 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the Clerk shall set up in the accounting records but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

2-5-16 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.

2-5-17 PURCHASING. When the estimated total cost to the City for the purchase of any supplies, material or equipment exceeds twenty-five thousand dollars (\$25,000.00) the City shall advertise for sealed bids for the proposed purchase by publishing a notice to bidders as provided by law. The notice to bidders may be published more than twenty (20) days, but not more than forty-five (45) days before the date for filing bids.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

2-6-1	Purpose	2-6-3	Publication of Notice
2-6-2	Notice Generally	2-6-4	Ordinance and Amendments
		2-6-5	Removal Unlawful

2-6-1 PURPOSE. The City of Volga, Iowa requires publication of all Ordinances, amendments, and City Council actions and notice of elections, hearings, and/or other official actions per the terms of the City Code. This Chapter identifies how those publications and notices shall be published.

(Code of Iowa, Sec. 362.3)

2-6-2 NOTICE GENERALLY. Notice of elections, hearings, and/or other official acts as required by city code, 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 State law. (Code of Iowa, Sec. 362.3(1))

2-6-3 PUBLICATION OF NOTICE. Notice of elections, hearings, and/or other official acts required by the City Code will be published in a newspaper published at least once weekly and having general circulation in the City at the direction of the City Clerk. (Code of Iowa, Sec. 362.3(1))

2-6-4 POSTING OF ORDINANCES AND AMENDMENTS. The City of Volga, Iowa has no newspaper published within the corporate limits of the City, and publications of Ordinances and amendments may be made by posting in three public places which have been permanently designated by Ordinance, unless otherwise provided by State law.

The three (3) public places where Ordinances and amendments are to be posted and displayed are hereby established as follows:

1. Volga City Hall, 601 Washington Street (and Volga City Facebook page)
2. Volga Post Office, 501 Washington Street
3. The Corner Shop, 804 Washington Street

The City Clerk is hereby directed to post and/or publish all Ordinances, amendments and City Council actions promptly after passage.

2-6-5 REMOVAL UNLAWFUL. It shall be unlawful for any person other than the city clerk to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

2-7-1	Purpose	2-7-6	Filing, Presumption, Withdrawals, Objections
2-7-2	Nominating Method to be Used	2-7-7	Persons Elected
2-7-3	Nominations by Petition	2-7-8	Primary and Runoff Abolished
2-7-4	Adding Name by Petition	2-7-9	Surety Bonds
2-7-5	Preparation of Petition		

2-7-1 PURPOSE. The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-7-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.
(Code of Iowa, Sec. 376.3)

2-7-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.
(Code of Iowa, Sec. 45.1)

2-7-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.
(Code of Iowa, Sec. 45.2)

2-7-5 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

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

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

(Code of Iowa, Sec. 45.5)

2-7-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

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

2-7-8 PRIMARY AND RUNOFF ABOLISHED. The Council has adopted Chapters 44 and 45 of the Code of Iowa for conducting elections and in accordance with Section 376.6(2), Code of Iowa, no primary or runoff election will be conducted for City offices.

2-7-9 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. 64.1A)

3. Amount of Bond. The blanket bond shall be in the principal amount of one thousand dollars (\$1,000.00), conditioned on the faithful performance of their duties, with the position of clerk named for specific coverage of \$1,000.00

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 CITY COUNCIL

2-8-1	Powers and Duties	2-8-5	Eligibility for Appointment
2-8-2	Exercise of Power	2-8-6	Tentative Agenda
2-8-3	Meetings	2-8-7	Serving as Chief of Volunteer Fire Department
2-8-4	Council Committees		

2-8-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-8-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

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

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

(Code of Iowa, Sec. 380.4)

(Amended in 2008)

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

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

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

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

b. If the Mayor vetoes a measure and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure. (Code of Iowa, Sec. 380.6(2))

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

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

2-8-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council shall be held on the second Monday of each month at seven o'clock (7:00) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or for other reason, the meeting will be held on such different day or time as determined by the City Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk. (Code of Iowa, Sec. 372.13(5))

3. Quorum. A majority of all City Council members is a quorum.
(Code of Iowa, Sec. 372.13(1))

4. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings. (Code of Iowa, Sec. 372.13(5))

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

6. Open Meetings. All meetings of the council, standing committees and city boards or commissions, or special committees shall comply with the open meetings laws of Iowa.
(Code of Iowa, Sec. 21)

2-8-4 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 three council members; the first named shall be chairman. The mayor shall name the chairman of special committees and such other members as he 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.

2-8-5 ELIGIBILITY FOR APPOINTMENT. A councilman 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 is elected. (Code of Iowa, Sec. 372.13(3))

2-8-6 TENTATIVE AGENDA. The 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.

2-8-7 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, 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. 273.3(10))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 CITY RECORDS

2-9-1	Records – Custody and Confidentiality Rulings	2-9-3	Custodians Named for Specified Records
2-9-2	Clerk’s Duty – Information		

2-9-1 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 by this resolution and are directed to familiarize themselves with the requirements of the law. 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.

2-9-2 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 clerk shall also keep himself informed of any amendments to new interpretations and distribute such addenda to the named custodians promptly upon receipt thereof.

2-9-3 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.* Council minutes and proceedings and related papers, ordinance and resolution records, reports files, 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 not in hands of superintendents, personnel records not in hands of a personnel officer.

b. Treasurer. Treasurer’s accounts, warrant records, investment records, depository agreements.

c. City Attorney. Legal opinions, records of legal cases, investigations.

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

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

f. Water and Sewer Superintendent. Operating records, volume pumped, water quality tests, etc., customer billings if responsible for billing.

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

2. City Clerk Custodian. The city clerk shall be the 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.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-5	Public Safety and Health
3-1-2	Public Peace	3-1-6	Public Property
3-1-3	Public Morals	3-1-7	Enforcement
3-1-4	Streets		

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. No person shall conduct or cause any parade on any street except as provided in this section:

a. 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 advertise generally to the public as a parade.

b. PERMIT. No parade shall be conducted without a written permit obtained from the mayor or police chief in the mayor's absence. Such permits 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.

c. PARADE NOT A STREET OBSTRUCTION. Any parade authorized by a permit and in which the persons unlawfully participating shall not be deemed a street obstruction, notwithstanding the provisions of any other ordinance to the contrary.

d. 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.

3-1-3 PUBLIC MORALS.

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

(Code of Iowa, Sec. 709.9)

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

3-1-4 STREETS.

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

(Code of Iowa, Sec. 716.5)

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

(Code of Iowa, Sec. 716.1)

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

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

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

3-1-5 PUBLIC SAFETY AND HEALTH.

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)

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

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

5. Discharging fireworks. (Code of Iowa, Sec. 727.2)

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

b. A permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator may be approved by Clayton County and the Volga Fire Chief, and approved by city council. Such permit shall be granted only with consent of all adjacent property owners when the displays are within 350' of adjacent properties, except in the case of displays originating on city property.

c. All permits must be readily accessible to any party requesting to review it.

d. All fireworks must be discharged 350 feet from adjacent properties or have written consent of all adjacent property owners when less than 350 feet from adjacent properties.

e. All display fireworks must obtain a permit in accordance with Title 3 Chapter 1 Section 5 requirements.

6. Discharging firearms and hunting. No person shall discharge weapons within the city limits of the City of Volga without expressed written permission of the city council under whatever terms or conditions the city council may impose or as excepted below.

a. For the purpose of this section, a "weapon" means any firearm or other device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, or any device readily convertible to that use, and also includes all forms of archery equipment and crossbows used for taking game animals or game birds. Live Traps maintained in accordance with State Law shall not be considered a weapon under this section.

b. It shall be unlawful for any person to discharge a weapon within the corporate city limits.

The exceptions contained in this section are not intended to protect any person from the civil liabilities which may result from the actions herein prohibited. It is a defense to prosecution under this section that:

(1)The person was a peace officer acting in the performance of his official duties;

(2)The person was at a shooting range operated by an agency of the federal or state government or by any political subdivision of the state;

(3)The person was at a privately-owned range which had been approved by the building official or chief of police, and is legally operating as a permitted use in accordance with the zoning ordinances and laws of the city and the laws of the United States and the state;

(4)The person was using blank cartridges for a show or theatrical production, for signal or ceremonial purposes in athletics or sporting events, or by a military organization;

(5)The person was lawfully defending his person, the person of another, or his property;

(6)The person was shooting at a snake, skunk or other dangerous reptile or animal which could present a danger to the person or the community.

c. Penalty. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Seven Hundred Fifty Dollars (\$750) for violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

9. Harassment of City Employees.

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

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 364.12)

13. Littering prohibited.

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

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

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

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

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

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

3-1-6 PUBLIC PROPERTY.

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

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

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

(Code of Iowa, 364.12(2))

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

10. Damage to roads, railways, and other utilities. No person shall damage, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or

plank road; or willfully obstruct or damage any public road or highway; or cut, burn, or in any way break down, damage or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or damage and deface any electric light, telegraph or telephone instrument; or in any way cut, break or damage the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, damage, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing. (Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 727.8)

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

13. 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, school house, 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.

3-1-7 ENFORCEMENT. The city Council of the City of Volga, Iowa hereby authorizes the Clayton County Sheriff's Office to enforce the Ordinances of the City of Volga, as passed by the city Council and as may be amended from time to time by the City Council of Volga Iowa, within the City of Volga, Iowa. The authorization described is provided in the 28E agreement for law enforcement services the City of Volga has entered into with the Clayton County Sheriff Department, the full record of which is maintained at the Volga City Hall.

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	3-2-7	Request for Hearing and Appeal
3-2-2	Nuisances Prohibited	3-2-8	Abatement in Emergency
3-2-3	Other Conditions Regulated	3-2-9	Abatement by Municipality
3-2-4	Notice to Abate Nuisance or Condition	3-2-10	Collection of Cost of Abatement
3-2-5	Contents of Notice to Abate	3-2-11	Installment Payment of Cost of Abatement
3-2-6	Method of Service	3-2-12	Condemnation of Nuisance
		3-2-13	Offenses Against Property

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

1. **NUISANCES DECLARED.** The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. Nuisances shall include, but not be limited to, those activities and items hereinafter set forth in this section below: (Code of Iowa, Sec. 657.1)

a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public. (Code of Iowa, Sec. 657.2(1))

b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others. (Code of Iowa, Sec. 657.2(2))

c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water. (Code of Iowa, Sec. 657.2(3))

d. The polluting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others. (Code of Iowa, Sec. 657.2(4))

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds. (Code of Iowa, Sec. 657.2(5))

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others. (Code of Iowa, Sec. 657.2(6))

g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets. (Code of Iowa, Sec. 657.2(7))

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

i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing. (Code of Iowa, Sec. 657.2(8))

j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire resistant construction. (Code of Iowa, Sec. 657.2(9))

k. The emission of dense smoke, noxious fumes, or fly ash.
(Code of Iowa, Sec. 657.2(10))

l. Weeds. Any condition relating to weeds which is described as a nuisance in the Volga Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code. (Code of Iowa, Sec. 657.2(11))

(1) Lawn grass exceeding a height of 8" is deemed a nuisance and will initiate nuisance abatement measures identified in this chapter.

m. Trees infected with Dutch elm disease. (Code of Iowa, Sec. 657.2(12))

n. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage. (Code of Iowa, Sec. 716.1)

o. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.
(Code of Iowa, Sec. 657.2)

p. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission

from the Clayton County Public Health Department and junk or salvage materials property stored in accordance with the Volga Municipal Code;

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

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

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

t. Infestations of vermin such as rats, mice, skunks, starlings, pigeons, wasps, cockroaches or flies.

u. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspool or septic tank which does not comply with the Clayton County Department of Health regulation.

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

w. Dangerous buildings or structures.

x. Abandoned buildings.

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

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

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

bb. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with a City Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.

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

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

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

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

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

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

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

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

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

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

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

nn. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.

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

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

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

3. The numbering of buildings. (Code of Iowa, Sec. 364.12(3)(d))

4. The connection to public drainage systems from abutting property when necessary for public health or safety. (Code of Iowa, Sec. 364.12(3)(e))

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.
(Code of Iowa, Sec. 364.12(3)(f))

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard. (Code of Iowa, Sec. 364.12(3)(g))

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

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, the Mayor or officer may notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. Notice and opportunity to abate the nuisance is not required prior to bringing legal action. (Code of Iowa, Sec. 364.12(3)(h))

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

1. A description of what constitutes the nuisance or other condition.

2. The location of the nuisance or condition.

3. A statement of the act or acts necessary to abate the nuisance or condition.

4. A reasonable time within which to complete the abatement.

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

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor. (Code of Iowa, Sec. 364.12(3)(h))

In addition to regular mail, service by process server, posting on the door of building and publication of notice of nuisance abatement in a legal publication for a period of two consecutive weeks are all valid methods of service.

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

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

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

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

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

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

In addition, an administrative fee of One Hundred Dollars (\$100.00) will be assessed in addition to any other actual labor and equipment costs related to the nuisance abatement.

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes. (Code of Iowa, Sec. 364.12(3)(h))

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$500, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

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

(Code of Iowa, Sec. 364.12A)

3-2-13 OFFENSES AGAINST PROPERTY

1. Defacing City Property. No person shall, without authority from the city, deface, injure or destroy or assist in defacing, injuring or destroying any building, bridge, paving, street, street lamp, pole, street sign, traffic device, sidewalk, drain or sewer or any part thereof, or any other property belonging to the city; or injure or obstruct the construction or repairing of any improvement or work ordered by the city.

2. Injuring Property. No person shall injure any awning, lamp post, gas or water pipe, garden, bush, tree, lawn (to include areas seeding to grass and landscaping), railing, fence or other property not owned by him.

3. Removing Grade Stakes. No person shall obliterate, remove, break or injure any grade stake, stone or other mark or monument set by or under the authority of the City to designate grades, corners, lines or bench marks, or erase or deface any letters or figures thereon, or remove or injure any barricade about any improvement in the course of construction.

4. Defacing Notices. No person shall deface or tear down any notice or advertisement posted by order of the Council or any officer of the city.

5. Posting Bills. No person shall deface any private dwelling house, building, store, room, barn, shed, fence, patrol or fire alarm box, bridge, telephone, electric light, telegraph pole, sidewalk, or curbing by affixing thereon any advertising bills, posters, or any other written or printed matter, except legal notices provided by law without first having obtained the written consent of the owner or agent of such property.

6. Injuring Trees. No unauthorized person shall cut, break, or otherwise injure or destroy any tree along any sidewalk in any parking or elsewhere in the city.

7. Injuring Shrubs, Plants and Flowers. No person shall willfully run over, trample upon, injure, destroy or remove any shrubs, plants, flowers, lawn, bulbs or trees from any park, cemetery, or public place, without the consent of the City Manager in the case of parks or public grounds, or without the consent of the owner in the case of cemeteries.

8. Acts Committed While Upon City Property During Special or Designated Events.

a. The status of the city property, whether rented to a private organization (such as but not limited to fair, open market, or other display or gathering) or designated for public use (such as but not limited to camping), does not relieve any person from abiding by this ordinance.

b. Such damage may be prosecuted against the individual causing the damage or the party responsible for making, securing, or otherwise organizing the special or designated events.

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.1)

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

The City shall maintain a suitable system of filing traffic accident reports.

(Code of Iowa, Sec. 321.266)

3-3-4 CLAYTON COUNTY SHERIFF TO SUBMIT ANNUAL REPORTS. The Clayton County Sheriff Department shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic

accidents, the number of persons killed or damaged, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

3-3-5 HABITUAL TRAFFIC VIOLATORS. The Clayton 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 therefor, 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 Section 321.215)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-6 AUTHORITY OF COUNTY SHERIFF AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the Clayton County Sheriff Department. The officers of the sheriff department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the sheriff department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the county sheriff in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-7 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a Clayton County Sheriff Department officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.

9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.
15. 321.257 Failure to obey or yield to pedestrian or to traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.

31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.

54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.
75. 321.367 Failure to maintain distance fire-fighting vehicle.
76. 321.368 Crossing unprotected fire hose.

- 77. 321.369 Putting debris on highway/roadway.
- 78. 321.370 Removing injurious material.
- 79. 321.371 Clearing up wrecks.
- 80. 321.372 School bus provisions.
- 81. 321.377 Excessive speed of school bus.
- 82. 321.381 Driving or towing unsafe vehicle.
- 83. 321.382 Operating underpowered vehicle.
- 84. 321.383 Failure to display reflective device on slow-moving vehicles.
- 85. 321.384 Failure to use headlamps when required.
- 86. 321.385 Insufficient number of headlamps.
- 87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
- 88. 321.387 Improper rear lamp.
- 89. 321.388 Improper registration plate lamp.
- 90. 321.389 Improper rear reflector.
- 91. 321.390 Reflector requirements.
- 92. 321.391 Improper type of reflector.
- 93. 321.392 Improper clearance lighting on truck or trailer.
- 94. 321.393 Lighting device color and mounting.
- 95. 321.394 No lamp or flag on rear-projecting load.
- 96. 321.395 Parking on certain roadways without parking lights.
- 97. 321.397 Improper light on bicycle.
- 98. 321.398 Improper light on other vehicle.

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| 99. | 321.402 | Improper use of spotlight. |
| 100. | 321.403 | Improper use of auxiliary driving lights. |
| 101. | 321.404 | Improper brake light. |
| 102. | 321.408 | Back-up lamps. |
| 103. | 321.409 | Improperly adjusted headlamps. |
| 104. | 321.415 | Failure to dim. |
| 105. | 321.419 | Improper headlighting when night driving. |
| 106. | 321.420 | Excessive number of driving lights. |
| 107. | 321.422 | Lights of improper color-front or rear. |
| 108. | 321.423 | Special light/signal provision. |
| 109. | 321.430 | Defective braking equipment. |
| 110. | 321.431 | Brake performance ability. |
| 111. | 321.432 | Defective audible warning device. |
| 112. | 321.433 | Unauthorized use of emergency audible warning devices on motor vehicle. |
| 113. | 321.434 | Use of siren or whistle on bicycle. |
| 114. | 321.436 | Defective or unauthorized muffler system. |
| 115. | 321.437 | Mirrors. |
| 116. | 321.438 | Windshields. |
| 117. | 321.439 | Defective windshield wiper. |
| 118. | 321.440 | Defective tires. |
| 119. | 321.441 | Unauthorized use of metal tire or track. |
| 120. | 321.442 | Unauthorized use of metal projection on wheels. |

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| 121. | 321.444 | Failure to use safety glass. |
| 122. | 321.445 | Failure to maintain or use safety belts. |
| 123. | 321.446 | Failure to secure child. |
| 124. | 321.449 | Special regulations. |
| 125. | 321.450 | Hazardous materials. |
| 126. | 321.454 | Width and length violations. |
| 127. | 321.455 | Excessive side projection of load – passenger vehicle. |
| 128. | 321.456 | Excessive height. |
| 129. | 321.457 | Excessive length. |
| 130. | 321.458 | Excessive projection from front of vehicle. |
| 131. | 321.459 | Excessive weight – dual axels (each over 2000 lb. over). |
| 132. | 321.460 | Spilling loads on highways. |
| 133. | 321.461 | Excessive tow-bar length. |
| 134. | 321.462 | Failure to use required towing equipment. |
| 135. | 321.463 | Maximum gross weight. |
| 136. | 321.466 | Gross weight in excess of registered gross weight (for each 2000 lb. over). |

TRAFFIC CONTROL DEVICES

3-3-8 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Clayton County Sheriff Department shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.
(Code of Iowa, Sec. 321.255 and 321.256)

3-3-9 CLAYTON COUNTY SHERIFF DEPARTMENT TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, are hereby authorized:

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

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

3-3-10 PLAY STREETS. The Council has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

SPEED REGULATIONS

3-3-11 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit: NONE
2. Lower speed limit: NONE

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-12 TURNING MARKERS, BUTTONS AND SIGNS. The Council and Public Works may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require

and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-13 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, are authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-14 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-15 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS

3-3-16 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-17 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction: NONE

3-3-18 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, are authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Clayton County Sheriff Department may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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

SPECIAL STOPS REQUIRED

3-3-19 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways: NONE

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-20 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-21 STOP INTERSECTIONS. Vehicles shall stop before entering the following intersections:



3-3-22 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Clayton County Sheriff Department is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-23 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

3-3-24 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

3-3-25 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 Section 321.322)

3-3-26 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:
NONE

PEDESTRIANS' RIGHTS AND DUTIES

3-3-27 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-28 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway at all times. (Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-29 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic

movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

3-3-30 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS.

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

(Code of Iowa, Sec. 321.361)

3-3-31 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Clayton County Sheriff Department (or the City Maintenance Superintendent with council approval), as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-32 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-33 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.

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

(Code of Iowa, Sec. 321.358)

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

7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.

9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.

11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.

12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.

13. At any place where official signs or curb markings prohibit stopping, standing or parking.

14. Within ten (10) feet of the crosswalk at all intersections within the City.

15. In an alley under any fire escape at any time.

3-3-34 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, may cause curbs to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Clayton County Sheriff Department or the Volga City Council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs. (Code of Iowa, Sec. 321.358(10))

3-3-35 AUTHORITY TO IMPOUND VEHICLES. Members of the Clayton County Sheriff Department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the sheriff department, or otherwise maintained by the City, under the following circumstances:

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

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

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

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

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

The city may also at its discretion, arrange for a private towing service to impound the vehicle violating this section and the costs of the private towing service and its impound charges shall be paid by the vehicle owner.

STOPPING, STANDING OR PARKING

3-3-36 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Clayton County Sheriff Department, or the City Maintenance Superintendent with council approval, to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-37 NO PARKING ANYTIME. “No Parking Any Time” signs shall be erected and enforced at the following locations:

1. On the west side of Lafayette Street from the corner of White and Lafayette 132 feet north to the south side of the Catholic rectory driveway.

2. No parking for 30 feet on the south side of Iowa Street from the east edge of Lafayette Street.

3. On Butler Street from the intersection with North Street northeasterly to the intersection with Cass Street.

4. On Cass Street from Washington Street Westerly to the intersection with Butler Street.

5. In the designated sections of Butler Street and Cass Street and at all times from and after the effective date of this Ordinance.

6. Violation of Ordinance No. 97 shall be punishable by a fine not to exceed \$100.

3-3-38 PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

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

(Code of Iowa, Sec. 321.236)

3-3-39 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-40 TRUCK PARKING LIMITED. No person shall park a semi-truck tractor or trailer on any city street, alley, parking lot or other city property. Such parking is allowed in the lot provided at 900 Washington Street. It shall be unlawful under this section to drop the trailer dollies and remove the tractor from the connection to the trailer while on any city street, alley, parking lot or other city property, except at the lot located at 900 Washington Street.

3-3-41 ELECTRIC VEHICLE CHARGING. It shall be unlawful for any person to park or stand a non-electric vehicle in any municipal parking space that has been designated as a public electric vehicle charging station. Further, it shall be unlawful for any person to park or stand an electric vehicle in a municipal parking space that has been designated as a public electric vehicle charging station when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this section, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

HANDICAPPED PARKING

3-3-42 HANDICAPPED PARKING. No person, except drivers of vehicles that are identified as for handicapped persons, shall parking areas marked as reserved for handicap parking. The city

Council shall create handicap parking spaces in number and in the dimension as required by federal and Iowa statutes or regulations. Areas reserved for handicap parking are as follows:

Locations: South side of Dean Street next to the Post Office building

3-3-43 IMPROPER USE. The following uses of a handicap parking space, located on either public or private property, constitute improper use of a handicap parking permit, which is in violation of this Code of Ordinances: (Code of Iowa Section 321L)

1. Use by a motor vehicle not displaying a handicap parking permit.
2. Use by a motor vehicle displaying a handicap parking permit but not being used by a person in possession of a motor vehicle license with a handicap designation or a non-operator's identification card with a handicap designation (other than a person transporting the handicapped or elderly and the persons being so transported in a vehicle displaying a removable windshield place card in accordance with Section 321L of the Code of Iowa).
3. Use by a motor vehicle in violation of the rules adopted under Section 321 of the Code of Iowa.

MISCELLANEOUS DRIVING RULES

3-3-44 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-45 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-46 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

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

3-3-47 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while

they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-48 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-49 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-50 VEHICULAR NOISE.

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

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

3-3-51 ENGINE AND COMPRESSION BRAKES.

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

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

3-3-52 TRUCK ROUTES.

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

No Through Street Routes.

2. Any motor vehicle licensed for five tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over

or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.

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

LOAD AND WEIGHT REQUIREMENTS

3-3-53 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 vehicle shall be operated on streets so designated by such signs. (Code of Iowa Section 321.471 and 321.472)

3-3-54 PERMITS FOR EXCESS SIZE AND WEIGHT. The Mayor 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 Section 321E, 321.473 and 321.472)

3-3-55 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 Mayor 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.

1. Oak Street Bridge. The vehicle weight on the Oak Street Bridge shall be limited to 5 ton. Bridge usage permits can be obtained based upon a defined number of loads annually as recommended by the Clayton County Engineer. Renewable in January by Council approval.

BICYCLE REGULATIONS

3-3-56 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:
 - a. A device having two or three wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - b. A low-speed electric bicycle. (Code of Iowa, Sec. 321.1(40)(c))

3-3-57 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians. Motorized bicycles/e-bikes shall obey the laws pertaining to non-motorized bicycles.

3-3-58 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

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

3-3-59 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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

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

3-3-60 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-61 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-62 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-63 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-64 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district. When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

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

3-3-65 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

SCHOOL BUS REGULATIONS

3-3-66 SCHOOL BUSES. The following shall apply to school buses:

1. Signals. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the City, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route.

2. Lights On. The driver of a school bus shall, while carrying passengers, have its headlights turned on. (Code of Iowa Section 321.372)

3. Discharging Pupils. All people shall be received and discharged from the right front entrance of every school bus, and if the pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver. (Code of Iowa Section 321.372)

4. Passing Prohibited. The driver of any vehicle overtaking a school bus shall not pass a school bus with flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than 15 feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed. (Code of Iowa Section 321.372)

5. Stop When Meeting. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than 20 mph, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stop arm is retracted after which driver may proceed with due caution. (Code of Iowa Section 321.372)

SNOWMOBILES AND ATVS

3-3-67 DEFINITIONS.

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

2. "Operate" shall mean to ride in or on and control the operation of a snowmobile or ATV/UTV.

3. "Operator" means a person who operates or is in actual control of a snowmobile or ATV/UTV.

4. "Street" shall mean a public thoroughfare, roadway, alley, or trail used for motor vehicle or traffic including an interstate, state, or County Highway.

5. "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.

6. "Dead Man Throttle" shall mean a device which disengages the motor from the driving track of a snowmobile or ATV/UTV when pressure is removed from the accelerator or throttle.

7. "All-terrain vehicle" (ATV) means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

8. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain. Off-road motorcycles shall be considered all-terrain vehicles for the purposes of registration. All off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling. An operator of an off-road motorcycle is subject to the provisions governing the operation of all-terrain vehicles.

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

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

3-3-68 HOURS OF OPERATION. No person shall operate a snowmobile or ATV/UTV in the City from ten o'clock (10:00) p.m. to six o'clock (6:00) a.m., except for the purpose of loading and

unloading a snowmobile or ATV/UTV from another vehicle or trailer or responding to an emergency. Any public areas established for use by the Volga Park Board will have hours of operation posted.

3-3-69 AGE OF OPERATION. No minor under 16 years of age may operate a snowmobile or ATV/UTV within the corporate limits of the city, except as specifically permitted as follows:

1. ATV/UTV use by those under 16 in areas designated by the Volga Park Board and outlined on the Registration & Waiver Agreement.

3-3-70 PERMITTED AREAS OF OPERATION. A snowmobile or ATV/UTV may not be operated on any Street, shoulder of a Street, sidewalk, public property, city park, or any other area within the corporate city limits of the city except as specifically permitted as follows:

1. During Emergency. On streets in an emergency during the period of time when at locations were snow and ice upon the streets render travel by conventional motor vehicles impractical and unsafe.

2. Trails. On trails in city parks or on other public property which is specially designated by the Volga Park Board and which is marked by the appropriate signs giving notice that snowmobiles or ATV/UTVs may be operated in the area.

3. Private Property. On the private property of the operator or owner of a snowmobile or ATV/UTV 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 ATV/UTVs. The Park Board can establish public areas for Snowmobiles and ATV/UTV use, limiting snowmobile and ATV/UTV operation on such public areas to no more than 30 days at one time, shall designate the hours during which snowmobiles and ATV/UTVs may be operated in the area, and shall provide that the areas be posted notifying the public of these requirements.

The route established herein shall be the only permitted snowmobile and ATV/UTV routes, and the snowmobiles and ATV/UTVs shall also be subject to the following regulations.

3-3-71 REGULATIONS. It shall be unlawful for any person to operate a snowmobile or ATV/UTV under the following circumstances:

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

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

3. Under the Influence. While under the influence of intoxicating liquor or narcotics or habit-forming drugs. (Code of Iowa Section 321G.13.1 (c))

4. Speed. At a rate of speed greater than 15 mph, provided the circumstances are not such that a lesser speed would be prudent.

5. 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; without proper equipment as required by Section 3-3-71 of this chapter. (Code of Iowa Section 321G .13)

6. In Tree Nursery. In any tree nursery or planting in a manner which damages or destroys growing stock. (Code of Iowa Section 321G .13)

7. Firearms. With any firearms in the vehicle, except in the possession of a peace officer.

8. Without having such snowmobile or ATV/UTV registered as provided for by Iowa law except that this provision shall not apply to the operation of a snowmobile or ATV/UTV on the private property of the owner by the owner or a member of his immediate family. The operator must carry the registration certificate whenever the snowmobile or ATV/UTV is in use. The State registration decal must be displayed on the ATV or UTV and remain clearly visible.

9. Without Insurance. Without having in force in the time of operation, a policy of insurance affording coverage for the operation of a snowmobile or ATV/UTV against liability imposed by law for bodily injury or death or 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 \$5000. If requested by a peace officer (or other designated city official or employee), and owner or operator of a snowmobile or ATV/UTV shall present proof within 24 hours that a policy of insurance is currently in force.

10. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license, or an instruction permit and accompanied by a qualified licensed driver, in the case of a snowmobile; or in the city at all, in the case of an ATV or UTV, unless the driver is at least 18 years old with a valid driver's license.

11. Compliance with State Code. All operation of ATV/UTVs shall comply with Iowa Code Chapter 321I, and all operation of snowmobiles shall comply with Iowa Code Chapter 321 G. Any portion of the City Code in conflict with the State Rules are deemed to be voided.

3-3-72 ADEQUATE SNOW AND ICE COVER. A snowmobile or ATV/UTV 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 4 inches shall be deemed adequate.

3-3-73 EQUIPMENT REQUIRED. All snowmobiles or ATVs/UTVs operated within the City shall have the following equipment:

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

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

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

4. Flag. Snowmobiles or ATV/UTVs while operating on an uncontested Street shall display a pennant or flag at least 60 inches above the ground said tenant or flag shall be a minimum of 6" x 9", shall be orange, and shall provide a fluorescent affect.

5. In the case of an ATV/UTV, an operational horn and rearview mirrors.

3-3-74 CROSSING OF STREET. A snowmobile or ATV/UTV may make a direct crossing of a Street or Highway provided: (Code of Iowa Section 321G .9)

1. Ninety Degree Angle. The crossing is made at an angle of approximately 90° 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 or ATV/UTV is brought to a complete stop before crossing the shoulder or main travel 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.

3-3-75 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-76 TOWING. No item shall be towed by a snowmobile or ATV/UTV unless coupled to said snowmobile or ATV/UTV by a rigid towbar.

3-3-77 SINGLE FILE. Snowmobiles and ATV/UTVs 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 a roadway as is possible under existing conditions.

3-3-78 TRAFFIC REGULATION. Each person operating a snowmobile or ATV/UTV shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable

thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

3-3-79 RESERVED

GOLF CARTS

3-3-80 DEFINITIONS. For use in this ordinance “golf cart” is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-81 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver’s license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa.

PENALTIES AND PROCEDURE

3-3-82 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-83 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-84 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

Penalty After
30 Days

1. Overtime parking	\$ 25 - 50	\$
2. Prohibited parking	\$ 25 - 50	\$
3. No parking zone	\$ 25 - 50	\$
4. Blocking alley	\$ 25 - 50	\$
5. Illegal parking	\$ 25 - 50	\$
6. Street cleaning	\$ 100	\$
7. Snow removal ban	\$ 100	\$
8. Persons with disabilities parking	\$ 200.00	\$

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

3-3-85 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 FIRE PROTECTION

3-4-1	Establishment and Purpose	3-4-6	Fires Outside City Limits
3-4-2	Volunteer Fire Fighters	3-4-7	Election of Officers
3-4-3	Fire Fighter's Duties	3-4-8	Township Contract/Agreements
3-4-4	Worker's Compensation and Hospitalization Insurance	3-4-9	Mutual Aid
3-4-5	Liability Insurance	3-4-10	Fire Chief

3-4-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency. (Code of Iowa, Sec. 364.16)

3-4-2 VOLUNTEER FIRE FIGHTERS. The Fire Chief shall report the number of members appointed, who shall be over 18 years old, to serve as volunteer firefighters annually no later than the 1st of March.

Further, volunteer fire fighters must have a current Iowa drivers license, refrain from abusing drugs or alcohol, and shall be of good moral character and shall not have been convicted of a felony.

3-4-3 FIRE FIGHTER'S DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately in the manner directed by the Fire Chief. All fire fighters shall be subject to call at any time. Fire Fighters shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. Fire fighters shall report for training as ordered by the Fire Chief. (Code of Iowa, Sec. 372.13(4))

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

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

3-4-6 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

3-4-7 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as necessary, but the election of chief shall be subject to the approval of the council. In case of absence of the chief the officer next in rank shall be in charge and have and exercise all the powers of chief.

3-4-8 TOWNSHIP CONTRACT/AGREEMENTS. The city council is hereby authorized to enter into agreements or contracts with surrounding townships governing boards to provide members in said established districts with fire protection. Copies of such contracts shall be file with the city clerk.

3-4-9 MUTUAL AID. Subject to approval be 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))

3-4-10 FIRE CHIEF. The council shall appoint the fire chief for a term of two (2) years or for the balance of a term if to fill a vacancy. The council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the clerk. The fire chief, before entering upon the duties of his office, shall qualify for office by taking the prescribed oath.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 RESERVED

TITLE III COMMUNITY PROTECTION

CHAPTER 6 RESERVED

TITLE III COMMUNITY PROTECTION

**CHAPTER 7 REGULATING PEDDLERS, SOLICITORS
AND TRANSIENT MERCHANTS**

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

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

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

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

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

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

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

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

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$5.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

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

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

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

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

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

3-7-7 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or

litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

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

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

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

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

TITLE III COMMUNITY PROTECTION

CHAPTER 8 ALCOHOLIC BEVERAGES

3-8-1	Purpose	3-8-3	Action by Council
3-8-2	Required Obedience to Provisions of this Chapter and State Law	3-8-4	Transfers

3-8-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

(Code of Iowa, Sec. 364.1)

3-8-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.15 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Restrictions on Transportation
5. 123.30 Retail Alcohol Licenses - Classes
6. 123.31 Retail Alcohol Licenses - Application
7. 123.33 Records
8. 123.34 Seasonal, Fourteen-day, and Five-day Licenses - Fees
9. 123.35 Expiration of Licenses, Permits, and Certificates of Compliance
10. 123.36 Retail Alcohol License Fees
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts Prohibited
15. 123.46 Consumption or Intoxication in Public Places - Notifications - Chemical Tests - Expungement
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale

21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed – Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.171 through 123.182 Wine Provisions (Division V)
25. 321.284 Open Containers in Motor Vehicles – Drivers.
26. 321.284A Open Containers in Motor Vehicles – Passengers

3-8-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.
(Code of Iowa, Sec. 123.32(2))

3-8-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.
(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 9 JUNK AND ABANDONED VEHICLES

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

3-9-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-9-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the Clayton County Sheriff Department and has not been reclaimed for a period of ten days; or
 - e. Any vehicle parked on the street determined by the Clayton County Sheriff Department to create a hazard to other vehicular traffic.

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

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

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

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

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

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

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

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

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

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

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

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

3-9-3 REMOVAL OF ABANDONED VEHICLES.

1. The Clayton County Sheriff Department or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-9-2 (1). The Clayton County Sheriff Department or Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

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

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

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

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

3-9-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

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

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

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

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

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

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

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Clayton County Sheriff Department or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-9-6.

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

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-9-5.

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

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

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

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

a. The identity of the last registered owner cannot be determined, or

b. The registration contains no address for the owner, or

c. It is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

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

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

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

3-9-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the Clayton County Sheriff Department or Mayor if the

Clayton County Sheriff Department is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

- a. An impoundment fee
- b. Towing charges
- c. Preservation charges
- d. Storage charges
- e. Notice charges

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

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

3. If a hearing is requested under Section 3-9-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

- a. The fees required by Section 3-9-5(1)
- b. The amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-9-6 HEARING PROCEDURES.

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

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

3-9-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Clayton County Sheriff Department shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-9-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Volga, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of

Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-9-9 NOTICE TO ABATE.

1. Whenever the Clayton County Sheriff Department or Mayor if the Clayton County Sheriff Department is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-9-8, the Clayton County Sheriff Department shall notify, by certified mail with five days' return receipt, the following persons:

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

3-9-10 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

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

3-9-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-9-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.

3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-9-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

3-9-14 LICENSE TO KEEP A JUNK VEHICLE.

1. Upon application, the City of Volga may issue a license depending on the circumstances in each case, to allow vehicles in violation of this Chapter to be kept within the City. Such license, if issued, shall require all vehicles kept under such license, to be stored inside a solid, opaque fence at least eight feet (8') high to hide the vehicles from public view. Vehicles within the fence shall not be stacked higher than the fence. All gates in the fence shall be solid, opaque material and eight (8') feet in height. All gates shall be kept closed at all times, except when being used for ingress and egress. All fence and gates shall be constructed of materials approved by the Council for its solidity, opaqueness in color. All fencing and gates shall be of a material and color pleasing to the eye and which does not detract from the City of Volga, as decided by the City Council.

2. The City Council may issue such license for any number of vehicles up to, but not exceeding fifteen (15). Any such license shall be valid only until the first regular Council meeting in each July at which time any license not renewed upon application shall terminate. Each applicant issued a license hereunder shall pay twenty dollars (\$20) for the initial license and each renewal thereof, if any.

3. The City Council shall appoint the Mayor or a Council Member as enforcement officer of this Article. Under the terms of any license issued under this Section, the licensee shall agree that the enforcement officer may enter the licensee's property at any time after three (3) days written notice to the licensee by regular US Mail to investigate all aspects of the license terms including number of vehicles, and condition of fence and gates.

TITLE III COMMUNITY PROTECTION

CHAPTER 10 FIREWORKS ORDINANCE

3-10-1	Definitions	3-10-5	Restrictions on the Use of Consumer Fireworks
3-10-2	Violations	3-10-6	Permits Required
3-10-3	Prohibitions	3-10-7	Seizure of Fireworks
3-10-4	Sale of Consumer Fireworks	3-10-8	Emergency

3-10-1 DEFINITIONS.

The following words, terms, and phrases, when used in this Chapter, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

1. "Consumer Fireworks" includes First-Class Consumer Fireworks and Second-Class Consumer Fireworks described in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.

2. "Display Fireworks" include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.

3. "Fireworks" means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association's Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-10-2 VIOLATIONS.

1. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be punishable as a municipal infraction civil penalty as set forth in this Code.

3. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

4. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

5. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

6. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

7. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3-10-3 PROHIBITIONS.

1. It shall be unlawful to manufacture fireworks within the City limits.
2. It shall be unlawful to sell Display Fireworks within the City limits.
3. It shall be unlawful for a person to possess, use or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

3-10-4 SALE OF CONSUMER FIREWORKS.

1. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.
2. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3-10-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

1. A person shall not use or explode Consumer Fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.
2. A person shall not use or explode Consumer Fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:
 - a. Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

b. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

c. Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

2. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

3. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.

4. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in the person's body.

5. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.

6. A person who violates this subsection commits a simple misdemeanor punishable as a municipal infraction civil penalty. (Code of Iowa, Sec. 727.2)

3-10-6 PERMITS REQUIRED.

1. A permit must be obtained from the County with approval from the Volga Fire Chief in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with County permitting and insurance requirements.

3-10-7 SEIZURE OF FIREWORKS.

1. The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-10-8 EMERGENCY.

1. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 MEDICAL EMERGENCY SERVICE DISTRICT

3-11-1	Emergency Medical Service District	3-11-4	Contracts
3-11-2	Powers of Trustees	3-11-5	Bonds
3-11-3	Expenses	3-11-6	Election of Trustees

3-11-1 EMERGENCY MEDICAL SERVICE DISTRICT. The citizens may establish an emergency medical service district under Chapter 357G of the Code of Iowa. The Board of Trustees chosen pursuant to the provisions of that Chapter shall have the authority set forth in this article, and the district shall be administered as set forth in this article.

3-11-2 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 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.

3-11-3 EXPENSES. The trustees shall be allowed reimbursement of all necessary expenses in the discharge of their duties, but they shall not receive a salary.

3-11-4 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.

3-11-5 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 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.

3-11-6 ELECTION OF TRUSTEES. The election of trustees shall be according to Chapter 357G of the Code of Iowa.

TITLE III COMMUNITY PROTECTION

CHAPTER 12 FIRST RESPONDERS

3-12-1	Establishment and Purpose	3-12-5	Training
3-12-2	Organization	3-12-6	Compensation
3-12-3	Qualifications	3-12-7	Rules and Regulations
3-12-4	Approved by Council	3-12-8	Income and Expenditures

3-12-1 ESTABLISHMENT AND PURPOSE. A First Responders Unit is hereby established to assist the city of Volga in the preservation of life and health within the corporate limits of the city, and outside the corporate limits by contract or when necessary to help preserve life or health.

3-12-2 ORGANIZATION. The First Responders Unit shall consist of such personnel as may be authorized by the council.

3-12-3 QUALIFICATIONS. In no case shall any person be recruited, selected or appointed as a member of the First Responders Unit unless such person:

1. Resident Citizen. Is a citizen of the United States.
2. Age. Is at least 18 years of age.
3. Driver's License. Has a current, active and valid Iowa driver's license.
4. Language. Is able to fluently read and write the English language.
5. Alcohol and Drugs. Is not a drug addict or a drunkard.
6. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state, and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.
7. Certified. Is certified by the State of Iowa as a First Responder.

3-12-4 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by the First Responders Board of Directors, voted affirmatively by the active members at the installation meeting and approved by a majority of the city council members.

3-12-5 TRAINING. All members of the First Responders shall satisfactorily complete a minimum training course leading to certification as a First Responder as established by the State

of Iowa. All members of the First Responders shall attend necessary continuing education to keep the certification up to date.

3-12-6 COMPENSATION. Hospital and medical assistance benefits will be provided by the city to members of the First Responders sustaining injury in the course of performing official duties. Liability shall be provided by the city to members of the First Responders while performing official duties.

3-12-7 RULES AND REGULATIONS. The council may prescribe additional rules and regulations, not in conflict with this Code as may be necessary for the operation of the First Responders, and may amend such rules and regulations as the council deems necessary.

3-12-8 INCOME AND EXPENDITURES. All money received by the First Responders shall be accounted for to the City, and all expenditures made shall be from money budgeted by the City Council and set aside for the First Responders. The Council shall approve all expenditures and the City Clerk shall be the check writing officer.

TITLE III COMMUNITY PROTECTION

CHAPTER 13 FIRE PREVENTION AND FIRE FIGHTING

3-13-1	Purpose	3-13-9	Penalties
3-13-2	Enforcement: Fire Marshal	3-13-10	Interference with Fire Fighting
3-13-3	Exit Ways Maintained	3-13-11	Damaging Fire Department Property
3-13-4	Fire Extinguishers	3-13-12	False Alarms
3-13-5	Storage of Hazardous Substances	3-13-13	Driving Over Fire Hose
3-13-6	Open Burning	3-13-14	Assisting Firemen
3-13-7	Modifications	3-13-15	Private Use of Fire Equipment
3-13-8	Appeals		

3-13-1 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 enhanced prevention of such occurrences and to maintain building 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.

3-13-2 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.

3-13-3 EXIT WAYS MAINTAINED. The provisions of state law on exists shall be enforced 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 exists required by state law of 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 assemble, 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 and 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 Chapters 200 and 201, which apply to exits and fire escapes, are adopted by reference.

3-13-4 FIRE EXTINGUISHERS. The provisions of the state law requiring fire extinguishers 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 marshal shall enforce their requirements as they appear in the IAC 661 Chapters 200 and 201. Portable fire extinguishers 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 extinguishers 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 extinguishers shall be determined by the city fire marshal for the named commercial and industrial buildings in accordance with best practices as advised by the state fire marshal and the insurance industry.

3-13-5 STORAGE OF HAZARDOUS SUBSTANCES. No person shall store explosives as defined by state laws 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 marshal 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.

3-13-6 OPEN BURNING. The following shall apply to open burning:

1. Definitions.

a. **BACKYARD BURNING.** The burning of rubbish origination on the premises by individuals domiciled on the premises.

b. **OPEN BURNING.** Any burning of combustible materials where in the products of combustions are emitted into the open air without passing through a chimney or stack.

c. **REFUSE.** Garbage, rubbish, and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

d. **RUBBISH.** All waste materials of nonputrescible nature.

e. **TRADE WASTES.** 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 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 particulates and smoke density.

c. Backyard burning, not including garbage, at dwellings of four (4) family units or less is permitted and, unless otherwise provided by ordinance or regulation, fires for the open burning of plant material grown on the premises or deposited thereon by the elements shall be permitted.

d. No person shall kindle or maintain any premises fire or authorize any such fire to be kindled or maintained on any private land unless (1) locations is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure, or (2) the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. Such fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

e. 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.

3-13-7 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 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 by the applicant, and one signed copy shall be file in the office of the city clerk.

3-13-8 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 thirty days from the date of such decision.

3-13-9 PENALTIES. Any person who violated 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 of 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 then 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.

3-13-10 INTERFERENCE WITH FIRE FIGHTING. It shall be unlawful to hinder or interfere with any officer or fireman in the performance of his duty at, or going to, or returning from a fire, or while attending to his duties as a member of the fire department.

3-13-11 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.

3-13-12 FALSE ALARMS. No person, knowing the information is false, shall give or cause to be reported by any means a false report of fire.

3-13-13 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.

3-13-14 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 place.

3-13-15 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.

TITLE III COMMUNITY PROTECTION

CHAPTER 14 STORAGE AND SHIPPING CONTAINERS

3-14-1 Storage Standards

3-14-2 Shipping Containers as Storage Buildings Prohibited

3-14-1 STORAGE STANDARDS.

1. Personal storage buildings constructed in the Restricted Residential zoning districts will be reviewed by the city council to determine whether they are a permitted use (based on type of storage) and whether site improvements, which may include parking, drainage, water, sewer, landscaping, fire and structural compliance, are required. Permits will not be issued for personal storage that does not include required site improvements.

2. Storage of junk, inoperable vehicles, scrap materials or the like is not considered outdoor storage by this code.

3. Storage standards for uses in the Restricted Residential zoning district are as follows:

a. All storage (including storage of recyclable materials) shall be wholly within a building or shall be screened from view from the surrounding properties and shall be accessory to the permitted use on the site. There shall be no storage in any required front yard or flanking street yard.

b. The private, noncommercial storage of up to two inoperable or not currently licensed vehicles or remnants thereof shall be completely sight-screened year-round from uses allowed in this zone with a fence, maintained landscaped area, or maintained landscaped berm. There is no number limit within a permitted, completely enclosed building, including doors. Vehicle remnants or parts must be stored inside a vehicle or a permitted, completely enclosed building, including doors.

3-14-2 SHIPPING CONTAINERS AS STORAGE BUILDING PROHIBITED.

1. It is the intent of this chapter to limit, except as provided herein, the placement and use of any shipping container as an accessory building, storage building, or living unit on residentially zoned and other zoned land where residential uses are established. This limitation is to protect the public health and safety and the aesthetic quality of the City.

2. No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit on residentially zoned land and/or land used for residential purposes. Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a City building permit.

TITLE III COMMUNITY PROTECTION

CHAPTER 15 LICENSING

3-15-1	Compliance	3-15-5	Junk Dealers
3-15-2	Public Dance Halls	3-15-6	Scavengers
3-15-3	Billiard Hall	3-15-7	Pawnbrokers
3-15-4	Housemover	3-15-8	Sales by Auctioneers

3-15-1 COMPLIANCE. Every person who is granted a license under the terms of this chapter shall comply with the following regulations that apply in this case.

3-15-2 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.

3-15-3 BILLIARD HALL. No minor shall be allowed to be in any billiard hall in which beer is sold.

3-15-4 HOUSEMOVER. The following shall apply to the license for housemovers.

1. **APPLICATION:** An application for housemover’s license shall describe the present location and the future site of the building or similar structure to be moved.

2. **LICENSE FEE:** The fee for a housemover’s license shall be \$200, payable to the City at the time the license is applied for.

3. **BOND:** The applicant shall post with the city clerk a penal bond in the sum of \$250,000 with good sufficient sureties approved by the clerk. The bond shall guarantee the licensee’s payment for any damage done to the city or to the public property in the course of moving the building or similar structure.

4. **INSURANCE:** The applicant shall show evidence that he is insured for not less than \$500,000 per person/\$1,000,000 per incident for personal injuries and \$1,000,000 for property damage. A penal bond for the same sum of money may be posted with the clerk in lieu of the insurance policy. The sureties on the bonds shall be approved by the City Clerk and the bond shall guarantee the licensee’s payment for personal injuries or property damage caused by him or his agents or employees in the course of the moving operations.

5. ROUTE: The applicant shall file with the clerk a routing plan approved by the police chief. The police chief shall approve the shortest route compatible with the greatest public convenience and safety.

6. FLAGMAN 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.

3-15-5 JUNK DEALERS. The following shall apply to the license for junk dealers:

1. 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.

2. 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.

3. RECEIVE JUNK FROM MINOR. A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of the minor's parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

4. INSPECTION. Health officers and peace officers 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.

5. ENCLOSED WITH FENCE. All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which hides the contents of the yard from public view. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and equal height.

3-15-6 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.

3-15-7 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, that name and address of that 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 first received 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 believes or has reason to believe is stolen property. Such an item shall not be disposed of or altered without written permission from the local police.

3-15-8 SALES BY AUCTIONEERS. The following shall apply to the license for auctioneers:

1. LOCATION FOR SALE. Any auctioneer shall not use any street, alley, sidewalk or other public place as a location for conducting a sale.

2. EXCEPTIONS. The provisions of this chapter concerning sales by auctioneers shall not apply to any sales made by a person required by law to sell real or personal property.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-9	Livestock
4-1-2	Registration	4-1-10	Chickens
4-1-3	Immunization	4-1-11	Cruelty to Animals
4-1-4	At Large Prohibited	4-1-12	Animal Contests
4-1-5	Animal Nuisances	4-1-13	Kennel Dogs
4-1-6	Impounding	4-1-14	Fencing Required
4-1-7	Dangerous Animals		
4-1-8	Keeping a Vicious Animal		

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

4-1-2 REGISTRATION. Every owner of a dog or cat shall register the animal with the City Clerk-Treasurer. Registration shall require providing a picture of the animal and name, address, and owner contact information. The one-time registration fee shall be \$10.00 per animal. Registered animals must have a collar with vaccination tag attached.

4-1-3 IMMUNIZATION. All dogs and cats six (6) months or older shall be vaccinated against rabies. Before the city registers the animal the owner shall furnish a veterinarian's certificate showing that the dog or cat for which registration is complete has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the registration. It shall be a violation of this Ordinance for any dog or cat to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog and cat when not confined.
(Code of Iowa, Sec. 351.33)

4-1-4 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.
(Code of Iowa, Sec. 351.41)

4-1-5 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

(Code of Iowa, Sec. 657.1)

4. Is tied close enough to the sidewalk so as to impede access to or use of the sidewalk.

4-1-6 IMPOUNDING.

1. Any unregistered or unvaccinated dog or cat found at large or any registered dog or cat found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of registered dogs or cats shall be notified within two (2) days that upon payment of impounding fees, the dog or cat will be returned. If the impounded registered dogs or cats are not recovered by their owners within seven (7) days after notice, the dogs or cats shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Impounded unregistered dogs or cats may be recovered by the owner, upon proper identification, by payment of the registration fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs or cats are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor."

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

4-1-7 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.

b. The following are animals which shall be deemed to be dangerous animals per se:

(1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

(2) Wolves, coyotes, and foxes;

(3) Badgers, wolverines, weasels, skunks and mink;

(4) Raccoons;

(5) Bears;

(6) Monkeys, chimpanzees, and apes;

(7) Alligators and crocodiles;

(8) Scorpions; gila monsters;

(9) Snakes that are venomous or constrictors;

(10) Any animal determined to be vicious or a nuisance.

c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

4-1-8 KEEPING A VICIOUS ANIMAL. Keeping a vicious animal is prohibited. An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

1. An animal is deemed vicious under the following circumstances:
 - a. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.
 - b. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.
 - c. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.
 - d. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.
 - e. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.
2. Animals that are identified as vicious by city officials are allowed an appeal to the city council to present evidence on why the animal should no be deemed vicious. Such appeal must be filed within 5 days of notice of determination that the animal is vicious.

4-1-9 LIVESTOCK. It is unlawful for a person to keep livestock including but not limited to cattle, horses, pigs, sheep, goats in the residential areas of the City except by written consent of the Council.

4-1-10 CHICKENS. 6 chickens or chicks maybe kept in the restricted residential district area.

- a. The area containing the chickens must be fenced in. Installation in a hutch is not considered being fenced in.
- b. No other fowl, to include but not limited to ducks, geese, peacocks, guineas, or pigeons shall be considered chickens for purposes of this ordinance.
- c. No roosters will be allowed.
- d. Waste must be removed and disposed of in a sealed container or double-bagged plastic bag in a timely manner as to avoid odor.
- e. Application of the waste to lawn is prohibited.

4-1-11 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprived of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily failed to provide the same with proper food, drink, shelter or protection from the weather, or drive or work the same with unfit for labor, or cruelly abandoned 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 an animal, whether the acts or omissions herein contemplated be committed either intentionally or not negligently.

(Code of Iowa Section 717 – 717.F)

4-1-12 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 captor used for the purpose of fighting or baiting any bull, bear, dog, cat, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cockfight, or a fight between any other creatures.

(Code of Iowa Section 717 – 717.F)

4-1-13 KENNEL DOGS AND CATS. Kennel dogs or cats 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 4-1-2 and 4-1-3 if the kennel is licensed under Chapter 162, Code of Iowa.

4-1-14 RESTRAINT OR CONTAINMENT REQUIRED. All animals specified above shall be kept on property properly fenced, or in cases where fencing is not provided the animal shall be properly restrained.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1	Public Library	5-1-6	Power to Contract
5-1-2	Library Trustees	5-1-7	Non-Resident Use of the Library
5-1-3	Qualifications of Trustees	5-1-8	Library Accounts
5-1-4	Organization of the Board	5-1-9	Annual Report
5-1-5	Powers and Duties	5-1-10	Open Meetings

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Volga Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Volga Public Library, hereinafter referred to as the board, consists of five members. All board members shall be appointed by the Mayor and approved by the City Council. (Code of Iowa, Sec. 392.5)

The five trustees shall be as follows: three of the trustees shall be residents of the City of Volga. One trustee shall be a non-resident and shall reside in the immediate surrounding rural area. One trustee shall be a resident or non-resident residing in the immediate surrounding rural area or non-resident who owns a business within the city limits, as an at-large board member.

5-1-3 QUALIFICATIONS OF TRUSTEES. All board members shall be bonafide citizens and residents of the city except the non-resident member(s) who shall be bonafide citizens and live in the immediate surrounding rural Clayton County, or the at-large member who is a non-resident but owns a business within the city limits. All board members shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

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

(Code of Iowa Sec. 336.5)

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the City or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by the City Council, and the new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

3. Compensation. Trustees shall receive no compensation for their services. (Code of Iowa Sec. 336.7)

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

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

(Code of Iowa Sec. 336.8(1))

2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

(Code of Iowa Sec. 336.8(2))

3. To direct and control all the affairs of the library.

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

(Code of Iowa Sec. 336.8(3))

5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.

(Code of Iowa Sec. 336.8(4))

6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.

(Code of Iowa Sec. 336.8(5))

7. To authorize the use of the library by non-residents of the City and to fix charges therefor.

(Code of Iowa Sec. 336.8(6))

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

(Code of Iowa Sec. 336.8(7))

9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8))

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

(Code of Iowa, Sec. 336.8(9))

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

13. To have authority to make agreements with the local County historical associations, where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the library by their respective residents.

(Code of Iowa, Sec. 336.18(1))

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

(Code of Iowa, Sec. 336.18(2)(a and b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.

2. By establishing depositories of library books or other materials to be loaned to non-residents.

3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

4. By establishing branch libraries for lending books or other library materials to non-residents.

5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the City Clerk.

5-1-9 ANNUAL REPORT. The board shall share a copy of its annual report with the City immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

5-1-10 OPEN MEETINGS. All meetings of the library board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

Section 392.5, Iowa Code, provides that the Library Board is to continue to function in the same manner until altered or discontinued. No unilateral changes may be made by the Library Board or City Council as to the Library Board composition, the manner of selection, or duties. Consult your City Attorney before making changes to the City's Library Ordinance.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1972. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8).

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 HISTORIC PRESERVATION COMMISSION

5-2-1	Purpose	5-2-3	Volga Historic Preservation
5-2-2	Definitions	5-2-4	Powers of the Commission

5-2-1 PURPOSE. The purpose of this Chapter is to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;
2. Safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past;
5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

5-2-2 DEFINITIONS.

1. Commission. The Volga Historic Preservation Commission, as established by this ordinance.
2. Historic District. An area which contains a significant portion of sites including archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and
 - a. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

b. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or

c. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.

d. Is associated with the lives of persons significant in our past; or

e. Has yielded, or may be likely to yield, information important in prehistory or history.

3. Historic Landmark. A site including archaeological sites, object, structure or building which,

a. Is associated with events that have made a significant contribution to the broad patterns of our history; or

b. Is associated with the lives of persons significant in our past; or

c. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction, or

d. Has yielded, or may be likely to yield, information important in prehistory or history.

e. Or covers commercial properties located on Washington Street from Highway C2W to Cass Street, extending West to Lafayette Street and extending East to the next alley, and extending West on White Street to its intersection with Butler Street.

5-2-3 VOLGA HISTORIC PRESERVATION.

1. The Commission shall initially consist of three, 3 members who shall be residents of the City.

2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

3. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.

4. Members may serve for more than one term and each member shall serve until the appointment of a successor.

5. Vacancies shall be filled by the City according to the original selection as aforesaid.
6. Members shall serve without compensation.
7. A simple majority of the Commission shall constitute a quorum for the transaction of business.
8. The Commission shall elect a Chairman who shall preside over all commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission's proceedings.
9. The Commission shall meet at least three (3) times a year.

5-2-4 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this ordinance. The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this ordinance. The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.
3. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts if they qualify as defined herein; and
4. Provide information for the purpose of historic preservation to the governing body.
5. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
6. Other Powers. In addition to those duties and powers specified above, the Commission may, with City Council approval:
 - a. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
 - b. Acquire by purchase, bequest, or donation, fee and lesser interest in historic properties, including properties adjacent to or associated with historic properties.
 - c. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.

d. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

e. Contract, with the approval of the governing body, with the state or the federal government or other organizations.

f. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 3 PARK BOARD

5-3-1	Purpose	5-3-5	Powers and Duties
5-3-2	Park Board	5-3-6	Expenditures
5-3-3	Qualifications of Board Members	5-3-7	Annual Report
5-3-4	Organization of Board	5-3-8	Meeting Absences

5-3-1 PURPOSE. The purpose of this chapter is to form a Board to administer the day to day operation and maintenance of the existing park and other recreational areas, including, playgrounds, playfields, campgrounds, trail systems, and all equipment and grounds thereof, in Volga, Iowa, to promote the use of such areas, and to ensure the ordinances of the City and the rules of the Park Board are enforced.

5-3-2 PARK BOARD. The Park Board, hereinafter referred to as the Board, shall consist of five (5) members, appointed by the Mayor with the approval of the council. One member shall be from the City Council, and four members shall be from the public at large. The Board shall be gender balanced, as far as possible.

5-3-3 QUALIFICATIONS OF BOARD MEMBERS. All of the members of the Board shall be bona fide citizens and residents of the City and shall be over the age of eighteen (18) years.

5-3-4 ORGANIZATION OF BOARD.

1. Terms of office. All appointments to the Board shall be for three (3) years except to fill vacancies, and except for the first year. Appointments shall be made in the first year of two members to a three-year term and two members to a two-year term. The City Council member shall be appointed to a two-year term.

2. Vacancies. The position of any Board member shall be vacant if he/she moves permanently from the city, resigns, or is removed for just cause. Vacancies in the Board shall be filled by appointment by the Mayor with the approval of the council, and the new Board member shall fill out the unexpired term for which the appointment is made.

3. Compensation. The Board members shall receive no compensation for their services.

5-3-5 POWERS AND DUTIES. The board of trustees of the Volga Public Library, hereinafter referred to as the board, consists of five members. All board members shall be appointed by the Mayor and approved by the City Council.

1. Officers. To meet and elect from its members a Chairperson and such other officers as it deems necessary. Such regular elections shall be held in January of each even numbered year.

The city clerk/treasurer shall serve as Board secretary/treasurer, but shall not be a member of the Board.

2. Charge of Affairs. To direct and control all affairs of the existing park and other recreational areas, including, playgrounds, playfields, campgrounds, trail systems, and all equipment and grounds thereof.

3. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this code and the Code of Iowa, for the said recreational area and the business of the Board. The Board shall adopt rules requiring the meeting of the Board to be at least once per calendar month.

4. Expenditures. To have the exclusive control of the expenditure of all funds allocated for Park Board purposes by the council, and of all moneys available by gift or otherwise for the said recreational areas, and all other moneys belonging to the Park Board or for park and other said recreational development.

5. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds, for recreational development and to expand the funds received from such gifts for the park and other said recreational areas.

6. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests acceptable by the City for the park and other said recreational areas by action against the council.

7. Proceedings Record. To keep a record of its proceedings, and to record the vote of the Board on each action taken. A copy of all proceedings and minutes shall be delivered to the City Clerk within seven (7) days of each meeting or other action of the Board.

8. Budget and Project List. To prepare a proposed budget and project list for general park and other said recreational area purposes for the next fiscal year. Said proposed budget and project list shall be submitted to the city clerk on or before December 1 of each year, for review by the city council and for such action as the city council deems appropriate.

5-3-6 EXPENDITURES. All money appropriated by the council for the park and, other said recreational area, operation and development shall be set aside in an account for the park and other said recreation areas. Expenditures for the park and other said recreational areas should be paid only on order of the Board, signed by its Chairperson and secretary/treasurer. The check writing officer is the city clerk. All money appropriated by the council for the park or other said recreational areas shall be set aside in an account for that purpose. Expenditures for the park or other said recreational area shall be paid only on order of the city council.

5-3-7 ANNUAL REPORT. The Board shall make a report to the council immediately after the close of the fiscal year. The report shall contain statements as to the condition and use of the park and other said recreational areas, projects begun and finished, grants applied for and received,

and the amount of money expended for the park and other said recreational areas during the year and shall include an explanation of for what the money was spent.

5-3-8 MEETING ABSENCES. If a member of the Board is absent without excuse for two consecutive meetings they will be contacted by the Park Board Chairperson. After missing a third consecutive meeting unexcused, the Park Board will recommend to Council that person be removed from the Board.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 UTILITIES - SANITARY SYSTEM

6-1-1	Definitions	6-1-5	Use of the Public Sewers
6-1-2	Use of Public Sewers Required	6-1-6	Protection from Damage
6-1-3	Private Sewage Disposal	6-1-7	Powers and Authority to Inspectors
6-1-4	Building Sewers and Connections	6-1-8	Penalties

6-1-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567—69.1(2))

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

(IAC 567—69.1(2))

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

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

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

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

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

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

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

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

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

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

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

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

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

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Volga or the Superintendent's authorized deputy, agent, or representative.

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

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

6-1-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

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

4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.1(3))

6-1-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-1-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent and approved by the City Council. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit fee of \$10.00 shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa

and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-1-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

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

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

6-1-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$10.00 for a residential or commercial building sewer permit and \$10.00 for an industrial building sewer permit shall be paid to the City at the time the application is filed. A hook-up fee of \$150.00 is also required to be paid at time of permit application. 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. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available

or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1)Pipe and Fittings - ASTM C-700 "Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2)Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings".

Extra Heavy Cast Iron Soil Pipe

(1)Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."

(2)Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

(1) Pipe - A.S.T.M. D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

(2) Joints - A.S.T.M. D-1869, A.S.T.M. D-1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, sump pumps, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Each violation of this provision shall result in a \$100 fine.

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

10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-1-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

b. Non-payment of bills.

c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

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

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be

submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, -in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause:

- (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.

j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-1-5(4), and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-1-5(10) of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

6-1-6 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

6-1-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to

inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in 6-1-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-1-5(8).

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

6-1-8 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-1-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2 Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - WATER SYSTEM

6-2-1	Enforcement / Purposes	6-2-13	Separate Connections
6-2-2	Definition of Terms	6-2-14	Service Cut Off
6-2-3	Service Connections	6-2-15	Breaks in Service of Fixtures
6-2-4	Mandatory Connections	6-2-16	Abandoned Service Pipes
6-2-5	Permit	6-2-17	Right to Shut Off Water
6-2-6	Application for Water Service Connections	6-2-18	Responsibility in Turning on Water
6-2-7	Water Supply Control	6-2-19	Discontinue Use of Water
6-2-8	Making the Connection	6-2-20	Unnecessary Waste
6-2-9	Excavations	6-2-21	Other Supply Than City Water
6-2-10	Inspection and Approval	6-2-22	Inspection of Meters, Pipes and Fixtures
6-2-11	Completion by the City	6-2-23	Fire Hydrants Not to be Used
6-2-12	Service Pipes Not to Be Laid Across Private Property	6-2-24	Water Works Property
		6-2-25	Waterworks Fund

6-2-1 ENFORCEMENT/PURPOSES.

1. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.

2. The Superintendent of Public Utilities shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had. (Code of Iowa, Sec. 372.13(4))

6-2-2 DEFINITION OF TERMS.

1. In this ordinance the words Water Works of City shall mean the City of Volga acting through its qualified officers or employees.

2. A water main shall be defined as any pipe laid by the City of Volga or agents thereof in streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.

3. A service pipe shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may serve.

4. A consumer shall be any person using water furnished by the City of Volga, Iowa.

6-2-3 SERVICE CONNECTIONS.

1. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.

2. A residential, commercial or industrial property located within the City on a street, alley or right-of-way must connect to the City water system, provided the water main is located within 300 feet of the property line.

3. When the consumer tears down any structure that was connected to City water service, the consumer is responsible to disconnect the water service at the water main.

4. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the water main shall be turned off at the corporation stop and made absolutely watertight.

5. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

6. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Public Works Director and provision is made so that each house, building or premises may be shut off independently of the other.

7. The City is responsible only for costs and expenses related to the maintenance of the water service line from the public water source to the main connection. All costs and expenses incident to the installation, connection, disconnection or maintenance of the water service line from the main to the building served shall be borne by the property owner.

6-2-4 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-2-5 PERMIT. Every person desiring a supply of public water must make application for permit to the city Council. The consumer must state fully untrue all the uses to which the water is to be applied, and no different or additional uses will be allowed, except by permission of the Council application made therefore. No more than one house or premise shall be supplied from one except by a consent of the Council, and then not in any case unless provisions are made so that each house or premise can be shut off independently of the other house or premise.

The clerk shall issue the permit, signed by the court, 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. Worked under any permit must begin within six months after it is issued. The clerk may at any time revoke the permit for any violation of this article and require that the work be stopped. (Code of Iowa, Sec. 372.13(4))

Before any permit is issued the person who makes the application shall pay to the clerk to cover cost of issuing the permit and supervising, regulating an inspection of the work.

6-2-6 APPLICATION FOR WATER SERVICE CONNECTIONS.

1. Each applicant for water connection to the main shall pay the cost of such connection for all service pipe and trenching without regard to the location of the main. If trenching crosses streets, applicants must pay an additional charge set by the Council for replacing same. There will be a \$300 fee for a hook up to the water. Any extension of mains will be at the expense of the property owner unless deemed different by the Council. The initial hook up fee and any additional charges will be set by the Council.

2. The City reserves the right to render services in connection with furnishing water, such as installing and maintaining water service connection, repairing leaks, etc., at prices and terms to be determined, charges will be made at the actual cost of labor and material, plus ten percent (10%) for overhead expenses.

6-2-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

The plumber making said installation or connection shall be licensed by the city or state.

6-2-8 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Superintendent or the Superintendent's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

1. SERVICE PIPE.

a. No water service pipe or tap for any building shall be less than three-quarter (3/4) inches in diameter. All pipe up to and including one and one-half (1½) inch inside diameter shall be "Type K." All pipe over one and one-half (1½) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

b. All water service pipes and their connections to the water system must be inspected and approved by the Public Works Director, before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Public Works Director or his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

2. NO CONNECTION BETWEEN DIFFERENT SERVICES. When there are two or more buildings on premises, the piping from each service must be kept separate, and no connection made from one to the other.

3. DEPTH OF SERVICE PIPE. Service pipe must be laid at least five and one-half (5 ½) feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, they shall be laid so that they will be at least five and one-half (5 ½) feet below the established grade.

4. MAINTENANCE OF SERVICE PIPES. All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains (except corporation cocks put in during the initial water installation period) shall be installed and maintained at the expense of the owners, and any leaks or other defects in the same shall be promptly repaired by the owner. If not promptly repaired, the water shall be turned off until such repairs have been made, and the expense incurred thereby shall be charged against such owner, and must be paid before water shall be turned on again. (Code of Iowa, Sec. 372.13(4))

6-2-9 EXCAVATIONS.

1. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid

in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

2. Before any permit to excavate in any street for making or repairing, a water connection is granted, the applicant including all plumbers shall have on file with the City Clerk a proof of insurance certificate of liability approved by the Mayor and City Clerk conditioned upon the faithful observance of all ordinances of the municipality and that the municipality will be saved harmless from all suits and damages for negligence in maintaining barricades for the protection of persons lawfully using the streets.

3. No excavation across any street shall be made at any time without permission of mayor or city council.

6-2-10 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-2-11 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12(3)(h))

6-2-12 SERVICE PIPES NOT TO BE LAID ACROSS PRIVATE PROPERTY. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, but all service pipes shall be laid on streets, alleys, or public grounds to the premises to be served, and entered the building nearest the main.

6-2-13 SEPARATE CONNECTIONS. There shall be separate service pipes laid from the main to each dwelling or unit being served. Such service pipe shall be laid in a straight line at right angles to the water main, and connections made within two lines drawn parallel to the sides

of the building to be served and not more than ten feet outside of these sides. In all cases each building served must have an independent service shut off. Apartment buildings may have one (1) service line into the apartment building; however, the line must be split once in the building for each apartment. The owner of the apartment building must provide the City with access to the water line shutoff twenty-four (24) hours a day.

6-2-14 SERVICE CUT OFF.

1. A curb stop and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or alleys the stop box shall be placed less than twelve (12) inches inside the sidewalk or sidewalk line on City property; and when made in alleys, it shall be placed within the area located twelve (12) inches outside of the lot lines. The cover of said stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of the stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

2. Every service pipe must also have a stop and waste placed in the building within two (2) feet of the point where the pipe enters the building. Said stop must have a handle or wrench attached to turn the same, and be kept in working order at all times so that the water supply may be shut off by the occupant of the premises.

3. The outside shut off and stop box shall be under the sole control of the City and no one except an employee or person specially authorized by the City Council shall open the cover of such box, or turn on or off the water. Provided, however, that approved plumbers may turn off or on the water for testing plumbing or making repairs, but whenever so used to shut off must be left closed if found closed, and open if found open, by the plumber who uses it.

4. The stop box in every service must be kept flush with the surrounding ground or surface, and must be visible from the sidewalk. The curb box and shut off must be kept in good condition and ready for use at all times by the owner. Should the owner neglect to maintain such box and shut off in proper condition to be used, and if the stop box is found to be filled up, or the stop box or shut off found to be out of repair at any time, the City shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment is refused, the payment thereof may be enforced in the same manner as that provided in the case of delinquent water bills.

5. There shall be installed a shut-off valve on every service pipe inside the building, as close to the entrance of the pipe, within the building, as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each customer so that service may be shut off for one without interfering with service to the others. The interior valves shall be placed on the customer side of the meter within one (1) foot of the meter. This will be required for all new construction and plumbing service upgrades.

6-2-15 BREAKS IN SERVICE OF FIXTURES. The City shall not be held responsible by reason of the breaking of any service pipe or water coil, or for failure in the supply of water.

6-2-16 ABANDONED SERVICE PIPES. If a service pipe or connection, which is not being used, is found to be leaking, the City may without notice, repair or turn off the same, and charge the expense thereof to the owner of the property last served by this connection.

6-2-17 RIGHT TO SHUT OFF WATER.

1. The City reserves the right to at any time, when necessary, without notice, to shut the water off its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying mains, hydrants or other connections. The City may give notice of shutting off water if conditions are such that it is possible to do so.

2. When water is shut off for making repairs in premises having water heating coils in heaters, consumers should turn off the water at the basement shut off and open a faucet in the hot water pipe and leave it open until water is turned on, in order to protect piping and fixtures from excessive pressures from hot water or steam.

3. The superintendent, or his authorized assistant, may shut off the supply of water to the customer without notice when the customer is found to be using water consuming equipment in a manner adversely affecting the utility system or its ability to serve others, such as cross-connections, back-siphonage, wastage to the extent of drastically reducing water pressure, or any other action so affecting the safety or proper operation of the system; and the water supply shall not be restored until the consumer has corrected the condition. He may likewise shut off the water supply to a customer for violation of or noncompliance with the rules by said customer or for failure of the customer to permit the superintendent, or his authorized assistant, reasonable access to the customer's premises for the purposes enumerated in this Chapter, provided the superintendent shall have given written notice allowing 10 days from the date of mailing or personnel notice to comply, Sundays or holidays excepted, and such notice shall state that the customer has the right to appeal to the superintendent for an explanation of the action.

6-2-18 RESPONSIBILITY IN TURNING ON WATER. In turning on water the city shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or from any other cause.

6-2-19 DISCONTINUE USE OF WATER. Owners or consumers desiring to discontinue the use of water shall give notice to the City who shall then cause the water to be turned off and the meter removed. A service charge of one-half the regular seasonal shut-off rate (for nonpayment of fees and charges, or for the violation of any Ordinance), shall be made to shut off the service, and an additional service charge of one-half the regular seasonal shut-off rate (for nonpayment of fees and charges, or for the violation of any Ordinance), is required to reconnect the service. Water

rents or charges for services shall be made until notice is given. When water service is discontinued, all water rentals for such service shall become due and payable. No service will be reconnected or turned back on until all past due fees and charges are paid in full.

6-2-20 UNNECESSARY WASTE. The City reserves the right to prohibit the use of water for yard sprinklers or large consumers of water, when in the judgment of the City, the public welfare requires such action. The City shall adopt a resolution setting forth the basis for the moratorium and the length of time the moratorium will be in effect. Violation of the City prohibition will be a simple misdemeanor enforceable by municipal infraction or criminal citation.

6-2-21 OTHER SUPPLY THAN CITY WATER. On premises where water is supplied from two (2) sources, the City water being one of them, the piping system the City water must be entirely separated from that of the other source.

6-2-22 INSPECTION OF METERS, PIPES AND FIXTURES. The City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine the water pipes and fixtures and the manner in which water is used. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

6-2-23 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Volga, Iowa, or employees of the City acting in regular performance of their duties, shall open any hydrant belonging to the City at any time without a permit in writing signed by an authorized City Official.

6-2-24 WATER WORKS PROPERTY. It shall be unlawful to break, injure, mar, or deface, interfere with or disturb any building, machinery apparatus, fixtures attachments or appurtenance of the water works, or any hydrant, stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the City Council or excepting cases herein otherwise provided by Ordinance.

6-2-25 WATERWORKS FUND. There shall be an account by the treasurer, known as the waterworks fund. All money received from the sale of water works bonds, from the collection of water rents, from taxation for waterworks purposes, from the sale of any property or material connected with the waterworks, from any appropriation made by the Council, for the purpose of construction or extension of the waterworks or from any source whatever connected with the management or operation of the waterworks system shall be placed in the waterworks fund, and all salaries and disbursements connected with the management or operation of the waterworks system shall be paid out of this fund.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - REFUSE COLLECTION

6-3-1	Definitions	6-3-10	Open Dumping Prohibited
6-3-2	Administration	6-3-11	Toxic and Hazardous Wastes
6-3-3	Storage and Pickup	6-3-12	Unlawful Use of Containers
6-3-4	Collections	6-3-13	Radioactive Materials
6-3-5	Necessity of Permits	6-3-14	Sanitary Disposal Project Designated
6-3-6	Burning of Refuse	6-3-15	Private Sanitary Disposal Project
6-3-7	Refuse Other Than Garbage	6-3-16	New Site Approval
6-3-8	Sanitary Landfill	6-3-17	Hazardous Substances and Wastes
6-3-9	Anti-Scavenging		

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

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.

2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.

4. "Can". Means a container for the storage of garbage or rubbish, which is:

- a. Provided with a handle and tight fitting cover.
- b. Made of non-corrosive material.
- c. Water-tight.
- d. With a capacity of no more than thirty-five (35) gallons.

5. "Hazardous Waste." Means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

- a. Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

- b. Poses a substantial danger to human health or to the environment.

“Hazardous Waste” may include, but is not limited to wastes that are toxic, corrosive or flammable, or strong irritants, strong sensitizers or explosives.

“Hazardous Waste” does not include:

- c. Agricultural wastes, including crop residues that are returned to the soil as fertilizers or soil conditioners.
- d. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

6. “Hazardous Substance.” Means any substance or mixture of substances that presents a danger to the public health or is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means.

“Hazardous Substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the General Waster Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous materials designated by the secretary of transportation under the Hazardous Materials Transportation Act.

7. “Hazardous Condition.” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance or hazardous waste onto the land, into a water or the state or into the atmosphere which creates an immediate or potential danger to the public health or safety.

8. “Person Having Control Over a Hazardous Substance.” Means a person who at any time produces, handles, stores, uses, transports, refines or disposes of a hazardous substance the release of which causes a hazardous condition, including bailees, carriers, and any person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract or other agreement with the legal owner of the hazardous substance.

9. “Cleanup.” Means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

10. “Person.” Means any individual, corporation, firm, government, governmental subdivision or agency, business trust, estate, trust partnership or association, or any other legal entity.

6-3-2 ADMINISTRATION. Administration of this chapter shall be by the Superintendent of refuse, or such employee designated by the Superintendent.

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

6-3-3 STORAGE AND PICKUP. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

1. Pick-up. Pickup is of garbage, trash, solid waste, newspapers and magazines, garden trash, brush, branches and leaves. All should be placed in waste or garbage cans, in plastic bags heavy enough so as not to tear or break apart, in boxes which are securely tied, or in bundles that are securely tied. Items bundled are not to exceed forty-eight (48) inches in length and thirty-six (36) inches in girth.

a. Not acceptable for pickup is any human or animal waste (manure), any toxic material, and all inflammable or explosive liquids or materials.

b. Pickup of appliances, furniture, tires, or other materials not acceptable as residential waste will be made for an additional fee.

c. Information on charges and services available can be received by contacting Hawkeye Sanitation, Inc. of Cresco, Iowa. Pursuant to the terms of an agreement proposed to be entered into between the City and the agency (Hawkeye Sanitation), it shall be mandatory that all citizens of the city utilize the services of the Agency for all solid waste collection and transportation.

2. Container Specifications.

a. Residential waste container shall be made of galvanized metal, rubber, fiberglass, or of plastic which does not become brittle in cold weather. Disposable containers or those approved by the City may be used. They shall have a minimum capacity of not less than five (5) gallons and not more than thirty (30) gallons. They shall be of lightweight and sturdy construction, with the total weight of any individual container, fully loaded, not to exceed sixty (60) pounds. They shall be of the type manufactured for storage of residential wastes with tapered sides for easy emptying and suitable lifting devices such as handles or bails. They shall be waterproof and leakproof. They shall be fitted with a fly tight lid, which shall remain in place except for the deposit or removal of wastes.

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

c. Weekly bag limit: A maximum of six (6) bags per week per household

3. 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.

4. 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.

5. Storage of Yard Wastes. All yard wastes shall be stored in containers so constructed and maintained so as to prevent dispersal of wastes placed therein, also tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed sixty-five (65) pounds.

6-3-4 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

6-3-5 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the Superintendent of refuse and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City and a permit issued by the Clerk.

6-3-6 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.

2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-3-7 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-3-8 SANITARY LANDFILL. The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

6-3-9 ANTI-SCAVENGING. It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

6-3-10 OPEN DUMPING PROHIBITED. No person shall dump or deposit, or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the Executive Director of the EPC of the IDNR. (Iowa Code 455B.307).

6-3-11 TOXIC AND HAZARDOUS WASTES. No person shall dump or deposit, or permit the dumping or depositing of toxic or hazardous wastes except in accordance with the Code of Iowa, and in accordance with explicit instructions first obtained from the Executive Director of the EPC of the IDNR.

(Code of Iowa, Sec. 455B.411-455B.421) (IAC 567-100.14(2))

6-3-12 UNLAWFUL USE OF CONTAINERS. It shall be unlawful for any person to deposit refuse in any solid waste containers other than his own without the written consent of the owner of such containers.

6-3-13 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt. (IAN 567-102.14(1))

6-3-14 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.

6-3-15 PRIVATE SANITARY DISPOSAL PROJECT. No person may establish and operate a private sanitary disposal project within the city without approval of the council.

6-3-16 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 or the Code of Iowa. (Code of Iowa, Sec. 455B.305A)

6-3-17 HAZARDOUS SUBSTANCES AND WASTES.

1. CLEANUP REQUIRED.

a. Whenever a hazardous condition is created so that a hazardous substance or waste of constituent of the hazardous substance or waste may enter the environment or may be emitted into the air or discharged into any waters, including ground waters, the person having control over the hazardous material shall cause the conditions to be remedied by a cleanup as defined by section 6-3-1(9) above, as rapidly feasible to an acceptable safe condition, and restore the affected area to its state prior to the hazardous condition as far as practical. The cost of the cleanup shall be borne by the person having control over the hazardous substance.

b. If the person having control over the hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the city may, by the Mayor, City Administrator, Chief of Police, Police Officer, or any City Superintendent, give reasonable notice based on the character of the hazardous condition, setting a deadline for commencing and accomplishing the cleanup of the city may proceed to procure cleanup services. If the anticipated cost of the cleanup is beyond the capacity of the city to finance, the Mayor, City Administrator, Chief of Police, Police Officer, or any City Administrator shall report to the City Council and immediately seek any state or federal funds available for such cleanup.

2. **LIABILITY.** The person in charge of the hazardous substance shall be strictly liable to the city for all of the following:

a. The reasonable cleanup costs incurred by the city as a result of the failure of that person to cleanup a hazardous substance or waste involved in a hazardous condition.

b. The reasonable costs incurred by the city to evacuate people from the area threatened by the hazardous condition.

c. The reasonable damage to the city for injury to, destruction of, or loss of city property, including parks and roads resulting from a hazardous condition, including the costs of assessing the injury, destruction, or loss.

3. **NOTIFICATION.**

a. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste shall notify the Clayton County Sheriff's Department and City of the occurrence of a hazardous condition as soon as possible but no later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Sheriff's Department/County Office of Emergency Management shall notify the proper state office in the manner established by the state.

b. Any city employee, and member of a law enforcement agency, or any member of a city, township, or fire district fire department who discovers a hazardous condition shall notify the Clayton County Sheriff's Department and the city immediately. The Sheriff's Department/County Office of Emergency Management shall notify the proper state office in the manner established by the state.

4. POLICE AUTHORITY. If the circumstances reasonable so require, the Clayton County Sheriff's Department, County Office of Emergency Management or the city or their representative may:

a. Evacuate persons, even from their homes, to areas away from the hazardous condition.

b. May establish perimeter or other boundaries at or neat a hazardous condition and limit access to the site of the hazardous condition for a reasonable period of time

No person shall disobey an order of any state, county, or city law enforcement officer issued under this section.

5. CITY LIABILITY. The city shall not be liable to any person for claims of damage, injuries or losses resulting from any hazardous conditions unless the City is the person in control over the hazardous substance as defined in section 6-3-17(2).

6. PENALTY. Any person violated any provision, section, or paragraph of this ordinance shall be guilty of a misdemeanor and on conviction hereof shall be subject to a fine of not more than one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days, or both. Each day a violation shall continue shall constitute a separate offense.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - BILLING CHARGES

6-4-1	Utility Defined	6-4-11	Sewer Hook-Up Fee Charged
6-4-2	Districts	6-4-12	Determination and Payment of Sewer Rent From Premises With Private Water Systems
6-4-3	Disposition of Fees and Charges	6-4-13	Lien for Non-Payment
6-4-4	Billing, Penalty	6-4-14	Lien Exemption
6-4-5	Discontinuing Services, Fees	6-4-15	Lien Notice
6-4-6	Residential Rental Property	6-4-16	Combined Service Account
6-4-7	Customer Guarantee Deposits	6-4-17	Supplemental Sewer Hook Up Rules
6-4-8	Water Rates		
6-4-9	Refuse Collection Rates		
6-4-10	Rate of Sewer Rent and Manner of Payment		

6-4-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-4-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Volga, Iowa.

6-4-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-4-4 BILLING, PENALTY. Utility bills shall be due on or before the first of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the tenth of the month in which due and bills paid after said day shall have added a penalty of: sewer utility - \$6.00/month for the first month late, and \$30.00/month for the 2nd month and on; water and garbage utilities - \$2.00 each for the first month late, and \$10.00 each for the 2nd month and on. When the 10th falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

6-4-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, a charge shall be added thereto as identified in Section 6-4-4 and collected therewith, and the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

- a. The Public Works Director, or his or her authorized representative, shall shut off

the supply of water to any customer who, not having contested the amount billed in good faith, has failed to pay the bill for water on or before the tenth (10th) day after mailing of written notice that the water supply will be shut off. The City Clerk shall send such notice within forty-eight (48) hours following the delinquent date, or on the first office day following such first day after the delinquent date, and at least ten (10) days before the date intended for the service to be discontinued. When a Sunday or legal holiday intervenes during the notice period, such days shall not be counted. The Clerk shall notify each delinquent customer that service will be disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to discontinuance.

If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

If a hearing is requested, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

b. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

c. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. If service is discontinued the following fees shall be applied:

a. For nonpayment of fees and charges, or for the violation of any Ordinance, the following applies:

(1) From May 1- October 31, a fee of One Hundred Dollars \$100.00 (which includes \$50.00 for disconnecting the service and \$50.00 to reconnect the service) shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored.

(2) From November 1 – April 30, a fee of One Hundred Fifty Dollars \$150.00 (which includes \$75.00 for disconnecting the service and \$75.00 to reconnect the service) shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored.

b. For after-hours emergency calls for water service shut off, a fee of One Hundred Ten Dollars (\$110.00) plus any costs to cover use of City resources shall be applied. An additional fee of Fifty Dollars (\$50) will be applied when water service is resumed, during normal business hours from May 1-October 31, or an additional fee of Seventy Five Dollars (\$75) from November 1 – April 30.

If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

5. There will be no extension of water service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.

6. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate of 1-1/2 times the rate charged to premises located within the corporate city limits of the City.

6-4-6 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.

2. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant

responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.

3. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

4. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent. (Code of Iowa, Sec. 384.84(3)(d), (e))
(Amended in 2012)

6-4-7 CUSTOMER GUARANTEE DEPOSITS. Water will not be turned on for any tenant requesting water service until a deposit in the amount of two months of utilities charges for water, sewer and solid waste (to a total of \$139.00) is made to the city clerk or water superintendent. If tenant moves, or services discontinued, the deposit will be refunded, upon payment of all past service do. If due payment is not received within 30 days of moving or discontinuation of service, the deposit may be applied to the amount due. Any balance may be refunded to the depositor. The deposit may also be refunded if tenant purchases the property and becomes the owner.

6-4-8 WATER RATES. Users shall pay water service charges for the use of and for the service supplied by the municipal sanitary sewer system as follows:

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

1. Fixed Monthly Charge. All consumers that have no meter, shall pay a flat rate of \$31.72 per month plus Water Excise Tax of 6% (\$1.88).

2. Metered Rates:

Basic Service charge (added to cost per gallon charges below)...	\$31.72
First 25,000 gallons.....	\$1.00 per 1,000 gallons
Next 50,000 gallons.....	\$0.75 per 1,000 gallons
Next 25,000 gallons.....	\$0.60 per 1,000 gallons
All over 100,000 gallons.....	\$0.50 per 1,000 gallons

3. Water sold outside the Corporation of the City of Volga shall be charged as follows: Flat rate of thirty dollars (\$30.00) plus Water Excise Tax (6%) for each occurrence plus five dollars (\$5.00) per thousand gallons.

4. The water rate shall be increased according to the following schedule, commencing with the July 1, 2019 billing period:

Year 1: Increase Water 2.00%, Sewer 1.00%

Year 2: Increase Water 2.00%, Sewer 1.00%

Year 3: No Increase

Year 4: Increase Water 2.00%, Sewer 1.00%

Year 5: Increase Water 2.00%, Sewer 1.00%, and review to determine any increases for next 5 years

5. Rate Increase Suspension. By resolution, the city council may suspend a scheduled yearly increase, so long as said resolution is entertained and passed no later than the last day of November of the year proceeding the rate change that is to be suspended. This suspension shall not impact the following years rate increase.

6. Hydrant Fees. If a property has no structure and wants to install a source of water through a farm hydrant only, the water fee is half rate at 15.86/month plus the Water Excise Tax (6%).

7. Debt Repayment Fee. Commencing with the December 1, 2021 billing period, all fully occupied, unoccupied, and water-off billed consumer accounts will pay a debt repayment fee of fourteen dollars (\$14.00) for all fully-occupied, unoccupied, or water- off billed accounts to assist in the repayment of the water pressure project required by the Iowa Department of Natural Resources.

6-4-9 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Single-Family Residence Rate. For each single-family residence with alley or curb pickup, \$9.00 per month for one garbage or rubbish collection each week. In the event that alley or curb pickup for any residence is not feasible, the City Clerk is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon.

2. Multi-Family Residence Rate. For each family unit of a multiple family dwelling – eleven dollars (\$11.00) per month.

3. Commercial Rate. For each commercial, industrial, or institutional establishment, the fee shall be set by the collector according to the amount of waste accumulated.

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

6-4-10 RATE OF SEWER RENT AND MANNER OF PAYMENT. There shall be and there is hereby established a sewer service charge for the use of and for the service supplied by the municipal sanitary sewer utility which is necessary to retire the indebtedness, and to pay operating, maintenance and replacement costs and to fund reserves necessary for maintaining the sanitary

sewer facility. Said sewer service charge shall be based upon a monthly charge of \$17.40 per residential user equivalent (RUE). The residential user equivalence shall be determined as follows:

CLASSIFICATION	NUMBER RUE
1 Residential user equivalent equals \$17.40	RUE
Single family residence (including mobile home)	1
Multi– family and apartments – each unit	1
General business	1
Convenience Store without carwash	3.5
School	7
Churches	1
Taverns and Cafés (small)	1.5 per 20 seats
Large taverns with dance hall, etc.	3.5

Dwellings vacant for a period of six (6) consecutive months or more and with no available running water or with no water and sewer facilities or plumbing shall be charged one-half RUE monthly until the status changes. Qualification for meeting the six – month requirement shall be determined by the water shut off date in the city water utility records or by notification by the owner to the City Clerk of the first day of the vacancy or of non- use of water.

Customers of the sanitary sewer facility who are not also customers of the municipal water system, shall pay a service charge of not less than \$17.40 per month. Other classifications shall be determined by the city upon application to connect to the utility.

The billing for the sanitary utility shall be monthly.

The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made, after the connection to the sewer system is made.

6-4-11 SEWER HOOK-UP FEE CHARGED. There is hereby created a hook-up fee to be charged to every property owner in the City of Volga who connects to and utilizes the city sewer system. The hook-up fee shall be paid on the basis of one hook-up for each building connected to the public sewer.

1. The hook – up fee shall be in the amount of one hundred fifty dollars (\$150) for all users.
2. For the purposes of this chapter, buildings in the city shall be classified as existing buildings or future buildings. Existing building shall be those in existence and buildings for which a building permit has been issued and construction started as of midnight, January 31, 1981. Future buildings shall be those not in existence as of midnight, January 31, 1981.

3. A Connection Permit shall be issued by the City Clerk to each property owner upon payment of the hook-up fee. No property shall be allowed to connect to the sewer system until a Connection Permit has been issued.

4. For existing buildings, included in the hook – up fee is the cost of the lateral to be installed by the city which will extend from the sewer main to the easement line or property line. Any required lateral from that point to the building will be with the responsibility of the property owner. Owners of future buildings requiring lateral installation and/or sewer extension to the original sewer construction to obtain service, shall pay all costs involved in connecting to the sewer system.

5. Any property owner desiring a wye only and/or a lateral to a vacant lot adjacent to the original sewer construction may requested prior to the time that construction crews Rita's property. The charges for such wye or lateral shall be determined after contracts are awarded for sewer construction. Payment for such wye or lateral shall be made in full prior to installation.

In addition to said wye or lateral charge, the hook-up fee for future buildings having a city lateral installed during the original construction shall also become due and payable as described herein. When laterals are requested after sewer construction has passed the point of the requested lateral, the cost of such lateral, shall, in its entirety, be paid by the property owner.

6. The sewer system shall not be hooked up to the property of any user until all costs and charges created by this article are paid in full.

6-4-12 DETERMINATION & PAYMENT OF SEWER RENT FOR PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in Section 6-4-10 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-4-10.

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

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

6-4-13 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Utility service charges remaining unpaid and delinquent 60 days after due date and due notification shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

No lien shall be imposed for delinquent charges of less than five dollars (\$5.00). However, the city may charge an administration fee of up to five dollars (\$5.00) which amount shall be added to the lien and collected at the time of payment of the assessment.

6-4-14 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental

property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for rates or charges. The landlord's written notice shall contain the name of the tenant responsible for the charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to the water service.

6-4-15 LIEN NOTICE. A lien for delinquent utility charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail, not less than thirty (30) days prior to certification of the lien to the County Treasurer. 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 shall notify the city clerk in writing of his desire to appear within ten (10) days of the date of the notice sent by the city.

6-4-16 COMBINED SERVICE ACCOUNT. The city may combine charges for City utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

6-4-17 SUPPLEMENTAL SEWER HOOK UP RULES.

1. When a residential property has more than one hook up to the sewer system by virtue of a sanitary sewer connection in an unoccupied accessory structure, no additional sewer hookup or monthly service fee will be assessed.

2. When an unoccupied property utilized for non industrial or non commercial purposes on a lot without a primary residence is present, the property shall be assessed a residential sanitary sewer hookup and service fee as if it was a primary residence.

Example:

- A property has a primary dwelling with a detached shed that has a sewer connection. No additional charge.
- A property without a primary dwelling has a shed with a sewer connection. A residential service charge will be assessed.
- A property has two primary dwellings, two sewer hook ups are required, and each pays a separate fee, regardless of property ownership.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 RESERVED

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

6-6-1	Excavation Permit Required	6-6-4	Backfilling and Restoration
6-6-2	Application for Permit	6-6-5	Rules and Regulations
6-6-3	Safety Measures		

6-6-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

6-6-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-6-3 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-4 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the

restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the contractor (as per the city) is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-6-5 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SUBDIVISION CONTROL

- 6-7-1 Purpose
6-7-2 Applicability and Jurisdiction
- 6-7-3 Zoning

6-7-1 PURPOSE. The purpose of this chapter is to encourage 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, constituent with an approved comprehensive plan.

6-7-2 APPLICABILITY AND JURISDICTION. Every owner (or his 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 plat of such area to be made 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 354.9 of the Code of Iowa, the provisions of this section shall also apply to any of the following areas lying outside of the corporate limits of the city:

(Describe areas, but areas must not be more than two miles from the boundaries of the city)

6-7-3 ZONING. See Chapter 10 Restricted Residence District of this Title.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 SIDEWALK REGULATIONS

6-8-1	Purpose		Improvements
6-8-2	Definitions	6-8-15	Special Assessments for Construction and Repair
6-8-3	Cleaning Snow, Ice, and Accumulations	6-8-16	Notice of Assessment for Repair or Cleaning Costs
6-8-4	Maintenance Responsibility	6-8-17	Hearing and Assessment
6-8-5	Liability of Abutting Owner	6-8-18	Billing and Certifying to County
6-8-6	Ordering Sidewalk Improvements	6-8-19	ADAAG Compliance
6-8-7	Repairing Defective Sidewalks	6-8-20	Openings and Enclosures
6-8-8	Notice of Inability to Repair or Barricade	6-8-21	Encroaching Steps
6-8-9	Standard Sidewalk Specifications	6-8-22	Awnings
6-8-10	Permits for Construction or Removal	6-8-23	Fires on Sidewalks
6-8-11	Failure to Obtain Permit; Remedies	6-8-24	Fuel on Sidewalks
6-8-12	Inspection and Approval	6-8-25	Defacing
6-8-13	Barricades and Warning Lights	6-8-26	Debris on Sidewalks
6-8-14	Interference with Sidewalk	6-8-27	Merchandise Display
		6-8-28	Sales Stands

6-8-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-8-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:
 - a. Vertical separations equal to three-fourths (3/4) inch or more.
 - b. Horizontal separations equal to three-fourths (3/4) inch or more.
 - c. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
 - d. Spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - e. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
 - f. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - g. A sidewalk with any part thereof missing to the full depth.

- h. A change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-8-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-8-4 MAINTENANCE RESPONSIBILITY. In addition to the abutting property owner's duty to remove snow and ice as described in the prior section, upon order and notice as provided in sections 6-8-6 and 6-8-7, the abutting property owner or owners shall be responsible for the repair, replacement, or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way, except that the abutting owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

(Code of Iowa, Sec. 364.12(2c); *Splittergerber v. Bankers Trust Co.*, 8 N.W.3d 135 (Iowa 2024))

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in, or the condition of said sidewalk based on either the failure of the abutting owner to properly repair, replace, reconstruct, or otherwise maintain said sidewalk after being properly ordered and notified to do so, or the failure of the abutting owner to remove snow and ice regardless of notice from the City to do so, the City may notify in writing the said abutting owner that it claims the injury was caused by their said negligence. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14; *Splittergerber v. Bankers Trust Co.*, 8 N.W.3d 135 (Iowa 2024))

6-8-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-8-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council. Mix shall be minimum of 3000 PSI.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.
4. The sidewalk bed shall be graded to the established grade.

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than six (6) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than four (4) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) 1 foot from the property line, unless the Council shall establish a different distance due to the circumstances.

7. The street edge of a sidewalk shall be at an elevation even with the curb when at the curb and not less than 1/2 inch above the curb for each foot between the curb and sidewalk in residential areas.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk. (Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-8-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the

issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-8-12 INSPECTION AND APPROVAL. Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

6-8-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-8-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

6-8-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-8-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall

indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice. (Code of Iowa, Sec. 384.50)

6-8-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property. (Code of Iowa, Sec. 384.51)

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

6-8-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG)

6-8-20 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any seller 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 seller door, grating or cover to any vault on any sidewalk except well actually use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect her barricade all openings on a within 6 feet of any sidewalk.

6-8-21 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 or permission by resolution of the Council.

6-8-22 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk allows all parts of the awning are elevated at least 7 feet above the surface of the Street or sidewalk in the roof cut or covering is made of duct, canvas or other suitable material supported by iron frames or bracket securely fastened to the building, without any post or other device that will obstruct a sidewalk or hindered or interfere with the free passage of pedestrians.

6-8-23 FIRES ON SIDEWALKS. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

6-8-24 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain on any sidewalk.

6-8-25 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

6-8-26 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw her deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or other debris, or other substance likely to injure any person, animal or vehicle properly using the sidewalk.

6-8-27 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or about any sidewalk, or any goods or merchandise for sale or for display in such a manner as to interfere with the free and not under the passage of pedestrians on sidewalk; in no case shall more than 3 feet of the sidewalk next to a building in the business district the occupant for such purposes

6-8-28 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 STREET AND ALLEY REGULATIONS

- | | | | |
|-------|---|-------|---------------------------------------|
| 6-9-1 | Removal of Warning Devices | 6-9-5 | Washing Vehicle on Streets Prohibited |
| 6-9-2 | Dumping of Snow | 6-9-6 | Use of Streets for Business Purposes |
| 6-9-3 | Traveling on Barricaded Street Prohibited | 6-9-7 | Maintenance of Parking |
| 6-9-4 | Playing in Streets | 6-9-8 | Failure to Maintain Parking |

6-9-1 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully removed, throwdown, 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 place 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 Section 716)

6-9-2 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, and the ice or snow from private property, sidewalks, or driveways onto the traveled way of street 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 his agent, 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 Section 364.12 (2))

6-9-3 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.

6-9-4 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 city Council for such purposes.

(Code of Iowa Section 364.12 (2))

6-9-5 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 such work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his own

vehicle or equipment when it is lawfully parked in the street.

6-9-6 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or 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.

6-9-7 MAINTENANCE OF PARKING. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or deadwood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

(Code of Iowa Section 364.12(2C))

6-9-8 FAILURE TO MAINTAIN PARKING. 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 property tax.

(Code of Iowa Section 364.12(2E))

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 RESTRICTED RESIDENCE DISTRICT

6-10-1	Interpretations of Standards	6-10-7	Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structure
6-10-2	Definitions	6-10-8	Fee
6-10-3	District Described	6-10-9	Renewal of Petition After Denial
6-10-4	General Provisions	6-10-10	Amendments
6-10-5	Buildings Requiring Special Permits to Locate Within Restricted Districts	6-10-11	Action to Abate
6-10-6	Special Permits		

6-10-1 INTERPRETATION OF STANDARDS. The purpose of this Ordinance is to establish a restricted residence district in the City of Volga, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.

6-10-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. **DWELLING:** Shall mean any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or mobile home.

2. **DWELLING, SINGLE FAMILY:** A detached residence designed for or used exclusively and occupied by one family only.

3. **DWELLING, TWO-FAMILY:** A residence designed for or used exclusively and occupied by two(2) families only, with separate housekeeping and cooking facilities for each.

4. **DWELLING, MULTIPLE:** A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

5. **DWELLING, CONDOMINIUM:** A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.

6. **DWELLING, ROW:** Any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls

7. **DWELLING, UNIT:** A room or group of rooms which are arranged, designed, or used as a living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

8. FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over three (3) persons.

9. LOT: For the purpose of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street, and may consist of: (a) a single lot of record; (b) a portion of a lot record; (c) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

10. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

11. LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

12. LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets, as distinguished from corner lot.

13. LOT, INTERIOR: A lot other than a corner lot.

14. LOT LINES: The lines bounding a lot.

15. LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder of Clayton County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

16. LOT, WIDTH: the width of a lot measured at the building line and at right angles to its depth.

17. LOT, REVERSED FRONTAGE: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear.

18. MOBILE HOME: Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit residential occupancy thereof, whether attached or unattached to a permanent foundation. Mobile homes to be used for dwelling purposes shall be placed only in approved mobile home park or site.

19. MOBILE HOME PARK OR TRAILER PARK: All mobile homes shall have a minimum front yard of ten feet (10') from the front of the tongue if still attached and a minimum rear yard of ten feet (10'). Mobile Home Parks shall be licensed in accordance with the provisions of the regulatory agencies of the State of Iowa.

20. YARD: An open space on the same lot with a building or structure unoccupied and obstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the overhang shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the overhang shall be used.

21. YARD, FRONT: A yard extending across the full width of the lot and measured between the front lot line and the side of the main building or any projection thereto.

22. YARD, REAR: A yard extending across the full width of the lot and measured between their lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

23. YARD, SIDE: A yard extending from the front yard to the rear yard and measured between the side lot lines and the side of the main building or any projection thereto.

6-10-3 DISTRICT DESCRIBED. The entire city of Volga is declared to be Restricted Residential.

For the purpose of this Ordinance, all restrictions described herein are applicable in the Restricted Residence District. All district boundary lines shall follow lot lines or center lines of right-of-way. In the case of a district boundary line which divides a property of single ownership, the City Council may make such boundary line adjustments as to place said lot of single ownership in or out of the Restricted Residence District.

6-10-4 GENERAL PROVISIONS. The following regulations shall apply in all areas:

1. Building Permit Required.

a. A Building and Location Permit shall be obtained from the City Council and signed by the Mayor before any building or structure outside the flood plain, including a mobile home or a recreational vehicle, shall be 1) erected, 2) reconstructed, 3) structurally altered to increase the exterior dimensions, height, or floor area, 4) remodeled to increase the number of dwelling units, 5) remodeled to accommodate a change of use in the building or structure and/or premises or part thereof, or 6) located anywhere within the City limits. The Building and Location Permit shall state that the proposed construction and/or location complies with all provisions of this ordinance and no subsequent modifications, or relocation shall be made to plans, actual construction or location that would be in violation of this ordinance.

The following constructions, alterations and/or locations do not require a Building and Location Permit:

- (1) Small dog and other pet houses, small tents and small playhouses

- (2) Interior remodeling not involving items 1) - 6) above
- (3) Repair of any existing structure or portion thereof that does not increase dimensions or dwelling units or alter the use of the structure.
- (4) Recreational vehicles parked for storage on the owner's premises and not regularly used as a dwelling unit when so parked.

b. A Building and Location Permit shall be obtained from the City Council and signed by the Mayor before any building or structure within the flood plain, including a mobile home or a recreational vehicle, shall be 1) erected, 2) reconstructed, 3) structurally altered in any manner, 4) remodeled in any manner, 5) remodeled to accommodate a change of use in the building or structure and/or premises or part thereof, 6) redecorated or 7) located anywhere within the flood plain. The Building and Location Permit shall state that the proposed construction and/or location complies with all provisions of this ordinance and no subsequent modifications, or relocation shall be made to plans, actual construction or location that would be in violation of this ordinance.

c. The City Clerk shall provide an application for Building and Location Permit upon request and all information requested on such Application shall be completed in full before any such permit may be issued. The Application may contain any information deemed necessary by the City Clerk, but shall contain the address of the property, a description of the work to be covered by the permit, the costs of the work in sufficient detail as may be approved by the City Clerk, the name, address and telephone number of the property owner, and the name, address and telephone number of the person, people or company who will be doing the work.

2. Permitted Principal Uses.

- a. One and two family dwellings.
- b. Churches, cathedrals, temples, and similar places of worship.
- c. Public and parochial schools, elementary and secondary, and other educational institutions.
- d. Fire stations
- e. Publicly-owned parks, playgrounds, golf courses, and recreation areas.
- f. Conversion of one-family dwellings into two-family dwellings in accordance with the lot area, frontage, height and yard requirements of this section.
- g. Multiple dwellings.
- h. Boarding and rooming houses.
- i. Institutions of a religious, education, or philanthropic nature, including libraries.
- j. Nursing, convalescent and retirement homes.
- k. Private clubs, lodges, or veteran organizations.
- l. All new structures constructed shall have a minimum width of twenty-four (24) feet and a minimum length of twenty-four (24) feet as measured at the narrowest points, excluding porches, garages and accessory buildings.
- m. Mobile homes may be considered under the provisions of Chapter 21 of this Title.
- n. Uses other than those permitted in this section may be erected, reconstructed, altered or placed provided the City Council shall have approved, after a public hearing, the said erection, reconstruction, alteration, or placement.

3. Permitted Accessory Uses.

a. Customary home occupation as a secondary use carried on entirely within the residence not including any garage or other building or structure not designed and used for daily, human habitation and where there is no evidence of such occupation being conducted on the premises by virtue of signs, or displays, or excessive noise, odors, electrical disturbances, or traffic generation, except one sign not larger than two square feet in area, with no more than one nonresident assistant and where not more than one-half (1/2) of the floor area of any one floor is devoted to such use.

b. A residential accessory building or structure customarily used in conjunction with a dwelling, namely, a garage with a capacity of not more than three cars, or a private swimming pool properly fenced and screened; none of which is to exceed the square footage of the principal building. Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, or if it is used in conjunction with or for the business of selling goods or rendering services.

d. All dwellings or other structures, including accessory buildings, shall not cover more than 40% of the lot area. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

4. Lot and Building Regulations.

a. Lot Area:

- (1)One family dwelling--5,000 sq. ft.
- (2)Two family dwelling--7,000 sq. ft.
- (3)Multiple family dwelling or other permitted use--1,500 sq. ft. per dwelling unit.

b. Lot Width:

- (1)One family dwelling--50 feet.
- (2)Two family dwelling--60 feet.
- (3)Multiple family dwellings and other permitted uses--75 feet.

c. Front Yard: 10 feet

d. Side Yard: 6 feet

e. Rear Yard: 10 feet

f. Maximum Height:

- (1)Principal building--35 feet
- (2)Accessory building--18 feet

g. Off-Street Parking:

(1) 2 spaces per dwelling unit

(2) No off-street parking is permitted in the front yard of a Restricted Residence District

h. Minimum Dwelling Size: Residential structures shall meet and comply with at least the minimum of 900 square feet of living space in case of a one-story single-family dwelling, or 700 square feet of living space per floor in the case of a one and one-half or two-story dwelling.

i. Minimum Roof Pitch: All dwellings shall be on a supporting permanent foundation and shall have a minimum of 4/12 roof pitch. Tie-downs are not permitted. An exception to the roof pitch requirement shall be made for factory-built structures (mobile homes, manufactured homes, or modular homes as defined in Ch. 21 of this Title) that otherwise comply with the requirements of the Volga Code and 42 U.S.C. § 5403.

6-10-5 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings, and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the Restricted Residence District only if it appears that said use and type of building will be compatible with the residential character of the district, and that the particular use could not practicably be built in an unrestricted area, or the restricted district boundaries amended logically, due to topography access to railroad or highway or other proper reason acceptable to the Council.

Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-10-4 may be authorized by special permit if it appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-10-6 SPECIAL PERMIT SUBMISSION AND APPROVAL. For buildings requiring a special permit according to 6-10-5, the permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the city. Said application shall be made to the city clerk at least seven (7) days before the Council meeting at which the request for Council action is made. No permit shall or will be granted until notice of the application has been posted or the fact of application has been set out in the posted proceedings of the Council at least seven (7) days prior to the meeting at which final action for granting or denying the permit request is made. Such permit shall require a three-fourths (3/4) vote of all the members of the Council.

No permit shall be granted when 60 percent of the resident real estate owners in said district within 300 feet of the proposed building and occupancy object thereto, except by a unanimous vote of all members of the Council.

6-10-7 NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURE.

1. STATEMENT OF INTENT. Within the district established by this chapter, or its amendments, there exist structures and uses of land with or without nonconforming structures which were lawful or vested nonconforming uses prior to the adoption of this chapter or its amendments, but which would be prohibited, regulated, or restricted under the provisions of this chapter. It is the intent of this ordinance to permit these nonconformities to continue even though they are incompatible with the district in which they are located so long as provisions hereinafter set forth are complied with. However, it is the general intent to restrict nonconforming structures or uses so that ultimately uniformity will prevail.

2. NONCONFORMING USES OF LAND. The lawful use of land upon which no building or structure is erected or constructed, which is a vested nonconforming use under this ordinance as adopted or amended, may be continued so long as such use remains otherwise lawful, subject to the following provisions:

a. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land.

b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel.

c. No structure or building shall be constructed on or moved onto the land, unless the use is changed to a use permitted in that district.

d. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

3. NONCONFORMING USES OF STRUCTURE. If a lawful use of vested nonconforming use of a structure or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No existing structure devoted entirely or in part to a use not permitted by this ordinance in the district in which it is located, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.

b. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time it became nonconforming. No such use shall be extended to any land outside such building.

c. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature or to a more restricted use. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

d. In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall terminate the authorization for the nonconforming use of the land.

4. **NONCONFORMING STRUCTURES.** Where a structure is nonconforming by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. That it is not enlarged or altered in a way which increases its nonconformity.

b. That should it be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, it shall not be reconstructed except in conformity with the provisions of this ordinance, provided it be reconstructed within six (6) months of such happening.

5. **MAINTENANCE AND REPAIR TO NONCONFORMING STRUCTURES.** Nothing in this section shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in sound and safe condition, provided that no structural enlargement, extension, alteration, or change shall be made to increase the degree of nonconformity.

6-10-8 FEE. There shall be a ten dollar (\$10.00) fee required for a permit under this Ordinance. All permits shall be good for one year, and may be renewed for another year at no additional charge. No fee shall be charged for any permit for work to be done in the floodplain unless that work would require a permit under 6-10-4(1)(a) outside the floodplain.

6-10-9 RENEWAL OF PETITION AFTER DENIAL. Whenever a petition requesting amendment, supplement, or change of any regulation prescribed by this chapter has been denied by the City Council, such petition cannot be renewed for one year thereafter unless it be signed by the owners of at least sixty percent (60%) of the property owners who previously objected to the change; this provision, however, shall not prevent the City Council from acting on its own initiative in any case or at any time as provided in this section.

6-10-10 AMENDMENTS. From time to time, the City Council may wish to amend, change, or alter the provisions of this Ordinance and the official map which is a part of this Ordinance. Any person wishing to amend, change or alter the provisions of this ordinance and/or the official map shall notify all property owners within 300 feet of the affected property by mail.

6-10-11 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 BUILDING CODE

6-11-1	Adoption of Building Code	6-11-5	Posting of Signs
6-11-2	Building Official	6-11-6	Right to Demolish
6-11-3	General, Definition of Unsafe	6-11-7	Costs
6-11-4	Notice to Owner	6-11-8	Minimum Toilet Facility Standard

6-11-1 ADOPTION OF BUILDING CODE. Pursuant to published notice and public hearing as required by law, the Uniform Building Code, latest edition, and all provisions of the Uniform Building Code Standards, latest edition, referred to therein, published by the International Conference of Building Officials and commonly known as the Uniform Building Code, are hereby adopted in full except for such portions as may hereinafter be deleted, modified, or amended. An official copy of the aforementioned Uniform Building Code Standards and a certified copy of this chapter are on file in the office of the Clerk.

6-11-2 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.

6-11-3 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, and 6 below.

UNSAFE BUILDING shall mean any structure or mobile home meeting any or all these 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 lbs per square foot.
3. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
4. Whenever the building or structure, or any portion thereof, 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 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.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6-11-4 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 of 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 the 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 shall be found within the city limits. If he 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 receives such notice. However, such notice shall, except in the case 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.

6-11-5 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: “DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Volga.” 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.

6-11-6 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 building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

6-11-7 COSTS. Costs incurred under Section 6-11-6 above shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be collected in the manner provided for taxes in Section 364.12 (3)(h), Code of Iowa.

6-11-8 MINIMUM TOILET FACILITY STANDARD.

1. Places of assemble 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 gallons or less of water per flush. (Code of Iowa, Section 104B.1)

**TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 12 FLOODPLAIN MANAGEMENT ORDINANCE**

6-12-1 Definitions	6-12-5 Floodplain Management Standards
6-12-2 Statutory Authority, Findings of Fact and Purpose	6-12-6 Variance Procedures
6-12-3 General Provisions	6-12-7 Nonconforming Uses
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	6-12-9 Amendments

6-12-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. **APPURTENANT STRUCTURE** - A structure which is on the same parcel of the property as the principal structure to be insured & the use of which is incidental to the use of the principal structure.

2. **BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year (Also commonly referred to as the “100-year flood”).

3. **BASE FLOOD ELEVATION (BFE)** - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

4. **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.”

5. **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, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

6. **ENCLOSED AREA BELOW LOWEST FLOOR** - The floor of the lowest enclosed area in a building when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 6-12-5(4)(a) of this Ordinance, and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and

d. The enclosed area is not a “basement” as defined in this section.

7. 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.

8. 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.

9. 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).

10. FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

11. 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 lease.

12. FIVE HUNDRED (500) YEAR FLOOD - A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

13. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. 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.

15. FLOOD INSURANCE STUDY (FIS) - A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. FLOODPLAIN - Land area susceptible to being inundated by water as a result of a flood.

17. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

19. FLOODWAY - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

20. FLOODWAY FRINGE - Portions of the Special Flood Hazard Area outside the floodway.

21. HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. 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.

23. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

24. MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value;

buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.

26. 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.

27. 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 first floodplain management regulations adopted by the community.

28. 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.

29. REPETITIVE LOSS – A structure covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceed 25% of the market value of the structure at the time of each such flood event.

30. 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.

31. SPECIAL FLOOD HAZARD AREA (SFHA) - The land within a community subject to the “base flood”. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

32. START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

33. 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, grain storage facilities and/or other similar uses.

34. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

35. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living

conditions. The term also does not include any alteration of an “historic structure”, provided the alteration will not preclude the structure’s designation as an “historic structure”.

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

36. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

37. VIOLATION - The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

6-12-2 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact

a. The flood hazard areas of the City of Volga are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

b. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

c. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Volga 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 6-12-2 (2)(A) of this Ordinance with provisions designed to:

a. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

b. 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.

c. 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.

d. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

e. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

6-12-3 GENERAL PROVISIONS.

1. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Clayton County and Incorporated Areas, City of Volga, Panel 19043C0241F, dated July 22nd, 2020, which were prepared as part of the Clayton County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Flood Insurance Study for Clayton County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

2. **Rules for Interpretation of Flood Hazard Boundaries.** The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Mayor shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Mayor in the enforcement or administration of this Ordinance.

3. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

4. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

5. **Interpretation** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Volga 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 Ordinance shall not be affected thereby.

6-12-4 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Local Official

a. The Mayor is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

b. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

- (1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
- (2) Review floodplain 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 floodplain construction.
- (3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
- (4) 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.
- (5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
- (6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

- (7) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.
- (8) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflict.
- (9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - (i) Development placed within the floodway results in any of the following:
 - a. An increase in the Base Flood Elevations, or
 - b. Alteration to the floodway boundary
 - (ii) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - (iii) Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- (10) Perform site inspections to ensure compliance with the standards of this Ordinance
- (11) Forward all requests for Variances to the City Council for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the City Council.

2. Floodplain Development Permit

a. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes.

b. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions

- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
- (8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

c. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the City Council.

d. Construction and Use to be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

6-12-5 FLOODPLAIN MANAGEMENT STANDARDS. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

1. All development. All development within the special flood hazard areas shall:

- a. Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- b. Use construction methods and practices that will minimize flood damage.
- c. Use construction materials and utility equipment that are resistant to flood damage.

2. Residential structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

3. Non-residential structures. All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures

a. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) 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.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

b. 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.

c. New & substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

d. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

5. Factory-built homes.

a. All new and substantially improved 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 base flood elevation.

b. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems.

a. 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.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

d. Utilities such as gas or electrical systems shall be located & constructed to minimize or eliminate flood damage to the system & the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment. 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 base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

9. Watercourse alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures to Residential Uses

a. 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.

(1) 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 base flood elevation must be constructed of flood-resistant materials.

(2) 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.

- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
- (6) The structure's walls shall include openings that satisfy the provisions of 6-12-5 (4)(a) of this Ordinance.

b. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

a. Recreational vehicles are exempt from the requirements of 6-12-5 (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- (2) 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.

b. 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 6-12-5 (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline crossings. Pipelines crossing rivers & streams shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation & meandering.

14. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American

Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

6-12-6 VARIANCE PROCEDURES.

1. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

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 not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. In cases where the variance involves a lower level of flood protection for structures 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.

e. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

2. Factors Upon Which the Decision of the City Council Shall be Based. In passing upon applications for Variances, the Council 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 City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

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. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

6-12-7 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

c. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost equals or exceeds 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.

2. Except as provided in 6-12-7(1)(B), any use which has been permitted as a Variance shall be considered a conforming use.

6-12-8 PENALTIES FOR VIOLATION. 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 DOLLARS). Nothing herein contained prevent the City of Volga from taking such other lawful action as is necessary to prevent or remedy violation.

6-12-9 AMENDMENTS. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 VACATION AND DISPOSAL

6-13-1	Power to Vacate	6-13-4	Disposal of Streets or Alleys
6-13-2	Notice of Vacation Hearing	6-13-5	Disposal of Gift Limited
6-13-3	Findings Required	6-13-6	Vacated Streets and Alleys

6-13-1 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 Section 364.12(2a))

6-13-2 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 date set for the hearing.

6-13-3 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 Section 364.15)

6-13-4 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 Section 364.7)

6-13-5 DISPOSAL OF 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 government body for a public purpose. (Code of Iowa Section 364.7 (3))

6-13-6 VACATED STREETS AND ALLEYS. The following streets and alleys have been vacated within the City of:

1. Portion of Lot 12 of Block D. That portion of Lot 12, Welch's Addition, located and described as follows is hereby vacated: the South 29 feet of Lot 12, adjacent to Lot 1 in the West 7 feet of Lot 12, bordering Lot 11 Block D, Welch's Addition to the Town of Volga City, Iowa, be and the same is hereby vacated, and that the same be and is hereby transferred to Ronald J. More and Dorothy Moore, husband and wife of Volga city Iowa and that the mayor and town clerk of

said town, of Volga city Iowa be thereof to the said Ronald J Moore and Dorothy Moore, in accordance herewith, transferring all wrapped rights and interests of said town therein.

2. Alley from Cass Street on The North, To Unnamed Street On The South, In White's Addition. The alley is not needed for use by the public and has never been opened up and used as a public alley. This alley is 10 feet wide, and runs north and south, from Cass Street on the north to the unnamed Street to the south. Lots D, E, F, G are adjacent to the alley on the Westside. Lots H, J, K, are adjacent to the alley on the Eastside, all in White's Addition to the Town of Volga City, Clayton County, Iowa. This alley is hereby vacated.

The mayor and clerk of said town are hereby authorized to make, execute and deliver, quit claim deeds, of the aforesaid property, to the respective grantees thereof, and upon the conditions aforesaid.

3. Section of Cedar Street. That part of Cedar Street that lies easterly of the new County Road as established in 1975 to the Westerly line of Plum Street is hereby vacated. That the mayor and clerk of said city are hereby authorized to make, execute and deliver a Quitclaim Deed to Tom and Carol Crandall, owners of the property on either side of the vacated section of Cedar Street.

4. Plum Street. The entirety of Plum Street line to the south of Marion Street is hereby vacated the mayor and clerk of said city are hereby authorized to make, execute and deliver a Quitclaim Deed to Tom and Carol Crandall, owners of the property on the west side of vacated Plum Street.

5. Washington Street. The portion of Washington Street lying north of Reserve Street, and Reserve Street except beginning at the southeast corner of Block Five, thence easterly to the Southwest corner of Block for, thence southerly to the northwest corner of Block Seven, thence westerly to the Northeast corner of Block Eight, then northerly to the point of beginning, and hereby vacated are abandoned effective immediately.

6. Alley in Westview Addition. The alley located in Block One and Two of Westview Addition to the City of Volga is hereby vacated and abandoned effective immediately.

7. Additional Section of Cedar Street. That portion of Cedar Street line between the East edge of East Street and the west edge of Center Street is hereby vacated and abandoned effective immediately. The south half of the vacated portion of Cedar Street is hereby transferred and conveyed to Michael Leonard and Carol S Leonard, husband and wife, as Joint Tenants with Full Rights of Survivorship and not as, Tenants in Common, and the North half of the vacated portion of Cedar Street is hereby transferred and conveyed to Robert C Burgin, Becky A Lower, Bill L Burgin, Brad J Burgin, and Bart T Burgin. The city reserves a permanent easement across the vacated portion of Cedar Street to provide access to a fire hydrant located on the northerly edge thereof. This easement shall run with the land and shall be binding upon the parties hereto, their heirs, successors and assigns.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 USE OF MUNICIPAL WATER WELL LAND

- 6-14-1 Purpose
- 6-14-2 Control Zones
- 6-14-3 Control Zone 1 Limitations
- 6-14-4 Control Zone 2 Limitations
- 6-14-5 Enforcement and Penalties

6-14-1 PUPRPOSE. The purpose of this chapter is to regulate the use of land in the vicinity of the municipal water well number 3-2000 and the two older Wells, number 85 –1 in the original well of the City of Volga and to provide penalties for violation thereof.

6-14-2 CONTROL ZONES. There shall be and there is hereby established two "control zones" surrounding all water wells for the prevention of possible contamination of said wells.

“Control Zone 1” herein referred to consists of all lands located within a distance of 100 feet from the location of the well, and

"Control Zone 2" herein referred to consist of all lands located within a distance of 200 feet from the location of the well.

6-14-3 CONTROL ZONE 1 LIMITATIONS. It shall be unlawful for any person, persons, or group of persons to direct or cause to be erected within "Control Zone 1" any of the following structures, uses or activities:

- Land Application of Solid Wastes
- Irrigation of Wastewater
- Chemical Application to Ground Surface
- Chemical and Mineral Storage above Ground
- Animal Enclosure
- Land Application or Storage of Animal Wastes
- Earthen Silage Storage Trench or Pit

6-14-4 CONTROL ZONE 2 LIMITATIONS. It shall be unlawful for any person, persons, or group of persons to erect or cause to be erected within "Control Zone 2" any of the following structures, uses or activities:

- Cemetery
- Cesspool and Earth Pit Privies
- Chemical and Mineral Storage on or Underground
- Private Well
- Soil Absorption Field
- Stockpile of Animal Wastes

Wastewater Plant
Lagoon
Sanitary or Industrial Discharges
Solid Waste Disposal Site

6-14-5 ENFORCEMENT AND PENALTIES.

1. Any person, persons or group of persons found to be violating any provisions of this ordinance shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person, persons or group of persons who shall continue any violation beyond the time limit provided for in 5 above shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person, persons or group of persons violating any of the provisions of this ordinance shall be liable to the City of Volga for any expense, loss, or damage occasioned by the city by reason of such violation.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 STORM SEWER

6-15-1 Storm Water Drainage System

6-15-2 Revenue Bonds

6-15-1 STORM WATER DRAINAGE SYSTEM. The Council may declare all or 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, Section 384.84)

6-15-2 REVENUE BONDS. The Council may institute proceedings to issue revenue bonds for storm water drainage construction projects pursuant to the Code of Iowa. (Code of Iowa, Section 384.84)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 NAMING OF STREETS

6-16-1	Naming New Streets	6-16-4	Revision of Street Name Map
6-16-2	Recording Street Names	6-16-5	Changing Name of Street
6-16-3	Official Street Name Map		

6-16-1 NAMING NEW STREETS. News streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Street 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 part of a subdivision or platting procedure shall be named by ordinance.

3. Street Commission. Proposed street name shall be referred to the city Council for review and recommendation before placing on Platz or presentation of a street name ordinance, or placing on the official map.

6-16-2 RECORDING STREET NAMES. The Council may declare all or 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, Section 384.84)

6-16-3 OFFICIAL STREET NAME MAP. The Council may declare all or 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, Section 384.84)

6-16-4 REVISION OF STREET NAME MAP. The Council may declare all or 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, Section 384.84)

6-16-5 CHANGING NAME OF STREET. The Council may declare all or 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, Section 384.84)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 NUMBERING OF BUILDINGS

6-17-1	Buildings to be Numbered	6-17-4	Type of Numbers, Size
6-17-2	Numbering System	6-17-5	Enforcement
6-17-3	Mandatory Numbering	6-17-6	Building Numbering Map

6-17-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-17-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering.

6-17-3 MANDATORY NUMBERING. The placing of numbers is mandatory effective the date of approval of this Ordinance.

6-17-4 TYPE OF NUMBERS, SIZE. The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than four inches in height.

6-17-5 ENFORCEMENT. If an owner refuses to number a building as provided, or fails to do so for a period of 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 property tax. (Code of Iowa Section 364.12 (3h))

6-17-6 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 office.

1. Diagonal & Curved Streets. Such streets are classified as East and West or North and South streets depending on which classification their general alignment most nearly conforms.
2. Even Numbers. Even Numbers shall be assigned to principal buildings fronting on the west side of streets running north and south and on the south side of streets running East and West
3. Odd Numbers. Odd number shall be assigned to principal buildings fronting on the east side of streets running north and south and on the north side of streets running East and West.
4. 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, number shall be reserved to provide for orderly numbering system one the lots are occupied or divided.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 SOLAR ORDINANCE

6-18-1	Scope	6-18-7	Restrictions on Solar Energy Systems Limited
6-18-2	Purpose	6-18-8	Solar Access
6-18-3	Definitions	6-18-9	Renewable Energy Condition for Certain Permits
6-18-4	Permitted Accessory Use	6-18-10	Solar Roof Incentives
6-18-5	Conditional Accessory Uses		
6-18-6	Principal Uses		

6-18-1 SCOPE. This article applies to all solar energy installations in the City of Volga.

6-18-2 PURPOSE. The City of Volga has adopted this regulation for the following purposes:

1. **CLIMATE CHANGE GOALS.** The City of Volga is committed to reducing carbon and other greenhouse gas emissions. Solar energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources.

2. **IOWA SMART PLANNING.** Iowa Smart Planning principles must be considered when local governments make planning, zoning, development, and resource management decisions. The City of Volga has adopted Principle 3 – Clean, Renewable, and Efficient Energy – to encourage the promotion of clean energy use through increased access to renewable energy resources.

3. **INFRASTRUCTURE.** Distributed solar photovoltaic systems will enhance the reliability and power quality of the power grid and make more efficient use of the City of Volga’s electric distribution infrastructure.

4. **LOCAL RESOURCE.** Solar energy is an under used local energy resource and encouraging the use of solar energy will diversify the community’s energy supply portfolio and exposure to fiscal risks associated with fossil fuels.

5. **IMPROVE COMPETITIVE MARKETS.** Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

6-18-3 DEFINITIONS.

1. **“Active Solar Energy System.”** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

2. “Building-integrated Solar Energy Systems.” An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
3. “Grid-intertie Solar Energy System.” A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
4. “Ground-mount.” A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.
5. “Off-grid Solar Energy System.” A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
6. “Passive Solar Energy System.” A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
7. “Photovoltaic System.” An active solar energy system that converts solar energy directly into electricity.
8. “Renewable Energy Easement, Solar Energy Easement.” An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
9. “Renewable Energy System.” A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
10. “Roof-mount.” A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.
11. “Roof Pitch.” The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
12. “Solar Access.” Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
13. “Solar Farm.” A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

14. “Solar Garden.” A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or a principal use.

15. “Solar Resource.” A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

16. “Solar Collector.” A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

17. “Solar Collector Surface.” Any part of a solar collector that absorbs solar energy for use in the collector’s energy transformation process. Collector surface does not include frames, supports and mounting hardware.

18. “Solar Daylighting.” A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

19. “Solar Energy.” Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

20. “Solar Energy System.” A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

21. “Solar Heat Exchanger.” A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

22. “Solar Hot Air System.” (also referred to as Solar Air Heat or Solar Furnace) – An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

23. “Solar Hot Water System.” (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

24. Solar Mounting Devices. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

25. “Solar Storage Unit.” Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

6-18-4 PERMITTED ACCESSORY USE. Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in 3. below will require a conditional use permit, except as provided in Section 6-18-5 (Conditional Accessory Uses).

1. HEIGHT - Active solar energy systems must meet the following height requirements:

a. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

b. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

2. SETBACK - Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

a. Roof- or Building-mounted Solar Energy Systems - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

b. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

3. VISIBILITY - Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

a. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

b. Roof and Ground Mounted Solar Energy Systems - Solar energy systems using roof

mounting devices or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted and shall be no higher than twelve (12) inches above the roof.

c. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4. COVERAGE - Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

5. HISTORIC BUILDINGS - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

6. PLAN APPROVAL REQUIRED - All solar energy systems shall require administrative plan approval by the city council.

a. Plan Applications - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

(1) Pitched Roof Mounted Solar Energy Systems - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

(2) Flat Roof Mounted Solar Energy Systems - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

b. Plan Approvals - Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the City

Clerk. Plan approval does not indicate compliance with Building Code or Electric Code.

7. APPROVED SOLAR COMPONENTS - Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.

8. COMPLIANCE WITH BUILDING CODE - All active solar energy systems shall meet approval of local building code officials, consistent with the State of Iowa Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

9. COMPLIANCE WITH STATE ELECTRIC CODE - All photovoltaic systems shall comply with the Iowa State Electric Code.

10. COMPLIANCE WITH STATE PLUMBING CODE - Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.

11. UTILITY NOTIFICATION - All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

6-18-5 CONDITIONAL ACCESSORY USES.

1. The City of Volga encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in Section 6-18-4 (1-3) cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request a conditional use permit. A conditional use permit shall be granted if the following standards are met.

2. Minimum Performance, Defined - The following design thresholds are necessary for efficient operation of a solar energy system:

a. Fixed-Mount Active Solar Energy Systems - Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).

b. Fixed-Mount Active Solar Energy Systems - Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).

c. Solar Hot Water Systems - Solar collectors need to be mounted at a pitch between 40 and 60 degrees.

d. System Location - The system is located where the lot or building has a solar resource.

3. Standards for a CUP - A conditional use shall be granted if the applicant meets the following safety, performance and aesthetic conditions:

a. Aesthetic Conditions - The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.

b. Safety Conditions - All applicable health and safety standards are met.

c. Non-Tracking Ground-Mounted Systems - Pole-mounted or ground-mounted active solar energy systems must be set back from the property line by one foot.

6-18-6 PRINCIPAL USES. The City of Volga encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are conditional uses in selected districts.

1. Solar gardens –The City of Volga permits the development of community solar gardens, subject to the following standards and requirements:

a. Rooftop gardens permitted - Rooftop community systems are permitted in all districts where buildings are permitted.

b. Ground-mount gardens conditional - Ground-mount community solar energy systems must be less than five acres in total size and are a conditional use in all districts. Ground-mount solar developments covering more than five acres shall be considered solar farms.

c. Interconnection - An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

d. Dimensional standards - All structures must comply with setback, height, and coverage limitations for the district in which the system is located.

e. Other standards - Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

2. Solar farms - Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

a. Conditional use permit – Solar farms are conditional uses in the Restricted Residential District.

b. Solar farms are subject to the City of Volga’s stormwater management and erosion

and sediment control provisions and NPDES permit requirements.

c. Ground cover and buffer areas – Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:

- (1) Top soils shall not be removed during development, unless part of a remediation effort.
- (2) Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
- (3) Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Iowa Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.
- (4) Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.

d. Foundations - A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

e. Other standards and codes - All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Iowa Uniform Building Code, as amended; and the National Electric Code, as amended.

f. Power and communication lines - Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City of Volga in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

g. Site Plan Required - A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the City of Volga. The site plan should also show all zoning districts and overlay districts.

h. Agricultural Protection - Solar farms must comply with site assessment or soil

identification standards that are intended to protect agricultural soils.

i. Decommissioning - A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the City of Volga Refuse Collection Ordinance. Model Community may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

6-18-7 RESTRICTIONS ON SOLAR ENERGY SYSTEMS LIMITED. As of (the date of adoption for this ordinance) new homeowners' agreements, covenant, common interest community standards, or other contract between multiple property owners within a subdivision of the City of Volga shall not restrict or limit solar energy systems to a greater extent than the City of Volga's solar energy standards.

6-18-8 SOLAR ACCESS. The City of Volga encourages protection of solar access in all new subdivisions and allows for solar resources to be protected consistent with Iowa Statutes.

1. Solar Easements Allowed – The City of Volga allows solar easements to be filed, consistent with Iowa State Code 564A7. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access. In situations where the easements are not voluntarily agreed to, the solar access regulatory board may determine whether or not granting an easement is appropriate, consistent with Iowa Statutes 564A.3.

2. Easements within Subdivision Process – The City of Volga requires new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 6-18-9 of this ordinance.

6-18-9 RENEWABLE ENERGY CONDITION FOR CERTAIN PERMITS.

1. Condition for Rezoning or Conditional Use Permit – The City of Volga may, in an area where the local electric distribution system was installed more than twenty years ago, or where the local electric utility has documented a near-term need for additional distribution substation or conductor capacity, require on-site renewable energy systems as a condition for a rezoning or a conditional use permit.

a. The renewable energy condition may only be exercised for new construction or major reconstruction projects.

b. The renewable energy condition may only be exercised for sites that have 90% unimpeded solar or wind energy access, and for which the renewable energy system can reasonably

meet all performance standards and building code requirements.

2. Easements within Subdivision Process – The City of Volga requires new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 6-18-8 of this ordinance.

- a. Risk to the performance of the local electric distribution system,
- b. Increased emissions of greenhouse gases,

6-18-10 SOLAR ROOF INCENTIVES. The City of Volga has identified the following incentives for development applications or subdivisions that will include buildings using active solar energy systems.

1. Density Bonus - Any application for subdivision of land in the Restricted Residential District that will allow the development of at least four new lots of record shall be allowed to increase the maximum number of lots by 10% or one lot, whichever is greater, provided all building and wastewater setbacks can be met with the increased density, if the applicant enters into a development agreement guaranteeing at each two kilowatts of PV or 64 square feet of solar hot water collector installed for each new residence that has a solar resource.

2. Vacant Lot Preference - When the City of Volga disposes of vacant parcels of land that are under City ownership through auction, the City of Volga shall award a 10% bid preference up to \$5,000 for every kilowatt of solar capacity that is to be incorporated into the fully-built out parcel, when awarding the bid. The bidder must also meet all land use and dimensional requirements, and must post a bond for the amount of the bid preference granted.

3. Solar-Ready Buildings – The City of Volga encourages builders to use solar-ready design in buildings. Buildings that submit a completed U.S. EPA’s Renewable Energy Ready Home Solar Photovoltaic Checklist and associated documentation will be certified as a City of Volga solar ready home, a designation that will be included in the permit home’s permit history.

4. Affordable Housing Offset - On a site where 90% of the potential solar access is unimpeded, and the local electrical distribution system was installed more than twenty years ago, the City of Volga may substitute a requirement for grid-intertie photovoltaic systems or active solar thermal systems for up to 50% of the affordable housing requirement. For each unit of affordable housing for which a solar energy substitution is made:

a. The photovoltaic system must have at least 2 kilowatts (KW) of capacity with 90% unobstructed solar access.

b. The active solar thermal system must be sized and have sufficient solar access to generate 75% of the estimated domestic hot water load for a family of four.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 19 TREES

6-19-1	Definitions	6-19-5	Trimming Trees to Be Supervised
6-19-2	Arboricultural Specifications and Standards of Practice	6-19-6	Assessment
6-19-3	Removal of Trees	6-19-7	Trees Not Recommended for Planting
6-19-4	Duty to Trim Trees	6-19-8	Dutch Elm Disease Control

6-19-1 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.

6-19-2 ARBORCULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. SPACING. All trees hereafter planted shall be planted inside the property lines and not between the sidewalk and the curb.

2. PLANTING. The following regulations shall be followed in the planting of trees within the city.

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 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 parkways 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. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.

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.

3. TRIMMING OR PRUNING. Tress shall be trimmed or pruned according to the following:

a. All cuts are to be made sufficiently close to the parent stem so that healing can rapidly 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. All branches in danger of injuring the tree in falling shall be lowered by ropes.

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. Improperly healed scars, where callous growth is not established, are to be traced and painted, unless the city designates other treatment.

g. No topping or dehorning of trees shall be permitted except by special written permissions 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.

h. Elm wood trimmed, pruned, or removed shall not be used for any purpose, but shall be disposed of immediately by burning or burying.

6-19-3 REMOVAL OF TREES. The City shall have removed, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which may 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))

6-19-4 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))

6-19-5 TRIMMING TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the city.

6-19-6 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 to do so within five (5) days. If he fails to trim the trees within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. (Code of Iowa, Sec 364.12(2d&e))

6-19-7 TREES NOT RECOMMENDED FOR PLANTING. The following trees are not recommended for planting:

American Elm*	Mulberry	White Poplar
Russian Olive	Boileana Poplar	Black Locust
Boxelder	Silver Poplar	Siberian Elm**
Catalpa	Silver Maple	European Mtn. Ash
Weeping Birch	Tree of Heaven	Cottonwood
Willows	Lombardy Poplar	

*Hybrid and resistant American elm cultivar are encouraged

**Siberian Elm is often referred to as Chinese Elm

6-19-8 DUTCH ELM DISEASE CONTROL.

1. **TREES SUBJECT TO REMOVAL.** The council having determined that the health of the elm trees within the City are threatened by a fatal disease known as the Dutch Elm Disease hereby declares the following shall be removed:

a. **LIVING OR STANDING TREES.** Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh.).

b. **DEAD TREES.** Any dead elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

2. **DUTY TO REMOVE.** No person, firm or corporation shall permit any tree or material infected with Dutch Elm Disease to remain on the premises owned, controlled, or occupied by him within the City. (Code of Iowa, Section 364.12(3b))

3. **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 6-19-8(1) of this ordinance exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

4. **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 elm trees within the City is imminent, he 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 Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

5. 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 elm trees within the City is imminent, he 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, Section 364.12(3b,h))

6. 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 Dutch Elm Disease, a City representative is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 20 SIGNS

6-20-1	Definitions	6-20-12	Removal Upon Abandonment of Use
6-20-2	Unsafe and Unlawful Signs	6-20-13	Ground Signs
6-20-3	Painting Required Every Two (2) Years	6-20-14	Wall Signs
6-20-4	Wind Pressure and Dead Load Requirements	6-20-15	Roof Signs
6-20-5	Removal of Certain Signs	6-20-16	Projecting Signs
6-20-6	Exemptions	6-20-17	Permits Required
6-20-7	Obstructions to Doors, Windows, or Fire Escapes	6-20-18	Bond Required
6-20-8	Signs Not to Constitute Traffic Hazard	6-20-19	Application for Erection Permit
6-20-9	Face of Sign Shall Be Smooth	6-20-20	Illuminated Signs; Approval by Electrical Inspector
6-20-10	Goose Neck Reflectors	6-20-21	Permit Issued
6-20-11	Spotlights and Floodlights Prohibited	6-20-22	Permit Fees
		6-20-23	Annual Inspection and Fees
		6-20-24	Revocation of Permit

6-20-1 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 of 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.

13. BUILDING INSPECTOR shall mean any city official or duly authorized person appointed by the city.

6-20-2 UNSAFE AND UNLAWFUL SIGNS. If the building inspector 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 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 building inspector 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 building inspector 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 building inspector finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he may order the removal of such sign summarily and without notice to the permit holder. Such an order may be appealed to the council, and if the council reverses, it shall order restitution at the city's expense.

6-20-3 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.

6-20-4 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 received dead loads as required in the Building Code or other ordinances of the City of Volga, Iowa.

6-20-5 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.

6-20-6 EXEMPTIONS. The provisions and regulations of this ordinances shall not apply to the following signs, provided however, said signs shall be subject to the provisions of Section 6-20-2.

1. REAL ESTATE. Real estate signs 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 feet 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.

6-20-7 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.

6-20-8 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, color or design feature, may interfere with or obstruct traffic on the road.

6-20-9 FACE OF SIGN SHALL BE SMOOTH.

6-20-10 SIGN LIGHTING. To ensure that sign illumination does not adversely affect neighboring properties or compromise public safety by impairing visibility for drivers and pedestrians, the following provisions apply:

1. **Shielding and Direction:** All externally illuminated signs shall be equipped with shielding or directional fixtures to prevent light spillover onto adjacent residential properties.

2. **No Impairment of Vision:** Sign lighting shall not obstruct or impair the vision of drivers or interfere with traffic control devices.

3. **Prohibited Lighting Types:** Flashing, rotating, strobe, or pulsating lights are prohibited on any sign visible from a public right-of-way.

4. **Glare Control:** All lighting shall be installed to minimize glare and reflection onto roadways, sidewalks, and adjacent properties.

6-20-11 SPOTLIGHTS AND FLOODLIGHTS PROHIBITED.

6-20-12 REMOVAL UPON ABANDONMENT OF USE.

6-20-13 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 ordinance 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 representation 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 base 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 LINES. 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 ½) 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.

6-20-14 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 ordinance 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 ATTCHMENTS.** 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 inches 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 note 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 Section 6-20-4 of this ordinance.

6-20-15 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 Section 6-20-7 of this ordinance.

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 rood signs shall conform to the requirements of Section 6-20-4 of this ordinance.

6-20-16 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-faced.

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 $\frac{1}{4}$ 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 moveable 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 on 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 6-20-7 and 6-20-8 of this ordinance.

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 $\frac{3}{8}$ 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 or 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.

6-20-17 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 ordinance, without first obtaining an erection permit from the building inspector and making payment of the fee required by Section 6-20-22 hereof. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required thereunder.

6-20-18 BOND REQUIRED. Persons erecting signs shall be required to post a bond in the amount of \$3000 with the building inspector to assure that the sign is removed when its advertising or other commercial use is abandoned.

6-20-19 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 located.
7. Such other information as the building inspector shall require to show full compliance with this ordinance and all other ordinances of the city.

6-20-20 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 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.

6-20-21 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 ordinance and all other ordinances of the City of Volga, Iowa, he 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.

6-20-22 PERMIT FEES. Every applicant, before being granted an erection permit, shall pay to the city clerk the annual permit fee, for each such sign or other advertising structure regulated, of five (5) cents per square foot, provided that, in no event shall the minimum fee for each sign be less than one (1) dollar. An annual permit fee shall be paid on or before July 1st of each succeeding year the sign continues to exist.

6-20-23 ANNUAL INSPECTION AND FEES. The building inspector shall inspect annually, or at such times as he deems necessary, each sign or other advertising structure regulated by this ordinance 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 of two cents multiplied by the number of square feet of area for each unit so inspected; provided however, that in no event shall the inspection fee be less than one(1) dollar. No inspection fee other than the permit fee as required in Section 6-20-22 shall be charged during the calendar year in which the sign or other advertising structure is erected.

6-20-24 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 repaid expenses assessed under the preceding Article shall have his 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 21 MOBILE HOME REGULATION

6-21-1	Definitions	6-21-4	Emergency and Temporary Parking
6-21-2	Location of Mobile Homes		
6-21-3	Special Permits for Location of Mobile Homes Outside Mobile Home Parks	6-21-5	Traffic Code Applicable
		6-21-6	Building Requirements
		6-21-7	Mobile Home Hookups

6-21-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. "Factory-built structure" includes the terms "mobile home," "manufactured home", and "modular home."

(Code of Iowa, Sec. 103A.3(8))

2. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3))

3. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

5. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

6. "Permanent Perimeter Foundation" shall be as defined below:

a. The foundation piers must bear upon reinforced poured concrete footings that are

constructed below the frost line.

b. Foundation piers must be constructed of “solid materials”, such as reinforced concrete, masonry, steel, or treated wood. Dry-stacked block piers, which are commonly used in manufactured home foundations, can be upgraded to meet this requirement by applying an adequate coating of fiber-reinforced surface bonding cement.

c. A permanent well supported perimeter wall (skirting) must enclose the foundation to keep out vermin and water. This wall must be self-supporting and must rest on a concrete footing. An access opening must be constructed in this skirting wall. Most often these walls are constructed of block or brick masonry. However, treated wood walls can qualify if properly constructed.

a. The home must have adequate tie downs anchored to the footings to resist horizontal overturning, transverse and longitudinal loads. Dependence on screw-in tie-down anchors commonly used in manufactured home anchorage systems is prohibited.

6-21-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation. (Code of Iowa, Sec. 414.28)

6-21-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of year(s) but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit. (Code of Iowa, Sec. 414.28)

6-21-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-21-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-21-5 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any

person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-21-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement.

(Code of Iowa, Sec. 435.26)

6-21-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by city officials and the mobile home dealer shall pay an inspection fee of \$_____.

(Code of Iowa, Sec. 322B.3)

*Editor's note. The section in parenthesis should be included at the time the section is first adopted and not during a recodification. In other words, do not add this language to Ordinances already in effect unless you know the exact date the chapter went into effect.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 22 COMMUNICATION TOWERS AND ANTENNAS

6-22-1	Purpose and General Policy	6-22-8	Application Process
6-22-2	Definitions	6-22-9	Noise and Emission Standards
6-22-3	Local Regulation and Compliance with the Telecommunications Act of 1996	6-22-10	Placement of Facilities and Related Lease Fees
6-22-4	Lease Required	6-22-11	Abandonment
6-22-5	Fee Required	6-22-12	Termination
6-22-6	Limit on Term	6-22-13	Home Rule
6-22-7	Priorities and Placement Requirements	6-22-14	New Technologies

6-22-1 PURPOSE AND GENERAL POLICY. The Council finds that in order to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize wireless communication technologies, in order to protect public and private investments, ensure the health, safety and welfare of the population, to provide for the regulation and administration of the orderly location of antenna arrays and towers and to secure the rights of the City to a return on its investment on public property, it is necessary for the City to establish uniform rules and policies. This chapter is to be interpreted in light of these findings for the benefit of the citizens of the City.

6-22-2 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Antenna" means a device, dish or array used to transmit or receive telecommunications signals.
2. "Communications tower" means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.
3. "Height" of a communications tower is the distance from the base of the tower to the top of the structure.
4. "Telecommunications" shall mean the electronic, telephonic, or other high-tech transmission, reception or exchange of data or information between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent or received, by a means which requires the approval or licensing by the Federal Communications Commission.

6-22-3 LOCAL REGULATION AND COMPLIANCE WITH THE TELECOMMUNICATIONS ACT OF 1996. The Telecommunications Act of 1996 prohibits the City from establishing policies that discriminate against one or a group of providers in favor of another or another group of providers or potential providers. The following objectives shall be

applied consistently to all telecommunications providers that request a location on City property for their communications towers and antennas.

1. To minimize the overall number of towers located in the City, providers may be required to participate in collocation agreements.

2. To ensure that new towers will be safe and blend into their environment, providers will propose designs consistent with site characteristics.

3. To minimize placement of wireless equipment in highly populated areas, residential locations will be considered as a last resort.

4. To assure revenues from site leases of City-owned and controlled land and structures reflect fair compensation for use of City property and administration of this chapter.

6-22-4 LEASE REQUIRED. No person or other entity shall use any public property without first obtaining a lease from the City.

6-22-5 FEE REQUIRED. No lease for the use of public property shall be granted without requiring the lessee thereof to pay a reasonable and competitively neutral fee for the use of that public property.

6-22-6 LIMIT ON TERM. No lease for the use of public property shall be granted for a term of more than 25 years.

6-22-7 PRIORITIES AND PLACEMENT REQUIREMENTS.

1. Priority. Priority of the use of City-owned land for communications antennas and towers will be given to the following entities in descending order of priority:

- a. All functions of the City.
- b. Public safety agencies that are not a part of the City, including law enforcement, fire and ambulance services, and private entities with a public safety agreement with the City.
- c. Other governmental agencies for uses which are not related to public safety.
- d. Entities providing licensed commercial communications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use.

2. Placement. The placement of communications antennas or towers on City-owned property must comply with the following requirements:

- a. The antenna or tower will not interfere with the purpose for which the City-owned property is intended.
- b. The antenna or tower will have no adverse impact on surrounding private property.
- c. The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to City property and facilities and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fee shall be established by the Council (Section 6-24-10) and shall reflect potential expenses and risks to the City and other appropriate factors.
- d. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the cost of antenna or tower removal.
- e. The antennas or towers will not interfere with other uses which have a higher priority as discussed in the paragraphs above.
- f. Upon reasonable notice, the antennas or towers may be required to be removed at the user's expense.
- g. The applicant must reimburse the City for any costs which it incurs because of the presence of the applicant's antenna or tower.
- h. The user must obtain all necessary land use approval.
- i. The applicant will cooperate with the City's objective to promote collocations and thus limit the number of separate antenna sites requested.

6-22-8 APPLICATION PROCESS.

1. All applicants who wish to locate a communications antenna or tower on City-owned or private property must submit to the Clerk a completed application accompanied by a fee of one hundred fifty dollars (\$150.00) and the following documents, if applicable:
 - a. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
 - b. A site plan drawn to scale showing property lines, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if the antenna is to be mounted on an approved existing structure.

c. A current map or update for an existing map on file showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the City.

d. A report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222, latest revision, standards.

e. Identification of the owners of all antennas and equipment to be located on the site.

f. Written authorization from the site owner for the application.

g. Evidence that a valid FCC license for the proposed activity has been issued.

h. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

i. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

j. Additional information, as required, to determine that all applicable building and land use regulations are met.

k. Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This setback requirement shall not apply to (1) communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the City, or (2) camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such an antenna support structure.

2. Applicant must also show evidence that all of the following conditions which are applicable are met:

a. Applicant must show that the proposed communications tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

b. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirement without unreasonable modifications on any existing structure or tower under the control of the applicant.

c. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.

d. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

e. Applicant must provide the names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-half mile radius of the proposed new tower site, including City-owned property, and written documentation that the applicant (1) made diligent but unsuccessful efforts for a minimum of forty (40) days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by the City and other persons located within a one-half mile radius of the proposed tower site, or (2) written technical evidence from an engineer that the proposed tower or facilities cannot be installed or collocated on another person's tower or support structure within a one-half mile radius of the proposed tower and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

f. Applicants must show that a new tower is designed to accommodate additional antenna equal in number to applicant's present and future requirements.

g. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

h. All towers and communications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof, roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black.

i. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Clerk a written indemnification of the City and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the City Attorney.

j. Land use regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, storage, and all other general regulations except setback and height, shall apply to the use. Setbacks on all sides shall be a distance equal to the height of the tower. The following height conditions apply:

Restricted Residence Districts - Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.

Unrestricted Districts - Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.

k. A tower must be a minimum distance equal to one and one-half the height of the tower from property designated historic or architecturally significant and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.

All responses to applications for siting of telecommunications towers and facilities shall be in writing and shall be made within thirty (30) days after all application materials are received.

6-22-9 NOISE AND EMISSION STANDARDS.

1. Noise. No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards under WAC 173-60, except during emergencies or periodic routine maintenance which requires the use of a back-up generator, where the noise standards may be exceeded temporarily.

2. Emissions. The Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction to regulate radio frequency emissions. Facilities that meet the FCC standards shall not be conditioned or denied on the basis of emissions impacts. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

6-22-10 PLACEMENT OF FACILITIES AND RELATED LEASE FEES. The placement and maintenance of communications antennas or towers on City-owned sites, such as water towers and parks, will be allowed when the following additional requirements are met.

1. Water Tower or Reservoir Sites. The City's water tower and reservoir represent a large public investment in water pressure stabilization and peak capacity reserves. Therefore, its protection is of prime importance. As access to the City's water storage system increases, so does the potential for contamination of the public water supply. For these reasons, the placement of communications towers or antennas on water towers or reservoir sites will be allowed only when the following requirements are met:

a. The applicant must have written approval from the City each time access to the facility is desired. This will minimize the risk of contamination to the water supply.

b. There is sufficient room on the structure and/or the grounds to accommodate the applicant's facility.

c. The presence of the facility will not increase the water tower or reservoir maintenance cost to the City.

d. The presence of the facility will not be harmful to the health or safety of the workers maintaining the water tower or reservoir.

Fees in an amount to be determined by the Council will be assessed for placing facilities on a City water tower.

2. Parks. The presence of certain communications antennas or towers represents a potential conflict with the purpose of certain City- owned parks and recreational facilities. Towers shall be prohibited in conservation areas. Communications antennas or towers will be considered only in the following parks after approval of the Council.

a. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use.

b. Commercial recreational areas and major ball fields.

c. Park maintenance facilities.

Fees in an amount to be determined by the Council will be assessed for placing facilities on park property.

6-22-11 ABANDONMENT. In the event the use of any communications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Clerk who shall have the right to request documentation and/or affidavits from the communications tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. At the earliest, 180 days from the date of abandonment, without reactivating or upon completion of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire.

6-22-12 TERMINATION. The Council may terminate any lease if it is determined that any one of the following conditions exist.

1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use.

2. A user's frequency broadcast unreasonably interferes with other users of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis.

3. A user violates any of the standards in this chapter or the conditions attached to the City's lease agreement.

Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for a hearing before the Council regarding the proposed action. This procedure need not be followed in emergency situations.

6-22-13 HOME RULE. This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the City shall be enforced against the holders of any lease.

6-22-14 NEW TECHNOLOGIES. Should, within the term of any lease, developments within the field for which the grant was made to the holder of the lease present the opportunity to the holder of the lease to be more effective, efficient and economical through the use of a substance or material other than those for which the lease was originally made, the holder of the lease may petition the Council which, with such requirements or limitations as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the lease.

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 ELECTRIC FRANCHISE

7-1-1 PURPOSE. An Ordinance of the City of Volga, County of Clayton, State of Iowa, granting to Interstate Power Company, a Delaware Corporation, its successors, and assigns, permission to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control an electric plant within the corporate limits of said municipality and an electric transmission and distribution system consisting of poles, wires, conduits, pipes, conductors, and other fixtures in under, over, along and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality for the purpose of producing and furnishing electric energy for light, heat, and power purposes to said municipality and its inhabitants for a period of twenty-five (25) years from and after the passage, approval and publication of this ordinance according to law.

The City Council of Volga, Iowa do ordain as follows:

1. That there is hereby granted unto Interstate Power Company, a Delaware Corporation, its successors and assigns, herein called the "Grantee" the right, permission, privilege and franchise, for a period of twenty-five (25) years from and after the taking effect of this Ordinance, subject only to the laws of the State of Iowa as now in force and to the conditions and limitations hereinafter contained to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control and electric plant and an electric transmission and distribution system consisting of poles, wires, conduits, pipes, conductors and other fixtures within the limits of said municipality, necessary, convenient or proper for the production, transmission, distribution, and delivery of electric energy to said municipality and its inhabitants for light, heat and power purposes.

2. That said Grantee, its successors and assigns, is hereby grants: (i) the right of way in, under, over, along, and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality, and (ii) the right of eminent domain, as provided in Section 364.2 of the Code of Iowa, all for the purpose of erecting, installing, constructing, reconstructing, repairing, owning, operating, maintaining, managing and controlling said electric plant and said electric transmission and distribution system.

3. That said Grantee shall hold said municipality free and harmless of and from any and all liability, damages, actions and causes of action, caused by or through the neglect or mismanagement of the Grantee in the erection, installation, construction, reconstruction, repair, operation, maintenance, management or control of said electric plant and electric transmission and distribution system.

4. That said Grantee shall not, during the erection, installation, construction, reconstruction, repair, operation, maintenance, management or control of said electric plant and electric transmission and distribution system, unnecessarily impede public travel on the streets, lanes,

avenues, sidewalks, alleys, bridges and public grounds of said municipality, and shall leave all of said streets, lanes avenues, sidewalks, alleys, bridges and public grounds upon which it may enter for the purpose herein authorized in as good condition as they were at the date of said entry.

5. That said Grantee will extend service to any customer within the corporate limits of the municipality in accordance with the Service Standards of Grantee as filed with the Iowa State Utilities Board of the Department of Commerce.

6. That whenever any person has obtained permission from the municipality to move any building or structure which may interfere with the poles, wires, or other fixtures of said Grantee, Grantee shall, upon five days' notice thereof, and at the expense of the person desiring to move such structure, remove such poles, wires, or other fixtures as may be necessary to allow the passage of such structure, for a reasonable length of time, upon receipt from such person of satisfactory assurance covering the cost of such removal and replacement and any liability or damage resulting therefrom.

7. That if any section or portion of a section of this Ordinance shall be declared null and void by any competent authority, the remaining portions hereof shall not be affected thereby.

8. That all ordinances or resolutions or parts thereof heretofore adopted by said municipality in conflict with the terms hereof are hereby repealed.

9. That said ordinance shall take effect from and after its passage, approval and publication according to law.

APPROVAL FOR ELECTION: March 3, 1997

FINAL APPROVAL: May 5, 1997

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 URBAN REVITALIZATION

7-2-1 URBAN REVITALIZATION. The entire City of Volga is hereby designated as a revitalization area under the provisions of Chapter 404, Code of Iowa, which shall be known as “the area”. (Ordinance 119, November 7, 2005)

APPENDICES

APPENDIX A: NOTICES TO ABATE

NOTICE TO ABATE NUISANCE

SNOW REMOVAL

TO: _____ (Occupant) name and address

_____ (Owner if not occupant) Name and
address

PROPERTY ADDRESS: _____

You are hereby notified to abate the nuisance existing at the property address listed above with in 48 hours or file written request for a hearing with the undersigned officer within 24 hours from service of this notice.

The nuisance consists of: snow accumulated upon side walk and shall be abated by removing snow accumulated on public side walks upon the property.

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

The city shall charge a minimum \$100 snow removal and an additional \$100 for each hour beyond the first that is spent removing snow.

If this is the second city snow removal in a 12 month period, the city will charge \$400 and \$100 for each hour beyond the first spent upon the property.

If this is the third city snow removal a 12 month period, the city will charge \$750 and \$100 for each hour beyond the first spent upon the property.

Your failure to abate the nuisance may result in municipal ordinance violations being filed against you and this property.

Date of Notice: _____

City of Volga, Iowa

By: _____

NOTICE TO ABATE NUISANCE

TO: _____(Occupant) name and address
_____(Owner if not occupant) Name and
address

PROPERTY ADDRESS: _____

You are hereby notified to abate the nuisance existing at the property address listed above within 10 days or file written request for a hearing with the undersigned officer within 48 hours from service of this notice.

The nuisance consists of:

lawn over growth and/or weeds and shall be abated by mowing and removal of weeds.

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

The city shall charge a minimum \$100 and an additional \$100 for each hour beyond the first that is spent upon the property.

If this is the second city mowing in a 12 month period, the city will charge \$400 and \$100 for each hour beyond the first spent upon the property.

If this is the third mowing in a 12 month period, the city will charge \$750 and \$100 for each hour beyond the first spent upon the property.

Your failure to abate the nuisance may result in municipal ordinance violations being filed against you and this property.

Date of Notice: _____

City of Sumner, Iowa

By: _____

NOTICE TO ABATE NUISANCE

TO: _____ (Occupant) name and address

_____ (Owner if not occupant) Name and address

PROPERTY ADDRESS: _____

You are hereby notified to abate the nuisance existing at the above property or file written request for a hearing with the undersigned officer within 48 from service of this notice.

The nuisance consists of: _____ and shall be abated by:
_____.

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of Sumner, Iowa

By: _____

The following will be incorporated in the Appendices with the final draft of the code:

- 1) Procurement Process
- 2) Restrictive Covenants

APPENDIX B: SEWER PERMIT

**CITY OF VOLGA, IOWA
SEWER PERMIT**

No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the council and sewer superintendent.

Please mark class of building sewer permit requested:

- Residential and commercial service
- Service to establishments producing industrial wastes

Please complete the following information:

Name of Property Owner: _____

Street Address: _____

Legal Description of Property:
_____ (Block) _____ (Section) _____ (Lot) _____ (Addition)

Intended use of sewer: _____

The line of the sewer and place of connection to building:

- Complete diagram on attached sheet

Work to be completed by:

Name of contractor: _____

Address: _____

- Proof of insurance attached (if not on file with the City)
- Description of materials to be used and manner of construction: _____

Amount and date of any prior assessment for construction of the public sewer:

*****FOR OFFICE USE ONLY*****

Permit Approved
Date: _____ Time: _____ Authorized Signature: _____

Permit Denied

\$10.00 Application Fee paid/Check # _____

\$150.00 Hook-up Fee paid/Check # _____

****Work under permit must begin within six months of the issuance date.***

APPENDIX C: WATER PERMIT

CITY OF VOLGA
Application for Water Permit

Every person desiring a supply of public water must make application for permit to the city council. The consumer must state fully and true all the uses to which the water is to be applied, and no different or additional uses will be allowed, except by permission of the council or application made therefore. No more than one house or premise shall be supplied from one tap except by consent of the council, and then not in any case unless provisions are made so that each house or premise can be shut off independently of the other house or premise.

Each applicant for water connection to the mains shall pay the cost of such connection for all service pipe and trenching without regard to the location of the main. If trenching crosses streets, applicants must pay an additional charge set by the council for replacing same. There will be a \$300 fee for a hookup to the water. Extension of the mains will be at the expense of the property owner unless deemed different by the council.

Name of applicant _____

Location of hook-up _____

State all intended uses of water _____

Permit approved _____
city clerk

Date _____ Time _____

Initial hook-up fee _____

Date Paid _____

Work under permit must begin within six (6) months of issuance date.

APPENDIX D: PURCHASE ORDER/REQUEST FORM

**CITY OF VOLGA
PURCHASE REQUEST/ORDER**

Requested By _____ (One signature required if request totals \$200.00 or less)

_____ (Mayor or City Clerk signature required if total is over \$200 and up to \$500.) If over \$500 must be pre-approved by council.

Date _____ (Date Council approved) _____

Department Street <input type="checkbox"/> Park <input type="checkbox"/> Maintenance <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/>
Sewer <input type="checkbox"/> Administration <input type="checkbox"/> Library <input type="checkbox"/> Fire <input type="checkbox"/> EMT <input type="checkbox"/> Other <input type="checkbox"/>

Describe item

Purpose

Price Quote \$ _____ (Total Cost)

Name of Business _____

Address _____

Phone Number _____

Additional price quote \$ _____

Name of Business _____

Address _____

Phone Number _____

Additional information may be attached. If over \$500 your request will be put on the city agenda at the next regular council meeting. If \$500 or under it will be listed only as a claim. Meetings are held the first Monday evening of the month unless it falls on a holiday. Items must be to the city clerk by 12:00 noon on the proceeding Thursday to be put on the agenda .

THANK-YOU

APPENDIX E: PROCUREMENT PROCESS

City of Volga Procurement Standards Adopted October 2017

GENERAL GUIDELINES

The City of Volga Purchase Request/Order states that the City Clerk or other City Employees are allowed to make purchases up to \$200 without additional signatures or approvals. Purchases totaling \$201 to \$499 must have the Mayor or Clerk sign the purchase order form prior to making the purchase. For all purchases over \$500, the council must pre-approve the purchase.

For purchasing items and services over \$500.00 but less than \$3,000.00, a minimum of two (2) quotations should be obtained. Examples include: written vendor quote; phone or verbal quote; internet quote; current catalog pricing, etc.

In the event that it is recommended to purchase an item which is not the lowest quoted option, a written statement must be submitted outlining the reasons for this recommendation, unless it falls under the Local Preference of this policy.

Budget items with a cost over \$3,000 but under the threshold for the state bid process, three (3) quotations should be obtained. Prior to soliciting the sealed written quotation, the City must provide the vendors with like information regarding the terms and scope of the service or specifications of the item to ensure proper and fair comparisons can be validated. Council will review all received quotations at a Council meeting and reserves the right to reject any and all cost quotations received.

All expenditures of City funds, regardless of the amount or inclusion in the City budget, require approval by the City Council.

LOCAL PREFERENCE

In an effort to promote the local business economy, with all other aspects being relatively equal in terms of product quality and services delivered, local Volga businesses and contractors will be given preference for commodity and service purchases under \$3,000.00 based on the convenience and proven positive relationship provided the quote is within 5% of the next lowest quote.

In accord with Iowa Code, Chapter 73.1, preference will be given to products and provisions grown and produced within the State of Iowa. The City shall make every reasonable effort to support Iowa products when making a purchase.

PUBLIC IMPROVEMENT PROJECTS

All public improvement or infrastructure projects shall be carried out in accordance with Iowa State Statutes, in particular Chapter 26 relating to competitive bids and quotes.

PROFESSIONAL SERVICES

When contracting the services of professionals such as engineers, architects, attorneys or other professionals working on City projects, it is not necessary to advertise and engage in the bidding process. A variety of factors in addition to price will be considered when contracting for professional services. These factors include: level of expertise, professional referrals, past record and experience, and work on similar projects, past relationships, convenience and availability. Proposals may be obtained on a periodic basis at the direction of the Council or City Clerk to ensure the best quality service and that the City is the recipient of competitive pricing.

EMERGENCY PURCHASES

Emergency goods, services and construction items are those that are necessary to prevent or mitigate serious disruption of government services or threats to public health, welfare, or safety, or if it is needed as a result of events or circumstances not reasonably foreseeable. Emergency procurements shall be made with such competition as is practical based on the circumstances.

A written determination of the basis for the emergency and for the selection of the particular contractor and / or product shall be prepared by the City Clerk for emergency purchases exceeding \$500.00. Every attempt should be made to contact the Mayor for emergency purchases exceeding \$500.00. The services of a professional such as an architect or engineer may be utilized to assist in determining the nature of the emergency.

COOPERATIVE PURCHASING

The City may initiate or participate with other governmental bodies, including the State of Iowa in cooperative purchasing. This may take place either through the use of the Iowa Code Chapter 28 E for intergovernmental agreements or utilization of a contract clause. This allows a legal purchase at the cost designated in another entity's contract, in the best interest of the City, notwithstanding any provisions of this policy to the contrary. Utilization of existing state or federal government contracts would satisfy bidding and quotation procedures under this policy with the possible exception of public improvement projects.

Where possible the City is encouraged to utilize purchasing resources in an effort to obtain the best possible price.

ELECTED OFFICIALS

Elected officials are prohibited from initiating a purchase on behalf of the City unless the elected official is the chair of a particular committee utilizing funds from a segregated, designated account such as an endowment or grant, which is under the authority of said committee.

CONFIDENTIALITY

In order to ensure one vendor does not enjoy an unfair advantage over another, employees and elected officials must be careful not to disclose information regarding a vendor's prices, terms, or other information, to another vendor during the course of the bidding process. Confidentiality must be maintained during the formal bidding process and informal quotation process. All

Vendor requests for information will be referred to the City Clerk or designated Committee Chairperson .

FEDERAL OR STATE FUNDS

The use of funds from either the state or federal government may require specific procurement policies. Those administering such funds shall investigate and follow these procedures. For reference, Federal Code 200.318 pertains to procurement in the event of a natural disaster is included herein.

APPENDIX F: RESTRICTIVE COVENANTS

RESTRICTIVE COVENANTS FOR LOTS 1 THRU 15 OF WESTVIEW 2ND ADDITION SUBDIVISION OF VOLGA, IOWA

LEGAL DESCRIPTION:

The City of Volga, Iowa, a municipal corporation, for itself, its' assigns and successors, hereby covenant with the public for themselves and their respective personal representatives, heirs, assigns and successors that these restrictive covenants shall apply to and be enforceable against any and all real estate within (Legal description attached), as follows:

A. Non-applicability: These restrictive covenants shall not apply to any real estate in said subdivision owned by the City of Volga or its' successors and not sold for use as a lot for residential purposes.

B. Land Use and Building Type: The property within this subdivision, except that portion used by the City of Volga, Iowa, or its' successors, shall be used for residential purposes of single detached family dwellings not exceeding two stories, and each dwelling may include a garage not to exceed four cars in size. No building whatsoever except one such single detached family dwelling, including the garage and accessory outbuildings, shall be erected, placed or permitted on each lot in this subdivision. Residential structures shall meet and comply with at least the minimum of 900 square feet of living space in case of a one story single family dwelling, or 700 square feet of living space per floor in the case of a one and one-half or two story dwelling. All dwellings shall be on a supporting permanent foundation and shall have a minimum of 4/12 roof pitch. Tie-downs are not permitted.

a. Homes from the flood buyout area shall be accepted for relocation to the sub-division lot. Covenant variance shall be made for these homes concerning "building type".

b. New or relocated dwelling construction must be commenced within eighteen (18) months of lot purchase. Exterior must be completed within twelve (12) months following construction commencement. An owner may request an extension on these time limits from the city council with a valid reason.

c. Any residential structures not intending to be single detached family dwellings having the minimum square footage required may be made an exception only if pre-approved by the Volga City Council.

C. Temporary Structures: No basement, tent, shack, garage, barn or other outbuilding erected in the subdivision shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

D. Livestock and Pets: No horses, cows, hogs, sheep, goats, or similar animals will be kept or maintained on this subdivision. Nor shall any chickens, turkeys, geese, ducks or other poultry be kept. No pets of an exotic and/or dangerous nature including, but not limited to, snakes, tigers, lions, monkeys, bears, rottweilers or pit bull dogs shall be maintained on lots sold from this subdivision. Pets kept on the property shall not unreasonably interfere with the peaceable and quiet enjoyment of landowners herein.

**RESTRICTIVE COVENANTS FOR LOTS 1 THRU 15 OF WESTVIEW 2ND ADDITION
SUBDIVISION OF VOLGA, IOWA**

- E. Easements: Easements for installation and maintenance of utilities are reserved as shown on the recorded plat of the subdivision. Within these areas no structures, plantings or other material shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities. The easement area of each lot shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
- F. Subdivision and Building Location: No lot shall be re-subdivided. No building shall be located on any lot nearer than ten (10) feet to any front or back lot line, nor nearer than six (6) feet to any other lot line in accordance with Volga City Code, Appendix B; General Provision item four (4) 'Lot and Building Regulations.'
- G. Manufacturing and Commercial Business: No wholesale businesses of any kind shall be maintained in the subdivision nor any obnoxious or offensive trade, business, or pursuit of any kind shall be carried on upon any lot, nor shall any business be carried on which may be or become an annoyance or nuisance to the residents of the subdivision. Small retail businesses incidental to home occupation which do not cause congestion may be maintained. One sign, and no others, of not more than nine (9) square feet may be placed on the property relating to the business maintained on the property.
- H. Seeding and Planting: Any building lot in this subdivision shall be seeded and landscaped in a manner conforming with vegetation and terrain in the immediate area. The title holder of each lot, vacant or improved, shall keep the lot free of weeds and debris.
- I. Parking: No combination of more than three axles may be parked in the subdivision. Any restorable or operable vehicle not used for daily work or family use shall not be in view of the street(s). If this covenant is not upheld by the owner, the mayor can enforce by authorizing towing of said vehicle(s) at the owners expense. Owner shall be held responsible for any and all impoundment fees and bonds.
- a. On-street residence parking of any vehicle shall not be allowed due to the limited width of sub-division streets. Exceptions may be made for temporary visitation purposes for a one-day event (ie; birthday parties, meetings, etc.) Such parking shall be permitted on odd-numbered sides only.
- J. Enforcement:
- a. It is expressly understood and agreed that the several restrictive covenants contained herein run with the land, but shall only apply to so much of said subdivision as has been sold by the City of Volga as a subdivision for dwellings. It shall be lawful not only for the Grantor, its' successors and assigns, but also for the owner or owners of any lots adjoining or in the neighborhood of the premises herewith conveyed, deriving title from or through the Grantor, to institute and prosecute any proceedings at law or in equity against any person or persons violating or threatening to violate the said covenants.

**RESTRICTIVE COVENANTS FOR LOTS 1 THRU 15 OF WESTVIEW 2ND
ADDITION SUBDIVISION OF VOLGA, IOWA**

b. Any deed, lease, conveyance, or contract made in violation of this agreement shall be void and may be set aside on petition of one or more of the parties hereto, and all successors in interest, heirs, executors, administrators, and assigns, shall be deemed parties to the same effect as the original signers; and when such conveyance or other instrument is set aside by decree of court of competent jurisdictions, all costs and all expenses of such proceedings shall be taxed against the offending party and shall be declared by the said court to constitute a lien against the real estate so wrongfully deeded, sold, leased, or conveyed until paid, and such lien may be enforced in such manner as provided by law or as the said court may order.

c. This agreement constitutes a mutual covenant running with the land and all successive future owners shall have the same right to invoke and enforce its provisions as the original signers hereof.

K. Changes, Amendments or Modifications: No changes, amendments or modifications of these restrictions may be made until approved by the city and the majority of the owners (one vote for each lot owned). All such changes, amendments, or modifications so approved by such parties must be reduced to writing and properly filed for public record before becoming effective and binding.

L. Partial Invalidity: It is expressly agreed that if any covenant, condition or restriction herein above contained, or any portion thereof, is held to be invalid or void, such invalidity shall in no way affect any other covenant, condition or restriction contained herein.

Dated this _____ day of _____, 2000.

CITY OF VOLGA

LOT OWNER

By: _____
Mayor

(Signature)

Attest: _____
City Clerk