

## MAQUOKETA CODE OF ORDINANCES

State legislation at any time can be enacted that would change the current law as adopted in your City Code. ECIA has no duty or responsibility to keep you updated on law changes. However, ECIA will make every attempt to notify you when legislative changes occur that have an impact on your City Code. It is the municipality's responsibility to either repeal or amend the ordinances impacted by the legislative changes. ECIA advises you to have your City Attorney review your City Code and the legislative changes that occur after the date of the City's last codification. ECIA cannot provide legal advice

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CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION

7600 COMMERCE PARK

DUBUQUE, IOWA 52002

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## TITLE I GENERAL PROVISIONS

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1-1-2	GRAMMATICAL INTERPRETATION	1-1-7	CATCHLINES, TITLES, HEADINGS AND NOTES
1-1-3	PROHIBITED ACTS INCLUDE CAUSING, PERMITTING	1-1-8	AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE
1-1-4	CONSTRUCTION		
1-1-5	AMENDMENT		

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.

(ECIA Model Code Amended in 2011)

2. “City” shall mean the City of Maquoketa, Iowa, or the areas 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 a constitutional or statutory provision.

3. “Computation of Time” shall mean 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.

4. “Council” shall mean the City Council of the City. All its members or all Council Members mean the total number of Council Members provided by the City charter under the general laws of the state;

5. “County” means the county of Jackson, Iowa.

6. “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.

(ECIA Model Code Amended in 2010)

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

8. "May" is permissive;
9. "Month" means a calendar month;
10. "Must" and "Shall." Each is mandatory;
11. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";
12. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
13. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
14. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building or land;
15. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;
16. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
17. "Preceding" and "following" mean next before and next after, respectively;
18. "Property" includes real and personal property;
19. "Real property" includes lands, tenements, and hereditament;
20. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
21. "State" means the State of Iowa;
22. "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;
23. "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;
24. 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;
25. "Written" includes printed, typewritten, mimeographed or multigraphed;
26. "Year" means a calendar year;
27. 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 others as may have



acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

28. 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 ordinance 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 context 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.

1-1-4 **CONSTRUCTION.** The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

1-1-5 **AMENDMENT.** All ordinances of the Council passed hereafter shall be the form of an addition or amendment to the Maquoketa Revised Ordinances of 1992, constituting this municipal code, and shall include proper references to chapter and section to maintain the orderly codification of the ordinances.

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

1-1-7 **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.

(ECIA Model Code 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 Maquoketa, 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 Maquoketa, 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.

(ECIA Model Code 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 him/her by ordinance; provided that, except in emergency situations, he/she shall first give the owner and/or occupant 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 GENERAL PENALTY

1-3-1 VIOLATION – PENALTY  
1-3-2 PARKING VIOLATIONS AND  
PENALTIES

1-3-3 PENALTIES FOR VIOLATIONS  
OF THIS CODE

1-3-1 VIOLATION – PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Maquoketa is guilty of a misdemeanor. Any person who commits such an offense under the ordinances of Maquoketa shall be punished in accordance with Title III, Chapter 17 of the City Code. No court may award jail time under this ordinance, except in the case of contempt following any conviction and failure to follow any injunctive order entered by the Court.

(Ord. No 936, 6-19-00)

(Ord. No 986, 11-3-03)

(Ord. 1142, Passed June 2, 2018)

1-3-2 PARKING VIOLATIONS AND PENALTIES

The penalties for parking violations shall be the penalties set forth in Iowa Code §805.8A, as amended from time to time by the Iowa General Assembly. Pursuant to Iowa Code 321.236(1)(a), if a parking violation is not paid within thirty days of the date upon which the violation occurred, the penalty shall increase to ten dollars.

(Ord. No 947, 2-23-01)

(Ord. No 956, 7-16-01)

1-3-3 PENALTIES FOR VIOLATIONS OF THIS CODE

The penalties for violations of this Code shall be the same penalties set forth in Iowa Code §§805.8, 805.8A, 805.8B, and 805.8C, as amended from time to time by the Iowa General Assembly, for the corresponding violation of state law. In no event shall a penalty for violation of a city ordinance be higher than is authorized by state law.

(Ord. No 956, 7-16-01)

TITLE II POLICY AND ADMINISTRATION  
CHAPTER 1 CITY CHARTER

2-1-1	PURPOSE	2-1-5	NUMBER AND TERM OF COUNCIL
2-1-2	CHARTER	2-1-6	TERM OF MAYOR
2-1-3	FORM OF GOVERNMENT	2-1-7	COPIES ON FILE
2-1-4	POWERS AND DUTIES	2-1-8	WHEN EFFECTIVE

2-1-1     **PURPOSE.** The purpose of this ordinance is to provide for a charter embodying the form of government existing on August 6, 1973.

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

2-1-3     **FORM OF GOVERNMENT.** The form of government of the City of Maquoketa, Iowa, is the Mayor-Council with appointed manager form of government.

2-1-4     **POWERS AND DUTIES.** The Council and Mayor and Manager 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 Maquoketa, Iowa.

2-1-5     **NUMBER AND TERM OF COUNCIL.** The Council consists of 2 Council Members elected at large and one Council Member from each of 5 wards as established by ordinance, elected for terms of 4 years.

2-1-6     **TERM OF MAYOR.** The Mayor is elected for a term of 2 years.

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

2-1-8     **WHEN EFFECTIVE.** This ordinance is in effect after its final passage, approval, and publication as required by law.

Passed this 6th day of August, 1973, and approved this 6th day of August 1973.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 2 APPOINTMENT AND QUALIFICATION OF MUNICIPAL OFFICERS

2-2-1	CREATION OF APPOINTIVE OFFICERS	2-2-5	BONDS REQUIRED
2-2-2	APPOINTMENT OF OFFICERS	2-2-6	SURETY
2-2-3	TERMS OF APPOINTIVE OFFICERS	2-2-7	AMOUNT OF BONDS
2-2-4	VACANCIES IN OFFICES	2-2-8	BONDS FILED
		2-2-9	BOARDS AND COMMISSIONS

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk-Manager, Treasurer, Police Chief, Attorney, Superintendent of Public Utilities and Fire Chief.

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall have authority over the Police Department and shall appoint the Police Chief with a four-three approval from the City Council. The Police Chief may be removed from office on recommendation of the Mayor and a four-three vote by all members of the Council.

1. Removal of the Police Chief shall proceed as set forth in Section 372.15 of the Iowa Code as it may from time to time be amended.

(Ord. 841, 8-1-94)

2. The Fire Chief and Officers of the Fire Department shall nominate the Fire Chief for a period of one year. Such nomination shall be subject to the approval of the City Council. An election by the members of the Fire Department shall be held and such election will be given consideration by the Fire Chief and Officers of the Fire Department in nominating the Fire Chief, but shall not be binding. Fire Department Membership nominates Fire Chief and elects Fire Chief.  
(Amended during 2019 codification)

3. The City Council shall take action to approve or disapprove the appointment of the person nominated for the position of Fire Chief at the next regular Council meeting following the written notification from Fire Chief and Officers so stating the person nominated. In the event that the City Council does not take action on such nomination at the next regular Council meeting, the nomination shall stand approved. In the event that the City Council disapproves the nomination, the City Clerk shall so notify the Fire Chief and Officers in writing. The Fire Chief and Officers shall then submit another person for the position of Fire Chief to the Council for approval within fourteen (14) days following written notification from the City Clerk. In the event that the Fire Chief and Officers fail to nominate another person for the position of Fire Chief within 14 days, the Council shall make the appointment.

4. In the event that the Council disapproves subsequent nominations for the position of Fire Chief, the above time schedule and conditions shall be repeated for all subsequent nominations.

For the purposes of this ordinance, the Officers of the Fire Department shall consist of the following positions – Fire Chief, Assistant Fire Chief, Deputy Fire Chief, Three Captains, and Lieutenant.

5. The above described procedure for the appointment of a Fire Chief shall become effective on January 1, 1988.

(Ord. 667, passed 7-21-86)

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

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.

(ECIA Model Code Amended in 2014)

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

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

2-2-7 AMOUNT OF BONDS. Each officer named shall be bonded or covered in the amount below:

City Manager	\$200,000
Deputy City Clerk	\$200,000
Finance Clerk	\$200,000
Secretary	\$200,000

The Council shall provide by Resolution for a surety bond for any other officer or employee that the Council deems necessary or for a blanket bond. The City shall pay the premium on all official bonds.

(ORD 881, passed 9-16-96)

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

2-2-9 BOARDS AND COMMISSIONS.

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

2. 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 (Iowa Code).

(ECIA Model Code Amended in 2014)



## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	GENERAL DUTIES	2-3-13	POWERS AND DUTIES OF THE TREASURER
2-3-2	BOOKS AND RECORDS	2-3-14	POWERS AND DUTIES OF THE CHIEF OF POLICE
2-3-3	DEPOSITS OF MUNICIPAL FUNDS	2-3-15	POWERS AND DUTIES OF THE CITY ATTORNEY
2-3-4	TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR	2-3-16	POWERS AND DUTIES OF THE FIRE CHIEF
2-3-5	POWERS AND DUTIES OF THE MAYOR	2-3-17	POWERS AND DUTIES OF THE ECONOMIC DEVELOPMENT DIRECTOR
2-3-6	POWERS AND DUTIES OF THE COUNCIL	2-3-18	RESIDENCE REQUIREMENTS
2-3-7	EXERCISE OF POWER	2-3-19	POWERS AND DUTIES OF THE CITY MANAGER TO CITY OFFICERS AND EMPLOYEES WHEN THE CITY HAS NO APPOINTED CITY MANAGER
2-3-8	MEETINGS		
2-3-9	OFFICE OF MANAGER CREATED		
2-3-10	APPOINTMENT		
2-3-11	POWERS AND DUTIES OF THE MANAGER		
2-3-12	POWERS AND DUTIES OF THE CLERK		

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 Council unless contrary to state law or city charter.

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.

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 his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in his/her custody and appertaining to his/her office.

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

1. 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.

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

3. The Mayor may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. If he vetoes a measure, he must explain in writing the reason for such veto to the Council. The Council may repass a measure over the Mayor's veto by a two-thirds majority of the Council members, if said action is taken within thirty days of the veto.

4. The Mayor shall make appropriate provision that duties of any absentee officer be carried on during his/her absence.

5. The Mayor shall represent the City in all negotiations properly entered into 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.

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

7. The Mayor shall call special meetings of the City Council when he/she deems such meetings necessary to the interests of the City.

8. 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 Council action.

9. 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 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 his/her duties. In the exercise of the duties of his/her office the Mayor Pro Tempore shall not have power to employ or discharge from employment officers or employees that the Mayor has the power to appoint, employ, or discharge. The Mayor Pro Tempore shall have the right to vote as a member of the Council.

10. The Mayor shall upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council he/she shall conduct himself/herself in accordance with the City ordinances and the laws of the State of Iowa.

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

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

2-3-6 POWERS AND DUTIES OF THE COUNCIL. The powers and duties of the Council shall include, but are not limited to, the following:

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

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

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

4. Contracts. The 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 by the Council. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts shall be drawn or approved by the City Attorney before the same are made or passed.

5. Employees. The Council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by state law or the City Code.

6. Records. The Council shall maintain records of its proceedings.

7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council Members, and other elected City officers, but a change in the compensation of the Mayor shall not become effective during the term in which the increase is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular city election. A change in the compensation of Council Members shall become effective for all Council Members at the beginning of the term of the Council Members elected at the election next following the adoption of the increase in compensation.

2-3-7 EXERCISE OF POWER. The Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

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

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

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

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

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

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.

4. Rules of Procedure. The following rules shall govern the meetings of the Council and its order of transaction of business:

a. Preservation of Order: Deciding Questions: Appeals from the Chair. The Mayor, the Mayor Pro Tempore or other presiding officer shall preserve decorum and shall decide questions of order subject to an appeal to the Council. A member called to order shall immediately suspend remarks until permitted by the Mayor to explain. If there is no appeal, the decision of the Chair shall be conclusive; but if the member appeals to the Council from the decision of the Chair, the Council shall decide the question without debate.

b. Motions and resolutions to be seconded; Statement; when to be written: No motion or resolution shall be put until it is seconded. When seconded, it shall be stated by the Mayor or presiding officer before debate. Upon request of the Chair or any Council Member, every motion shall be reduced to writing.

c. Withdrawal of Motions. After a motion or resolution is stated by the Chair, it shall be deemed in the possession of the Council, but it may be withdrawn by the movant at any time before decision or amendment.

d. Name of Mover to be recorded. In all cases where a resolution or a motion is entered on the minutes of the City Council the name of the members moving the same also shall be entered.

e. Preferential Motions. When a question is under debate, the only motions in order shall be:

First: To adjourn.

- Second: The previous question.
- Third: To lay on the table.
- Forth: To postpone indefinitely.
- Fifth: Adjourn to a certain day
- Sixth: To refer.
- Seventh: To amend.

Such motions shall have precedence in the order herein arranged, the first three (3) to be decided without debate.

f. When Motion to Adjourn is in Order. A motion to adjourn the City Council shall always be in order, except:

- When a member is in possession of the floor.
- When members are voting
- When adjournment was the last preceding motion
- When it has been decided that the previous questions shall be taken.

g. Amendment, Debate of Motion to Adjourn. A motion simply to adjourn cannot be amended; but a motion to adjourn to a given time may be, and is open to debate.

h. Putting the Previous Question. When the previous question is moved and put it shall be in this form, "Shall the main question be now put?" If this is carried, all proposed amendments and all further motions and debates shall be excluded, and the question is put without delay.

i. Amendment, Debate of Motions to Table. A motion to lay a question on the table simply is not debatable but a motion to lay on the table and publish, or any other condition, is subject to amendment and debate.

j. Indefinite Postponement of Motions. When a motion is postponed indefinitely it shall not be taken up again during the same meeting.

k. Precedence of Motions to Refer to Committee. A motion to refer to a standing committee shall take precedence over a similar motion for a special committee.

l. Motions to Amend.

1) A motion to amend an amendment shall be in order; but a motion to amend an amendment to an amendment shall not be entertained.

2) An amendment modifying the intention of a motion shall be in order but an amendment relating to a different subject shall not be in order.

m. Motions to Strike and Insert. On motion to "strike out and insert" the paragraph to be amended shall first be read as it stands, the words proposed to be struck out, and those to be inserted, and finally the paragraph as it would stand if so amended.

n. Timeliness of Motions to Reconsider. A motion may be reconsidered at any time during the meeting, or at the first meeting held thereafter. A motion for a reconsideration being once made, and decided in the negative, shall not be renewed before the next meeting.

o. Who May Move to Reconsider. A motion to reconsider must be made by members who voted in the majority, or by those who were absent and did not vote upon the question to be reconsidered.

p. Reconsidering Motions More Than Once. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

q. Suspension of Rules. The foregoing rules may be suspended for a certain meeting or a certain purpose only by the unanimous vote of the Council.

r. Tie Votes. In the event of a tie vote, any member of the Council may make a motion to reconsider at any subsequent meeting of the Council.

s. Handbook for Iowa Council Members. Upon questions arising by this section, the Handbook for Iowa Council Members most recent edition, as prepared by the Institute of Public Affairs of the University of Iowa, shall be used as a guide. In the event of a conflict between the Handbook for Iowa Council Members and this Code, this Code shall take precedence.

t. Passage or Ordinances. All ordinances enacted by the Council shall be done in accordance with Chapter 380 of the Code of Iowa as amended.

(Ordinance 693, 10-8-88)

2-3-8 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The regular meetings of the Council shall be on the first and third Mondays of each month at 7:00 p.m. in the Council Chambers at City Hall.

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

3. Quorum. A majority of all Council Members is a quorum.

4. Rules of Procedure. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.

2-3-9 OFFICE OF MANAGER CREATED. There is hereby created the office of Manager for the City, pursuant to the provisions of State Statutes.

2-3-10 APPOINTMENT. The Manager shall be appointed by a five-two vote of the Council at a regular meeting thereof, and when so appointed he shall hold office during the pleasure of said body and shall be subject to removal from office by a five-two vote of all members of the Council at any time.

Removal of the City Manager shall proceed as set forth in Section 372.15 of the Iowa Code as it may from time to time be amended.

(Ord. 810, passed 5-3-93)

The Manager shall have his office in the City Hall Building or elsewhere in the City as the Council may direct. Said office to be equipped with necessary furniture, fixtures and supplies at the expense of the City.

## 2-3-11 POWERS AND DUTIES OF THE MANAGER.

1. The Manager shall have sole power to appoint, employ or discharge all persons directly engaged in the operating, maintenance, clerical or construction departments of said systems and shall recommend to the Council the compensation to be paid such employees.

2. The Manager shall manage and control the Sewer System of the City and issue permits to duly authorized persons to make lateral connections therewith or repairs and extensions thereto.

3. The Manager shall supervise the performance of all contracts for work to be done in connection with the public utilities, make all purchases of material and supplies needed by the City, reporting the same in detail to the Council and see that such material and supplies are received and are of the quality and character specified.

4. The Manager shall see that all the provisions of this Code, rules and regulations relating to governing the installation, maintenance, operation and extension of the public utilities, are complied with and that the franchise rights of privately-owned public utilities operating within the City are not exceeded or abridged.

5. The Manager shall see that all persons required to do so shall secure the licenses provided by law or the provisions of this Code and shall collect the fees therefor and deposit the same with the Treasurer.

6. The Manager shall keep the Council fully advised of the financial condition as well as other conditions of the City, and make recommendations concerning future needs.

7. The Manager shall have general supervision of the Public Grounds and Buildings and shall keep the Council advised of the condition and needs of the same.

8. The Manager shall perform all the duties of Clerk of City, as provided by law and the provisions of this Code.

9. The Manager shall perform such other services of a managerial, supervisory or clerical nature as the Council may require of him, and when required to perform services other than herein enumerated he shall receive an additional compensation such amount as the Council may appropriate.

10. The Manager shall be empowered to require any appointee or employee of the City whose general duties are not wholly inconsistent with the work to be performed, to render service in any department of public works under his supervision, or to render service in departments not under his supervision when occasion requires.

11. Supervise the official conduct of all officers of the City whom The Manager has appointed, and take active control of the Fire Department.

12. Employ, reclassify, or discharge all employees under the Manager's supervision and fix their compensation, subject to civil service provisions and Chapter 70.

13. Supervise the construction, improvement, repair, maintenance, and management of all City property, capital improvements, and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements, except property, improvements, and undertakings managed by a utility board of trustees.

14. Co-operate with any administrative agency or City Board or Commission.

15. The City Manager shall supervise the performance of the Police Chief and shall keep the Council fully advised on the Police Chief's operation of the Police Department.

2-3-12 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special 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))

(ECIA Model Code Amended in 2014)

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

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 they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms. 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))  
(Ord. 991, Passed April 19, 2004)

4. The Clerk shall maintain copies of all effective City ordinances and codes for public use.
5. The Clerk shall publish notice of public hearings, elections and other official actions as required by state and city law.
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.
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.
9. Following Council adoption of the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.
10. The Clerk shall report to the 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 Treasurer 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.
13. The Clerk shall maintain all city records as required by law.

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.

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 his/her control when it may be necessary to such officer in the discharge of his/her duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by the Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by ordinance are required to be attested by the affixing of the seal.

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.

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.

19. The Clerk shall issue all licenses and permits approved by the Council, and keep a record of licenses and permits issued which shall show 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.

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.

21. The Clerk shall compile and 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.

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

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

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

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.

2-3-13 POWERS AND DUTIES OF TREASURER. The duties of the Treasurer shall be as follows:

1. The Treasurer shall keep the record of each fund separate.
2. The Treasurer shall keep an accurate record for all money or securities received by him/her on behalf of the municipality and specify date, from whom, and for what purpose received.
3. The Treasurer shall prepare a receipt in triplicate for all funds received. The Treasurer shall give the original to the party delivering the funds, send the duplicate to the Clerk, and retain the triplicate.
4. The Treasurer shall keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. The Treasurer shall keep a separate account of all money received by him/her for special assessments.
6. The Treasurer shall, immediately upon receipt of monies to be held in his/her 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.

2-3-14 POWERS AND DUTIES OF THE CHIEF OF POLICE. The duties of the Marshal shall be as follows:

1. The Chief of Police shall wear upon his/her outer garment and in plain view, a metal badge engraved with the name of this office, and such uniform as may be specified by the Council.

(ECIA Model Code Amended in 2014)

2. The Chief of Police shall assist the City Attorney in prosecuting any persons for the violation of an ordinance by gathering all the facts and circumstances surrounding the case.
3. The Chief of Police shall be sergeant-at-arms of the Council chamber when requested by the Council.
4. The Chief of Police shall report to the Council upon his/her activities as Marshal when requested.
5. The Chief of Police shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.
6. The Chief of Police shall make arrangements to convey any persons requiring detention to the county jail as provided by law and agreements with the County.

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

8. The Chief of Police shall execute all lawful orders of any board or commission established by the City Council.

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

10. To appoint one or more assistant Police Chiefs, who may perform his/her duties and who shall be members of the police force.

11. To make such rules, not in conflict with the provisions of this ordinance, as needed for the detailed operation of the police department, subject to the approval of the conduct and activity of members, the wearing and care of the uniform, the use of and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. In the event of an emergency the Chief of Police may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

13. The Chief of Police shall restrain and prevent sheep, swine, horses, cattle, fowl, dogs, cats, and other animals from running at large within the limits of the corporation.

14. The Chief of Police shall report all motor vehicle accidents he/she investigates in the regular course of duty to the Iowa Department of Public Transportation as provided by law.

(Ord. 991, Passed April 19, 2004)

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

16. The Police Chief may appoint one or more assistant Police Chiefs, with approval of the City Council, who may perform the Police Chief's duties and who shall be members of the police force.

(ECIA Model Code Amended in 2014)

2-3-15 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

1. The City Attorney shall be so situated in a convenient location to maintain necessary coordination with the general governmental activities of the municipality.

2. If requested, the City Attorney shall attend every regular meeting of the City Council and attend those special meetings of the City Council at which he/she is required to be present.

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

4. The City Attorney shall keep in property 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.

5. The City Attorney shall, upon request, give his/her 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.

6. The City Attorney shall, upon request, prepare those ordinances the City Council may desire and report to the Council upon all ordinances before their initial passage by the City Council.

7. 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.

8. The City Attorney shall not appear on behalf of any municipal officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his/her office or employment.

9. 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.

10. The City Attorney shall, upon request, make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and ordinances submitted to him/her or coming under his/her notice.

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

(Ord. 870, passed 3-4-96)

2-3-16 **POWERS AND DUTIES OF THE FIRE CHIEF.** The duties of the Fire Chief shall be as follows:

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 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 firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

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

(Amended during 2019 codification)

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 exit 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 his/her 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 he/she 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 his/her duties by investigating, preventing and reporting data pertaining to fires.

## 2-3-17 POWERS AND DUTIES OF THE ECONOMIC DEVELOPMENT DIRECTOR.

Ordinance No. 816, passed 8-16-93 repeals this position.

Refer to Resolution 93-52, passed 8-16-93.

A Resolution Creating the Position of Economic Development Director

## 2-3-18 RESIDENCE REQUIREMENTS

All new employees employed by the City of Maquoketa after adoption of this ordinance must reside within the state of Iowa within sixty (60) days of their first day of work and must remain a resident of Iowa throughout the period of his/her employment with the City of Maquoketa.

Employees of the City of Maquoketa who hold the following positions shall maintain their principal place of residence within five miles of the City limits of Maquoketa: City Manager, Economic Development Director, Chief of Police, Director of Public Works, Street Superintendent and Fire Chief. This requirement shall not apply to persons holding these positions as of January 1, 1990, unless they already reside within five miles of the City limits.

(Ord. 880, passed 10-7-96)

## 2-3-19 TRANSFER OF POWERS AND DUTIES OF THE CITY MANAGER TO CITY OFFICERS AND EMPLOYEES WHEN THE CITY HAS NO APPOINTED CITY MANAGER.

1. As the duties of the position of City Manager have been extracted from duties and responsibilities assigned to the Mayor by the Code of Iowa, in the absence of a City Manager for a period of time greater than two weeks, the overall management and control of the City reverts to the Mayor. The Mayor will be assisted in these responsibilities by the following personnel and by whatever delegation of additional responsibilities the Mayor may convey in writing to full-time City Employees.

2. The Mayor will normally retain the following powers and responsibilities:

- a. Day to day operation of City Hall and the general offices and buildings of the City.
- b. Supervision of the official conduct of all officers of the City and Department Heads including Fire Chief, Police Chief and Director of Public Works.
- c. Authority to discharge, reprimand, suspend or reclassify an employee upon conferring with the appropriate supervisor and Personnel Committee when needed.
- d. Authority to supervise construction, repair, maintenance, improvement and management of all City property including preservation of all surveys, maps, plans, drawings, and estimates for capital improvements.
- e. The power to supervise employees of the City and to require any employee to render service in any department of the City.

f. The authority and power to employ, reclassify or discharge all employees of the City and fix compensation subject to civil service provisions in Chapter 400 of the Code of Iowa.

3. Management and control of the sewer system shall be under the authority and responsibility of the People Service, Inc., Superintendent assigned to Maquoketa.

4. The power to issue permits to make connections with the sewer system or repairs or extensions of the sewer system shall be the authority and responsibility of the City Clerk/Deputy City Clerk.

5. Reserved

6. The duty to purchase materials and supplies needed by the City and the duty to report purchases in detail to the Council and see that purchased materials and supplies are received and are of the quality and character specified shall be the duty and responsibility of the Deputy City Clerk after conferring with the appropriate Department Head.

7. Duty to oversee that the provisions of this Code and rules and regulations relating to the installation, maintenance and operation, and extension of public utilities are complied with, and that franchise rights of privately owned public utilities are not exceeded or abridged, shall be the authority and responsibility of the Deputy City Clerk and the City Attorney when required.

8. The duty to see that all persons required to do so have a license, and that those persons pay the required fee, and the duty to collect the fee shall be the authority and responsibility of the Deputy City Clerk.

9. Reserved

10. The duty to keep the Council fully advised as to the financial condition of the City shall be the authority and responsibility of the Financial Officer.

11. The general supervision of City grounds and buildings and the duty to keep the Council informed of the condition of the City grounds and buildings shall be the authority and responsibility of the Director of Public Works.

a. The duty to perform all the duties of the City Clerk as provided by the Code of Iowa and the provisions of this Code shall be the authority and responsibility of the Deputy City Clerk. The duties of the Deputy City Clerk shall include the obligation to perform other managerial, supervisor or clerical services as the Mayor may require.

b. Supervision of the performance of all contracts in connection with the Public Utilities shall be the responsibility of the appropriate Department Head with assistance from the City's Engineering Firm.

c. The duty to attest to and certify official City documents is conveyed to the Deputy City Clerk.



d. The duties of inspecting and approving building permits shall be the responsibility of the Public Works Director with assistance from the City's Local Government Consultant.  
(Ord. 885, passed 5-19-97)

TITLE II POLICY AND ADMINISTRATION  
CHAPTER 4 SALARIES OF MUNICIPAL OFFICIALS

2-4-1 COUNCIL MEMBERS  
2-4-2 MAYOR  
2-4-3 OTHER OFFICERS

2-4-4 DATE OF COMPENSATION  
2-4-5 MAYOR PRO TEM

2-4-1 COUNCIL MEMBERS. The salaries of each Council Member shall be \$40.00 for each Council meeting attended, but in no event shall any Council Member be paid more than \$1,200 in one calendar year.

2-4-2 MAYOR. The salary of the Mayor shall be \$100.00 for each Council meeting attended, but in no event shall the Mayor be paid more than \$2,800 in any one year.  
(Ord. 711, passed 6-19-89)

2-4-3 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of the Council.

2-4-4 DATE OF COMPENSATION. The compensation increases provided herein are effective for the Mayor and all Council Members with the term of office beginning January 1, 1980.

2-4-5 MAYOR PRO TEM. The Mayor Pro Tem shall receive a salary of \$50.00 for each meeting where he/she acts as Mayor. This salary shall not be in addition to the Mayor Pro Tem's normal Council Member compensation, but shall be in lieu of it.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 5 CITY FINANCE

2-5-1 BUDGET PREPARATION	2-5-9 EXPENDITURES
2-5-2 BUDGET AMENDMENTS	2-5-10 AUTHORIZATIONS TO EXPEND
2-5-3 BUDGET PROTEST	2-5-11 ACCOUNTING
2-5-4 APPROPRIATIONS	2-5-12 BUDGET ACCOUNTS
2-5-5 ANNUAL REPORT	2-5-13 CONTINGENCY ACCOUNTS
2-5-6 COUNCIL TRANSFERS	2-5-14 SCOPE OF INVESTMENT
2-5-7 ADMINISTRATIVE TRANSFERS	POLICY
2-5-8 BUDGET OFFICER	

2-5-1 BUDGET PREPARATION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

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.

(ECIA Model Code Amended in 2012)

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

(ECIA Model Code Amended in 2014)

3. The Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing 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 Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the agenda.

5. After the hearing, the 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 and the State Comptroller.

2-5-2 BUDGET AMENDMENTS. 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:

1 To permit the appropriation and expenditure of unexpected, 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.

5. 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 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 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objections to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for Governor in the past preceding general election in the City, but not less than ten persons, and at least three of the signers must have filed a written objection or appeared and objected to the budget at the budget hearing held by the Council.

2-5-4 APPROPRIATIONS. 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.

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 the State.

(Ord. 991, Passed April 19, 2004)

2-5-6 COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriations account needs added authorization to meet required expenditures therein he/she shall inform the Council or if the Council upon its own investigation so determines, and another account within the same program has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval of the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriations to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation to a program be increased 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.

2-5-7 RESERVED

2-5-8 BUDGET OFFICER. The City Clerk shall be the City Budget Officer and is responsible for preparing the budget data in cooperation with the Council or Mayor. The Budget Officer shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to Council control and the limitations set out in this ordinance.

2-5-9 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding ten dollars (\$10.00) may be made by those officials authorized by the Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24)

hours, weekends and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

2-5-10 AUTHORIZATION 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 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 or transfer of appropriation is made in accordance with power delegated by the Council and within the limits set by law and the 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 materials have been delivered of the quality and in the quantities indicated or that the services have been performed satisfactorily to the extent invoiced.

2-5-11 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, written, which receipts and warrants shall be pre-numbered, in accordance with modern, accepted methods, and ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by two of the following persons: Manager, Deputy City Clerk, Finance Clerk, Mayor, Mayor Pro Tem. Transfers between accounts shall be authorized by two of the following persons: Manager, Deputy City Clerk, Finance Clerk, Mayor, Mayor ProTem.

(Ord. 831, 3-21-94)

(Ord. 1088, 10-18-10)

2-5-12 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 Council. Each individual account shall be maintained within its proper fund as required by 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 them. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

2-5-13 CONTINGENCY ACCOUNTS. Whenever the Council shall have budgeted for a contingency account the Clerk shall set one up in the accounting records, but he shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

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

2-5-14 **SCOPE OF INVESTMENT POLICY.** The Scope of Investment Policy of Maquoketa shall apply to all operating funds, bond proceeds and other funds and all investment transactions involving operating funds, bond proceeds and other funds accounted for in the financial statements of Maquoketa. Each investment made pursuant to this Investment Policy must be authorized by applicable law and this written Investment Policy.

1. The investment of bond funds or sinking funds shall comply not only with this Investment Policy, but also be consistent with any applicable bond resolution.

2. This Investment Policy is intended to comply with Iowa Code Chapter 12B.

3. Upon passage and upon future amendment, if any, copies of this Investment Policy shall be delivered to all of the following:

a. The City Council or officer of the City of Maquoketa to which the Investment Policy applies.

b. All depository institutions or fiduciaries for public funds of the City of Maquoketa.

c. The Auditor engaged to audit any fund of the City of Maquoketa.

d. In addition, a copy of this Investment Policy shall be delivered to every fiduciary or third party assisting with or facilitating investment of the funds of the City of Maquoketa.

4. **Delegation of Authority.** In accordance with Section 452. 10(1), the responsibility for conducting investment transactions resides with the Treasurer of the City of Maquoketa. Only the Treasurer and those authorized by ordinance or resolution may invest public funds and a copy of any empowering ordinance or resolution shall be attached to this Investment Policy.

5. All contracts or agreements with outside persons investing public funds, advising on the investment of public funds, directing the deposit or investment of public funds or acting in a fiduciary capacity for the City of Maquoketa shall require the outside person to notify in writing the City of Maquoketa within thirty (30) days of receipt of all communications from the auditor of the outside person or any regulatory authority of the existence of a material weakness in internal control structure of the outside person or regulatory orders or sanctions regarding the type of services being provided to the City of Maquoketa by the outside person.

6. The records of investment transactions made by or on behalf of the City of Maquoketa are public records and are the property of the City of Maquoketa whether in the custody of the City of Maquoketa or in the custody of a fiduciary or other third party.

7. The Treasurer shall establish a written system of internal controls and investment practices. The controls shall be designed to prevent losses of public funds, to document those

officers and employees of the City of Maquoketa responsible for elements of the investment process and to address the capability of investment management. The controls shall provide for receipt and review of the audited financial statement and related report on internal control structure of all outside persons performing any of the following for this public body.

- a. Investing public funds
- b. Advising on the investment of public funds
- c. Directing the deposit or investment of public funds
- d. Acting in a fiduciary capacity for this public body

e. Purchase and cash-in of City Certificates of Deposit shall be authorized by two of the following persons: Manager, Deputy City Clerk, Mayor, Mayor Pro Tem, and City Treasurer.

(Ord. 830, 3-21-94)

8. The Treasurer of the City of Maquoketa and all employees authorized to place investments shall be bonded in the amount of \$100,000.

9. Objectives of Investment Policy: The primary objectives, in order of priority, of all investment activities involving the financial assets of the City of Maquoketa shall be the following:

a. Safety: Safety and preservation of principal in the overall portfolio is the foremost investment objective.

b. Liquidity: Maintaining the necessary liquidity to match expected liabilities is the second investment objective.

c. Return: Obtaining a reasonable return is the third investment objective.

10. Prudence:

a. The Treasurer of the City of Maquoketa, when investing or depositing public funds, shall exercise the care, skill, prudence and diligence under the circumstances then prevailing that a person acting in a like capacity and familiar with such matters would use to attain the Section 5 investment objectives. This standard requires that when making investment decisions, the Treasurer shall consider the role that the investment, or deposit, plays within the portfolio of assets of the City of Maquoketa and the investment objectives stated in Section 5.

b. When investing assets of the City of Maquoketa for a period longer than thirty (30) days, the Treasurer shall request competitive investment proposals for comparable credit and term investments from a minimum of two investment providers.

7. INSTRUMENTS ELIGIBLE FOR INVESTMENT: Assets of the City of Maquoketa may be invested in the following:



a. Interest bearing savings accounts, interest bearing money market accounts, and interest checking accounts at any bank, savings and loan association or credit union in the State of Iowa. Each bank must be on the most recent Approved Bank List as distributed by the Treasurer of the State of Iowa or as amended as necessary by notice inserted in the monthly mailing by the Rate Setting Committee. Each financial institution shall be properly declared as a depository by the City Council of the City of Maquoketa. Deposits in any financial institution shall not exceed the \$8,000,000 approved by the governing body of the City of Maquoketa.

b. Obligations of the United States government, its agencies and instrumentalities.

c. Certificates of deposit and other evidences of deposit at federally insured Iowa depository institutions approved and secured pursuant to Chapter 12C.

d. Iowa Public Agency Investment Trust (IPAIT)

e. Prime bankers acceptances that mature within 270 days of purchase and that are eligible for purchase by a federal reserve bank.

f. Commercial paper or other short-term corporate debt that matures within 270 days of purchase and is rated within the two highest classifications, as established by at least one superintendent of banking.

g. Repurchase agreements, provided that the underlying collateral consists of obligations of the United States government, its agencies and instrumentalities and the City of Maquoketa takes delivery of the collateral either directly or through an authorized custodian.

h. An open-end management investment company registered with the Securities & Exchange Commission under the Federal Investment Company Act of 1940, 15 U.S.C. Section 80(a) and operated in accordance with 17C.F.R. Section 270.2a-7, whose portfolio investments are limited to those instruments individually authorized in Section 5 of this Investment Policy.

i. All instruments eligible for investment are further qualified by all other provisions of this Investment Policy, including Section 7 investment maturity limitations and Section 8 diversification requirements.

j. Upon the departure of the Treasurer from office, the following instruments otherwise authorized as eligible for investment in Section 5 shall not be authorized for investment until further action is taken by the City Council of the City of Maquoketa.

(Ord. 907, passed 8-17-98)

8. **PROHIBITED INVESTMENT PRACTICES:** Assets of the City of Maquoketa shall not be invested in the following:

a. Reverse repurchase agreements.

b. Futures and options contracts.

c. Trading of securities for speculation or the realization of short-term trading gains.

d. Pursuant to a contract providing for the compensation of an agent or fiduciary based upon the performance of the invested assets.

e. If a fiduciary or other third party with custody of public investment transaction records of the City of Maquoketa fails to produce requested records when requested by the City of Maquoketa within a reasonable time, the City of Maquoketa shall make no new investment with or through the fiduciary or third party and shall not renew maturing investments with or through the fiduciary or third party.

9. INVESTMENT MATURITY LIMITATIONS: Operating Funds must be identified and distinguished from all other funds available for investment. Operating Funds are defined as those funds which are reasonably expected to be expended during a current budget year or within fifteen (15) months of receipt.

All investments authorized in Section 5 are further subject to the following investment maturity limitations:

a. Operating Funds may only be invested in instruments authorized in Section 5 of this Investment Policy that mature within three hundred ninety-seven (397) days.

b. The Treasurer may invest funds of the City of Maquoketa that are not identified as Operating Funds in investments with maturities longer than three hundred ninety-seven (397) days. However, all investments of the City of Maquoketa shall have maturities that are consistent with the needs and use of the City of Maquoketa.

10. DIVERSIFICATION: Investments of the City of Maquoketa are subject to the following diversification requirements:

a. Prime bankers' acceptances:

(1) At the time of purchase, no more than ten percent (10%) of the investment portfolio of the City of Maquoketa shall be invested in prime bankers' acceptances, and

(2) At the time of purchase, no more than five percent (5%) of the investment portfolio of the City of Maquoketa shall be invested in the securities of a single issuer.

b. Commercial paper or other short-term corporate debt:

(1) At the time of purchase, no more than ten percent (10%) of the investment portfolio of the City of Maquoketa shall be in commercial paper or other short-term corporate debt,

(2) At the time of purchase, no more than five percent (5%) of the investment portfolio of the City of Maquoketa shall be invested in the securities of a single issuer, and

(3) At the time of purchase, no more than five percent (5%) of all amounts invested in commercial paper and other short-term corporate debt shall be invested in paper and debt rated in the second highest classification.

c. Where possible, it is the policy of the City of Maquoketa to diversify its investment portfolio. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer, or a specific class of securities. In establishing specific diversification strategies, the following general policies and constraints shall apply:

(1) Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide stability of income and reasonable liquidity.

(2) Liquidity practices to ensure that the next disbursement date and payroll date are covered through maturing investments, marketable U.S. Treasury bills or cash on hand shall be used at all times.

(3) Risks of market price volatility shall be controlled through maturity diversification so that aggregate price losses on Instruments with maturities approaching one year shall not be greater than coupon interest and Investment Income received from the balance of the portfolio.

11. **SAFEKEEPING AND CUSTODY.** All invested assets of the City of Maquoketa involving the use of a public funds custodial agreement, as defined in Section 452.10, shall comply with all rules adopted pursuant to Section 452.10C. All custodial agreements shall be in writing and shall contain a provision that all custodial services be provided in accordance with the laws of the State of Iowa.

12. **ETHICS AND CONFLICT OF INTEREST.** The Treasurer and all officers and employees of the City of Maquoketa involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Any personal investments or loans in excess of \$100,000 in or with any entity that the City of Maquoketa has declared as a depository or regularly conducts investment business with shall be disclosed in writing to the City Council of the City of Maquoketa.

13. **Reporting.** The Treasurer shall submit annually an investment report that summarizes recent market conditions and investment strategies employed since the last investment report. The investment report shall set out the current portfolio in terms of maturity, rates of return and other features and summarize all investment transactions that have occurred during the reporting period and compare the investment results with the budgetary expectations.

14. INVESTMENT POLICY REVIEW AND AMENDMENT. This Investment Policy shall be reviewed every two years or more frequently as appropriate. Notice of amendments to the Investment Policy shall be promptly given to all parties noted in Section 1.

(Ord. 819, passed 9-7-93)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 6 WARDS

#### 2-6-1 PURPOSE

#### 2-6-2 DIVISION INTO WARDS

2-6-1 PURPOSE. The purpose of this Chapter is to divide this City into geographical areas, herein called “wards,” so that each area may be represented on the Council by a Council Member from its own ward.

(Ord. 371, 6-24-63)

2-6-2 DIVISION INTO WARDS. The City is divided into five (5) wards:

1. First Ward and First Precinct: The First Ward and First Precinct shall include all that part of the City lying in the Northeast part of the City:

Commencing at the intersection of East Platt Street and North Matteson Street thence North along North Matteson Street to the intersection with East Quarry Street, thence West along East Quarry Street to the intersection with North Eliza Street, thence North along North Eliza Street to the intersection with East Apple Street, thence West along East Apple Street to the intersection with North Main Street, thence North along North Main Street as extended to the North corporate line of the City, thence East and South along the corporate line to the intersection with East Platt Street, thence West to the point of beginning.

2. Second Ward and Second Precinct: The Second Ward and Second Precinct shall include all that part of the City lying in the Northwest part of the City:

Commencing at the intersection of Iowa Highway 64 and the West corporate line of the City, thence East along the center line of Iowa Highway 64 to the intersection with North Eliza Street, thence North along North Eliza Street to the intersection with East Apple Street, thence West along East Apple Street to the intersection with North Main Street, thence North along North Main Street to the North corporate line of the City, thence west and south along the corporate line of the City to the point of beginning.

3. Third Ward and Third Precinct: The Third Ward and Third Precinct shall include that part of the City lying in the East central part of the City:

Commencing at the intersection of South 5th Street and the corporate limits, thence north along South 5th Street to the intersection with West Jefferson Street, thence East along West Jefferson Street to the intersection with South 2nd Street, thence North along South 2nd Street to the intersection with West Maple Street, thence East along West Maple Street to the intersection with South Main Street, thence North along South Main Street to the intersection with Platt Street, thence East along East Platt Street to the intersection with Eliza Street, thence North along North Eliza Street to the intersection with East Quarry Street, thence East along East Quarry Street to the intersection

with North Matteson Street, thence South along North Matteson Street to the intersection with East Platt Street, thence East along East Platt Street to the East corporate limits, thence South and West along the corporate limits to the point of beginning.

4. Fourth Ward and Fourth Precinct: The Fourth Ward and Fourth Precinct shall include all that part of the City lying within the center lines of the following named streets:

Commencing at the intersection of West Summit Street and Thomas Avenue, thence North, then West, then North, then East along Thomas Avenue to the intersection with Jones Avenue, thence North along Jones Avenue to the intersection with West Platt Street, then East along West Platt Street to the intersection with Main Street, thence South along South Main Street to the intersection with Maple Street, thence West along West Maple Street to the intersection with South 2nd Street, thence South along South 2nd Street to the intersection with West Jefferson Street, thence West along West Jefferson Street to the intersection with South 5th Street, thence North along South 5th Street to the intersection with West Summit Street, thence West to the point of beginning.

5. Fifth Ward and Fifth Precinct: The Fifth Ward and Fifth Precinct shall include all that part of the City lying in the Western and Southern parts of the City, excluding Census Block No. 190450011001008 which lies within Clinton County and crosses a legislative district boundary. Census Block No. 190450011001008 shall be subject to the Memorandum of Agreement with Clinton County dated \_10/24/11\_\_\_\_.

Commencing at the intersection of Highway 61 and Family Dollar Parkway thence West to 220th Avenue, thence north along the corporate limits to the intersection with Highway 61 thence West along Highway 61 to 17th Street, thence West on 17th Street to the intersection with 184th Avenue, thence Northward along the corporate limits to the intersection with West Platt Street, thence East along West Platt Street to the intersection with Jones Avenue, thence South along Jones Avenue to the intersection with Thomas Avenue, thence west, south, east, and again south along Thomas Avenue to West Summit Street, thence East along West Summit Street to the intersection with South 5th Street, thence South along South 5th Street to corporate City limits, thence West, South, East and South along corporate City limits to the point of beginning.

6. At Large. The city shall have two At Large districts for the purposes of representation on the City Council. The At Large districts will encompass the entire area within the corporate limits of the City of Maquoketa.

(Ord. 957, Passed August 27, 2001)  
(Ord. 961, Passed December 27, 2001)  
(Ord. 1096, Passed August 29, 2011)  
(Ord. 1099, Passed November 7, 2011)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 7 ELECTIONS

#### 2-7-1 OFFICERS ELECTED

#### 2-7-2 TERMS

#### 2-7-3 NOMINATING METHOD TO BE USED

#### 2-7-4 FILLING THE POSITION

2-7-1 OFFICERS ELECTED. The Mayor shall be elected at each regular City election. Council Members elected at election held in 1981 shall come from Wards 2 & 4 and the West Half at Large. Council Members elected at election held in 1983 shall come from Wards 1, 3 and 5 and the East Half at Large. Candidates receiving the majority of votes cast for each office shall be declared elected. In case of a tie, such tie shall be decided by lot.

2-7-2 TERMS. Terms of elected City officers begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular City election at which said officers were elected.

2-7-3 NOMINATING METHOD TO BE USED. For the 1985 Municipal Election and in subsequent municipal elections of the City of Maquoketa, Iowa, all candidates for elective municipal offices shall be nominated by the procedures set forth in Chapter 45 of the Code of Iowa, 1983.

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

2-7-4 FILLING THE POSITION. The candidate who receives the greatest number of votes for each office shall be elected to fill the position.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 8 CORPORATE SEAL

#### 2-8-1 SEAL DESCRIBED

2-8-1 SEAL DESCRIBED. The City Seal shall be a seal circular in form in the center of which shall be the word “seal,” and around the margin the words “City of Maquoketa,” and the same is hereby declared to be the City Seal.



## TITLE 11 POLICY AND ADMINISTRATION

### CHAPTER 9 CIVIL SERVICE

2-9-1 CIVIL SERVICE RULES AND  
REGULATIONS ADOPTED

2-9-2 CIVIL SERVICE COMMISSION  
2-9-3 PROCEDURE TO ABOLISH

2-9-1 CIVIL SERVICE RULES AND REGULATIONS ADOPTED. The provisions of Chapter 400, Code of Iowa, as that chapter may from time to time be amended, are hereby adopted.

2-9-2 CIVIL SERVICE COMMISSION. The City of Maquoketa Civil Service Commission is hereby created and it shall consist of three members who shall be appointed by a majority vote of the City Council and shall serve terms as set forth in 400.1 of the Code of Iowa.

2-9-3 PROCEDURE TO ABOLISH. The Civil Service Commission shall not be abolished except as provided by 400.3 of the Code of Iowa as it may from time to time be amended.

The City Clerk shall be the Clerk of the Commission.

(Ord. 807, passed 3-15-93)

TITLE 11 POLICY AND ADMINISTRATION  
CHAPTER 10 LIBRARY BOARD OF TRUSTEES

2-10-1 PURPOSE	2-10-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY
2-10-2 LIBRARY TRUSTEES	2-10-7 NONRESIDENT USE OF THE LIBRARY
2-10-3 QUALIFICATIONS OF TRUSTEES	2-10-8 LIBRARY ACCOUNT
2-10-4 ORGANIZATION OF THE BOARD	2-10-9 ANNUAL REPORT
2-10-5 POWERS AND DUTIES	

2-10-1 PURPOSE. The purpose of this Ordinance is to provide for the creation and appointment of a City Library Board of Trustees, and to specify that Board's powers and duties.

2-10-2 LIBRARY TRUSTEES. The Board of Trustees of the Maquoketa Free Public Library, hereinafter referred to as the Board, consists of nine (9) members, one (1) of whom shall be a nonresident of the City of Maquoketa, but a resident of Jackson County. All resident Board members are to be appointed by the Mayor with the approval of the Council. The nonresident members shall be appointed by the Mayor with the approval of the Board of Supervisors.

2-10-3 QUALIFICATIONS OF TRUSTEES. All of the members of the Board shall be bona fide citizens and residents of the City, except the nonresident member, and all shall be over the age of eighteen (18) years.

2-10-4 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 1. Appointments shall be made every two (2) years of one-third (1/3) the total number as near as possible, to stagger the terms. The present incumbents are confirmed in their appointments and terms.

2. Vacancies. The position of any Trustee shall be vacant if he/she moves permanently from the City, or County in case of a nonresident Council Member, or if he/she 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 appointment of the Mayor, with approval of the Council, or the Board of Supervisors in the case of the nonresident member, and the new Trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.

2-10-5 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. To meet and elect from its members a President, Vice President and Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

2. To have charge, control and supervision of the Public Library, its appurtenances, fixtures and rooms containing the same.

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.

5. To remove the Librarian by a two-thirds (2/3) vote of the Board and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 70, Code of Iowa.

6. To 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.

7. To authorize the use of the Library by nonresidents of the City and to fix charges therefor.

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.

9. To have exclusive control of the expenditure of all funds allocated for Library purposes by the 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.

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 extend the funds received by them from such gifts, for the improvement of the Library.

11. To keep a record of its proceedings.

12. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City Council.

13. To have authority to make agreements with the local County historical association, 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.

## 2-10-6 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 of 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.

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 percent (5%) in number of the 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.

## 2-10-7 NONRESIDENT USE OF THE LIBRARY. The Board may authorize the use of the Library by nonresidents in any one or more of the following ways:

1. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or upon payment of a special nonresident Library fee.

2. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. By establishing bookmobiles or a traveling Library so that books or other Library materials may be loaned to nonresidents.

4. By establishing Branch Libraries for lending books or other Library materials to nonresidents.

## 2-10-8 LIBRARY ACCOUNT. All money appropriated by the 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 officers shall be the City Manager and the Deputy City Clerk.

## 2-10-9 ANNUAL REPORT. The Board shall make a report to the City Council immediately after the close of the Municipal fiscal year. This report shall contain statements of the condition of the Library, the number of books added thereto, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information required by the Council.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 11 AIRPORT COMMISSION

2-11-1	COMMISSION CREATED	2-11-5	COMPENSATION
2-11-2	AIRPORT COMMISSION MEMBERS	2-11-6	DUTIES AND POWERS
2-11-3	TERM OF OFFICE	2-11-7	EXPENSES, MONEY APPROPRIATED
2-11-4	VACANCIES	2-11-8	AIRPORT ADVISORY BOARD

2-11-1 COMMISSION CREATED. Under and by virtue of the authority conferred by Chapter 330.17 of the Code of Iowa, 1981, an Airport Commission is hereby created and established.

2-11-2 AIRPORT COMMISSION MEMBERS. The Airport Commission shall consist of five (5) members, who shall be citizens of Maquoketa and qualified by knowledge or experience to act in matters pertaining to the Airport. The City Council shall appoint members of the Commission. (Ord 986A, 01-5-04)

2-11-3 TERM OF OFFICE. The term of office of the voting members of said Commission shall be six (6) years. The non-voting Commission position shall be a term as designated by the Mayor. (Ord. 865, passed 12-18-95)

2-11-4 VACANCIES. If any vacancy shall exist on said Commission caused by resignation, or otherwise, the Council shall appoint a successor for the residue of said term.

2-11-5 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the City Council.

#### 2-11-6 DUTIES AND POWERS:

1. The Airport Commission shall choose annually at its first regular meeting one of its members to act as Chairman of this Commission and another as Vice-Chairman, who shall perform all the duties of the Chairman during his/her absence or disability.

2. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

3. The Commission shall each year make a report to the Mayor and City Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

4. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City of Maquoketa all sums of money appropriated as hereinafter provided, and to use and expend all gifts, donations or payments whatsoever which are received by the City for Airport purposes.

5. The Commission shall have no power to contract debts beyond the amount of its income for the present year.

2-11-7 EXPENSES, MONEY APPROPRIATED. The City Council may annually appropriate a sum of money from the General Fund for the payment of the expenses of the Airport Commission.

2-11-8 AIRPORT ADVISORY BOARD.

1. The Airport Commission shall be advised by a working group known as the Airport Advisory Board consisting of three (3) members.

2. Beginning July 1, 2018, and every four years thereafter, the Mayor shall appoint three (3) members to serve on the Airport Advisory Board. Two (2) of the appointees shall come from a list of Iowa eligible voters supplied by the Maquoketa Chamber of Commerce and one (1) appointee shall come from a list of Iowa eligible voters provided by the Jackson County Economic Alliance. All nominees shall have at least existing or recent business experience, or shall have served within the last five (5) years on for-profit or not-for-profit economic development boards. Membership on the Airport Advisory Board shall not be limited to Jackson County or Maquoketa residents. Appointees shall be approved by resolution of the Maquoketa City Council

3. The Airport Advisory Board shall meet, at least annually, but as often as is practicable and necessary:

a. Advise the Airport Commission, in writing, of comprehensive goals for the regional and local marketing and economic development of the Airport;

b. Advise the Airport Commission, in writing, of possible grant application possibilities geared toward expanding the commercial usefulness of the Maquoketa Municipal Airport;

c. Advise the Airport Commission, in writing, of methods of increasing Airport services to both commercial and recreational users of the Airport; and

d. Advise the Airport Commission, in writing, of methods of increasing revenue to the Airport Commission from the sale of services and from expanded amenities.

4. The Airport Advisory Board shall meet at least annually and shall follow the requirements of Chapter 21. At least one member of the Airport advisory board shall attend all Airport Commission meetings.

5. Vacancies on the Airport Advisory Board due to resignation, death, or disqualification shall be filled by the Mayor from the same list from which the former member was selected. If no such names remain on said list, the Mayor shall solicit the Maquoketa Chamber of Commerce or the Jackson County Economic Alliance for a replenished list from which to select a new member. Replacement appointees shall be approved by resolution of the Maquoketa City Council.

(Ord. 1143, Passed July 16, 2018)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 12 PLANNING AND ZONING COMMISSION

2-12-1	COMMISSION CREATED	2-12-5	COMPENSATION
2-12-2	CITY PLANNING AND ZONING COMMISSION MEMBERS	2-12-6	DUTIES AND POWERS
2-12-3	TERM OF OFFICE	2-12-7	EXPENSES, MONEY APPROPRIATED
2-12-4	VACANCIES		

2-12-1 COMMISSION CREATED. Under and by virtue of the authority conferred by Chapter 414.6 of the Code of Iowa, 1987, a City Planning and Zoning Commission is hereby created and established.

2-12-2 CITY PLANNING AND ZONING COMMISSION MEMBERS. The Commission shall consist of seven (7) members, who shall be citizens of Maquoketa and qualified by knowledge or experience to act in matters pertaining to the development of a City Plan and who shall not hold any elective office in the Municipal government. The City Council shall appoint members of the Commission.

2-12-3 TERM OF OFFICE. The term of office of the members of said Commission shall be five (5) years.

2-12-4 VACANCIES. If any vacancy shall exist on said Commission caused by resignation, or otherwise, the Council shall appoint a successor for the residue of said term.

2-12-5 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the City Council.

2-12-6 DUTIES AND POWERS:

1. The Commission shall choose annually at its first regular meeting one of its members to act as Chairman of this Commission and another as Vice-Chairman, who shall perform all the duties of the Chairman during his/her absence or disability.

2. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

3. The Commission shall each year make a report to the Mayor and City Council of its proceedings, with a full statement of its receipts, disbursements on the progress of its work during the preceding fiscal year.

4. Subject to the limitations contained in this Ordinance as to the expenditure of funds, it may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.

5. It shall have full power and authority to make or cause to be made such surveys, studies, maps, plans or charts of the whole or any portion of the Municipality or of any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive Plan and shall bring to the attention of the Council and may publish its studies and recommendations.

6. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the Municipal government for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations shall not act as a stay upon action for any such improvement when such Commission, after thirty (30) days written notice requesting such recommendations, shall have failed to file same.

7. All plans, plats or re-plats of subdivisions or resubdivisions of land embraced in said Municipality or adjacent thereto, laid out in lots or plats with the streets, alleys or other portions of the same intended to be dedicated to the public in such Municipality, shall first be submitted to the City Planning and Zoning Commission and its recommendations obtained before approval by the City Council.

8. No plan for a street, park, parkway, boulevard, trafficway, river front, or other public improvement affecting the City Plan, shall be finally approved by the Municipality or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the latter shall have had thirty (30) days within which to file its recommendations thereon.

9. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City of Maquoketa all sums of money appropriated as hereinafter provided, and to use and expend all gifts, donations or payments whatsoever which are received by the said City for City Plan purposes.

10. The Commission shall have no power to contract debts beyond the amount of its income for the present year.

11. For the purpose of making a comprehensive Plan for the physical development of the Municipality, the Commission shall make careful and comprehensive studies of present conditions and future growth of the Municipality and with due regard to its relation to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Municipality and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency in the process of development.



12. Before adopting a comprehensive Plan, as referred to in Subsection 11 or any part of it, or any substantial amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City of Maquoketa not less than four (4) nor more than twenty (20) days before the date of the hearing. The adoption of the Plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the Commission. After adoption of said Plan by the Commission an attested copy thereof shall be certified to the Council of the City of Maquoketa and the Council may approve the same when said Plan or any modification or amendment thereof shall receive the approval of the Council. The said Plan, until subsequently modified or amended as hereinbefore authorized, shall constitute the official Plan.

13. When such a comprehensive Plan, as hereinbefore provided, has been adopted no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Commission for its recommendations. If the Commission disapproves the proposed change it may be adopted by the City Council only by the affirmative vote of at least three-fourths (3/4) of the members of the City Council.

2-12-7 EXPENSES, MONEY APPROPRIATED. The City Council may annually appropriate a sum of money from the General Fund for the payment of the expenses of the City Planning Commission.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 13 BOARD OF ADJUSTMENT

2-13-1	BOARD OF ADJUSTMENT	2-13-3	APPEALS; FEE
2-13-2	RULES; MEETINGS; GENERAL PROCEDURE	2-13-4	POWERS

2-13-1 BOARD OF ADJUSTMENT. A Board of Adjustment is hereby created. The Board shall consist of five (5) members appointed by the Mayor and approved by the City Council, each to be appointed for a term of five (5) years. Members shall be removable for cause by the Mayor and Council, upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

2-13-2 RULES; MEETINGS GENERAL PROCEDURE. The Board of Adjustment shall adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Each session of the Board of Adjustment at which an appeal is to be heard shall be a public meeting with public notice of said meeting and business to be carried or publication in a newspaper of general circulation in the City, at least one time seven (7) days prior to the meeting.

2-13-3 APPEALS; FEE. An appeal may be taken to the Board of Adjustment by any person, group or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official a notice of appeal specifying the grounds thereof. A fee of fifty dollars (\$50.00) shall accompany all notices of appeals. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

2-13-4 POWERS. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Building Official in the enforcement of the Zoning Ordinance, and may affirm or reverse, in whole or part, said decision of the enforcement officer.

2. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations. The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under the regulations. The Board of Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

3. To hold public hearings on, and decide the following exceptions or variations of the Zoning Ordinance:

A. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of the Zoning Ordinance.

B. Interpret the provisions of the Zoning Ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning District Map where the street layout on the ground varies from the street layout as shown on this map.

C. Permit reconstruction of a nonconforming building otherwise prohibited where such action would not constitute continuation of a monopoly.

D. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition when related to the yard regulations of the Zoning Ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

E. Vary the parking regulations by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by the Zoning Ordinance or where it can be conclusively shown that adequate off street parking to serve a particular use has been provided by or is controlled by the Municipality.

4. Special Use Permits may be granted by the Board of Adjustment as provided by Chapter 5-1M of Title VI (Land Use Regulations).

5. Decisions of the Board with respect to the proceedings shall be subject to appeal to the District Court of Jackson County within thirty (30) days after the filing of the decision in the office of the Board. However, appeals regarding the enforcement of Subchapter 10, Signs, of Title V, Land Use Regulations, shall proceed according to the procedure set forth in 5-10-9 of the Code of Ordinance.

(Ord. 768, passed 10-21-91)

6. To hold public hearing regarding application for sign variances filed with the City of Maquoketa and make final decision whether application is approved or denied.

(Ord. 904, passed 9-8-98)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 14 HOUSING AUTHORITY

2-14-1	HOUSING AUTHORITY CREATED	2-14-3	TERM OF OFFICE
2-14-2	HOUSING AUTHORITY MEMBERS	2-14-4	VACANCIES
		2-14-5	COMPENSATION
		2-14-6	DUTIES AND POWERS

2-14-1 HOUSING AUTHORITY CREATED. Under the provisions of Section 23 of the United States Housing Act of 1937, as amended, a Housing Authority is hereby created and established.

2-14-2 HOUSING AUTHORITY MEMBERS. A Housing Authority shall consist of five (5) members, who shall be citizens of Maquoketa and qualified by knowledge or experience to act in matters pertaining to the Authority. The City Council shall appoint members of the Housing Authority.

(Ord. No. 946 – 02/19/2001)

2-14-3 TERM OF OFFICE. The term of office of the members of said Housing Authority shall be two (2) years.

2-14-4 VACANCIES. If any vacancy shall exist on said Authority caused by resignation, or otherwise, the Council shall appoint a successor for the residue of said term.

2-14-5 COMPENSATION. All members of the Housing Authority shall serve without compensation, except their actual expenses.

2-14-6 DUTIES AND POWERS:

1. The Housing Authority shall choose annually at its first regular meeting one of its members to act as Chairman of this Commission and another as Vice-Chairman, who shall perform all the duties of the Chairman during his/her absence or disability.

2. The Housing Authority shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

3. The Housing Authority shall each year make an audit report to the Mayor of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

4. The Housing Authority shall have full, complete and exclusive authority to expend for and on behalf of the City of Maquoketa all sums of money appropriated as hereinafter provided, and to use and expend all payments whatsoever which are received by the City for Housing Authority purposes.

5. The Housing Authority shall have no power to contract debts beyond the amount of its income for the present year.

(Ord. No. 946, 2-23-01)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 15 HOUSING REHABILITATION COMMITTEE

2-15-1	HOUSING REHABILITATION COMMITTEE CREATED	2-15-3	TERM OF OFFICE
2-15-2	HOUSING REHABILITATION COMMITTEE MEMBERS	2-15-4	VACANCIES
		2-15-5	COMPENSATION
		2-15-6	DUTIES AND POWERS

2-15-1 HOUSING REHABILITATION COMMITTEE CREATED. There is hereby created and established a Housing Rehabilitation Committee of interested citizens which will have part of the responsibility for the review of the City's Housing Rehabilitation Program as funded from a Community Development Block Grant from the U.S. Department of Housing and Urban Development.

2-15-2 HOUSING REHABILITATION COMMITTEE MEMBERS. A Committee shall consist of six (6) members, who shall be citizens of Maquoketa and qualified by knowledge or experience to act in matters pertaining to housing. The City Council shall appoint members of the Committee. One member shall be a Council Member.

2-15-3 TERM OF OFFICE. The term of office of the members of said Committee shall be one (1) year.

2-15-4 VACANCIES. If any vacancy shall exist on said Committee caused by resignation, or otherwise, the Council shall appoint a successor for the residue of said term.

2-15-5 COMPENSATION. All members of the Committee shall serve without compensation, except their actual expenses, which shall be subject to the approval of the City Council.

2-15-6 DUTIES AND POWERS. The duties and powers of the Housing Rehabilitation Committee shall be as follows:

1. Establish and operate the rehabilitation programs for the City, in accordance with local, State, and Federal law, as well as the guidelines established by the U.S. Department of Housing and Urban Development, and the conditions of the U.S. Department of Housing and Urban Development/City grant agreement; within the limits of the established.

2. Indicate City approval of contract documents for housing rehabilitation through the signature of the City Manager or Committee Chairman.

3. Administer all rehabilitation funds, both grant and loan, in accordance with this resolution.

4. Encumber grant eligible administrative costs not to exceed \$50.00 without prior Council approval.

5. Execute change orders by Committee approval, when change order delay would prove economically unwise or present an imminent threat to health or safety; change orders shall be approved by the signature of the Committee Chairman, City Manager, and/or Community Development Director.

6. Approve contract payments on behalf of the City by signature of the Committee Chairman, City Manager, and/or Community Development Director.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 16 CABLE FRANCHISE

Ordinance 916 Cable Franchise Agreement has been saved from repeal and is included in this City Code by Reference.

Ordinance 837 is replaced by Ordinance 916



## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 16A CABLE COMMISSION

2-16A-1	PURPOSE	2-16A-6	COMMISSION MEMBERS
2-16A-2	CABLE COMMISSION POWERS AND DUTIES		AND TERMS
2-16A-3	EXPENDITURES	2-16A-7	ANNUAL REPORT
2-16A-4	CABLE MANAGER		
2-16A-5	PROGRAMMING GUIDELINES ADOPTED AND ENFORCED		

2-16A-1 PURPOSE. By this Ordinance the City of Maquoketa creates a Commission to regulate and monitor cable services in Maquoketa.

2-16A-2 CABLE COMMISSION POWERS AND DUTIES. There is hereby created and established the Maquoketa Cable Commission. The purpose of the Commission shall be as follows:

1. To act as the local regulatory agency for any and all cable communications systems.
2. To monitor the Grantee's performance, programming, and operation under the provisions of this permit and any subsequent Ordinances pertaining to the Cable Communications System, and to provide for the testing of the signals and services transmitted to or by the Grantee's system, and to advise the City Council regarding any such matters.
3. To provide a public forum for citizens and subscribers to air their complaints and opinions about cable service, and to work with Grantee for remedies to reasonable complaints and requests, and to attempt to resolve any disputes arising between subscribers or citizens and the Grantee.
4. To encourage and develop community access programming.
5. To develop local knowledge and expertise about cable systems and services through subscriptions, materials purchases, consultants, workshops, attendance at conventions, and the like, and to pay the costs thereof from permit fees with the approval of the City Council.

2-16A-3 EXPENDITURES. The actions of the Cable Commission pertaining to the Local Access Channel, expenditures in excess of \$1,000, office hours and the hiring of employees shall be subject to approval of the City Council. The City Council shall have final approval of the Cable TV Budget, employee salaries and benefits.

(Ordinance 982, Passed June 16, 2003)

(Amended during 2019 codification)

2-16A-4 CABLE MANAGER. The Commission may employ a Cable Manager and other employees with the approval of the City Council. The Cable Manager shall be under the direct supervision of the City Manager.

2-16A-5 PROGRAMMING GUIDELINES ADOPTED AND ENFORCED. The City Council hereby adopts the Channel 22 Access Guidelines dated January 20, 1994, as the program guidelines for Educational, Local Government, and Public Access programming. The Commission shall regulate access programming according to these guidelines. The Commission shall adopt rules for the enforcement of the guidelines. The Commission may modify the guidelines dated March 24, 1994.

2-16A-6 COMMISSION MEMBERS AND TERMS. The Commission shall consist of five (5) members, appointed to staggered two-year terms by the Mayor and approved by the City Council. The Commission shall annually elect from its own members, a Chairman, Secretary, and Vice-Chair, and shall meet quarterly and work sessions at a time and place agreed upon by the members. All action taken by the Commission shall be upon affirmative vote of a majority of its members. There shall be one (1) member of the Maquoketa City Council to serve as a non-voting member of the Commission. This position shall be a term as designated by the Mayor.

(Ord. 864, passed 12-18-95)  
(Amended during 2019 codification)

2-16A-7 ANNUAL REPORT. The Commission shall prepare and send to the City Council annually, a report that shall include an accounting of all monies received and expended, a listing of the complaints, disputes, and requests handled, the progress of community access, a summary of all its activities, and any recommendations or suggestions it may have for the City Council.

(Ord. 838, passed 7-5-94)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 17 NATURAL GAS FRANCHISE

2-17-1	GRANT OF FRANCHISE	2-17-12	COMPLAINT RECORDS
2-17-2	TERM	2-17-13	FRANCHISE FEE
2-17-3	GOVERNING RULES AND REGULATIONS	2-17-14	EVIDENCE OF INSURANCE AND BOND
2-17-4	NON-EXCLUSIVE GRANT	2-17-15	ASSIGNMENT
2-17-5	REGULATION BY CITY	2-17-16	INDEMNIFICATION
2-17-6	HOME RULE	2-17-17	DEFAULT
2-17-7	EMINENT DOMAIN	2-17-18	VIOLATIONS AND PENALTIES
2-17-8	PLACEMENT OF FACILITIES	2-17-19	FORCE MAJEURE
2-17-9	CONSTRUCTION AND EXCAVATION BY COMPANY	2-17-20	SEVERABILITY
2-17-10	TECHNOLOGICAL AND REGULATORY CHANGES	2-17-21	CONFIDENTIALITY
2-17-11	PROVISION FOR INADEQUATE ENERGY SUPPLIES	2-17-22	NOTICES
		2-17-23	ENACTMENT
		2-17-24	REPEALER

2-17-1 GRANT OF FRANCHISE. There is hereby granted to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware corporation, its successors and assigns ("Company"), the right, franchise and privilege to acquire, construct, operate and maintain in the City of Maquoketa, Iowa ("City"), as provided herein, the necessary facilities for the distribution, transportation, supplying and sale of natural gas for public and private use and to construct and maintain over, upon, across and under the streets, highways, avenues, alleys, bridges and public places the necessary facilities, fixtures and equipment for such purposes.

2-17-2 TERM. The franchise granted hereunder shall remain in effect for a period of ten (10) years from the effective date of this ordinance (the "Initial Term"); provided, however, that the franchise shall be automatically renewed for an additional ten (10) year period after the expiration of the Initial Ten (the "First Renewal Ten"), if: (a) not more than one (1) year or less than one hundred eighty (180) days prior to the expiration of the Initial Ten, the Company notifies the City, in writing, that the franchise will automatically renew for an additional ten (10) year period unless the Company receives written notice from the City, at least sixty (60) days prior to the expiration of the Initial Term, that the City desires to terminate the franchise at the expiration of the Initial Term; and (b) the Company does not receive written notice from the City, at least sixty (60) days prior to the expiration of the Initial Term that the City desires to terminate the franchise at the expiration of the Initial Term. The effective date of this ordinance shall be determined pursuant to state law.

2-17-3 GOVERNING RULES AND REGULATIONS. This ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable

to the operations of a public utility, by local, state, or federal law. The rates to be charged by the Company for service within the present or future corporate limits of the City and the rules and regulations regarding the character, quality and standards of service to be furnished by the Company shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by the Company. Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes the Company from recovering from its customers any cost associated with services provided hereunder or has a material negative economic impact on the Company or the City, or a provision of this franchise is declared illegal, unconstitutional or void by a court or other property authority, then the Company and the City shall attempt to renegotiate this franchise in good faith in accordance with the action taken in order to comply with the action taken and to attempt to restore the respective benefits of this bargain. In determining the rights and duties of the Company, the terms of this franchise ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the City.

2-17-4 NON-EXCLUSIVE GRANT. This franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any governmental power which it may have or hereafter be authorized or permitted by laws of the State of Iowa.

2-17-5 REGULATION BY CITY. The City reserves to itself the right to make reasonable regulation of the Company's use of streets or other public property. The Company agrees, for and on behalf of itself, its lessees, successors and assigns, that all authority and rights under this ordinance shall at all times be subject to all rights, power and authority now or hereafter possessed by the City to regulate the manner in which the Company shall use the streets, alleys, bridge and public places of the City and concerning the manner in which the Company shall use and enjoy the franchise granted herein.

2-17-6 HOME RULE. This ordinance is intended to be and shall be construed as consistent with the reservation of local authority contained in Article III Section 38A of the Iowa Constitution granting cities municipalities 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 enforceable against the Company unless, and only to the extent, they are irreconcilable with any rights granted the Company under this ordinance or conflict with applicable state law.

2-17-7 EMINENT DOMAIN. The City is granted the right to exercise powers of eminent domain and may, in appropriate circumstances for the purposes of distribution, transportation, or supply of natural gas by Company, delegate such authority to the Company, by resolution; provided, however, that nothing contained herein shall prohibit the Company from acting independently to appropriate and condemn private property, as necessary, for the purposes of distribution, transportation, supplying and sale of natural gas by Company, if permitted to do so under state law.

2-17-8 PLACEMENT OF FACILITIES. The facilities, fixtures and equipment for the distribution, transportation, supplying and sale of natural gas within the City shall be placed and maintained so as not to unnecessarily or unreasonably interfere with the travel on the streets, highways, avenues, alleys, bridges and public places in the City, nor shall such facilities, fixtures and equipment unnecessarily or unreasonably interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe or other property of the City. In the event that facilities, fixtures and equipment of the Company located within a public right-of-way must be relocated because of paving, road construction, or road reconstruction, sewer construction or sewer reconstruction, or the construction or reconstruction of public drainage systems or similar public works or the construction or reconstruction of the facilities of any City owned utility, such relocation, at the written request of and upon reasonable notice from the City, shall be completed by the Company at its cost in a manner so as to conform to the established grade of the line of the street or public place and so as not to interfere with the public improvement so constructed or reconstructed; provided, however, that the Company shall not be obligated to undertake such relocation unless and until the City provides an alternative location for the Company's facilities, fixtures or equipment. If the City requests the Company to relocate its facilities, fixtures or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, the Company shall not be obligated to comply with such request until it receives payment for the cost of such relocation as a precondition to relocating its facilities, fixtures or equipment. The City shall upon request of the Company: review any plans for the construction of facilities, fixtures and equipment within the public right-of-way and advise the Company of any conflict such construction may have with planned or anticipated public improvements, but failure of the City to so advise the Company will not relieve the Company of its obligations under this Section. In placing, constructing, or installing its facilities, fixtures and equipment - for the distribution, supplying and sale of natural gas within the City, the Company shall observe sound engineering practices, and its engineering designs and facility placements, construction an installation shall comply with applicable industry standards, including industry safety standards, generally accepted at the time of placement.

#### 2-17-9 CONSTRUCTION AND EXCAVATION BY COMPANY.

1. In accordance with requirements of complying with local, state or federal law set forth in Section 3, "Governing Rules and Regulations," a written permit will be obtained from the City Manager whenever it becomes necessary for the Company to excavate in streets or public grounds of the City. An exception to a requirement for a permit shall be made in cases of emergency involving public safety, in which case a permit will be obtained at the earliest opportunity after the work has started.

2. In making excavations in the streets the Company shall proceed with such work as to cause the least possible inconvenience to the public. The Company shall properly protect, according to safety standards generally accepted at the time of placement, all excavations and obstructions by proper shoring, surface plates, barricades, warning lights and such other or additional devices as circumstances may warrant.

3. Immediately after use any trenches for excavations which the Company has opened shall be filled. Temporary street surfacing will be placed in such excavations as soon as the same has

been backfilled. Pavements, sidewalks, curb and gutters or other portions of streets and public places opened, disturbed or damaged by Company shall be promptly restored and replaced with like materials by the Company at its own expense and left in as good condition as before. In such cases, any sidewalk or other replacement will be replaced so as to comply with current requirements of the Americans with Disabilities Act and other applicable laws. In the event that the Company fails to comply with the provisions of this section, after having been given reasonable notice, the City may do such works as may be needed to properly repair such pavements, sidewalks, curb and, gutters or other portions of streets and public places and the reasonable cost thereof shall be repaid to the City by the Company. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to simply the area cut, rather than replace only the area cut, the Company shall replace that area stipulated by the City Manager which in no event shall exceed the panel or panels disturbed.

4. The City may, at its discretion and at its own expense, assign personnel for inspection of excavation and related work being performed by the Company. Should the Company fail or refuse to do and perform the things provided in this ordinance, the City may, after reasonable notice to the Company, perform the work and charge the reasonable expense thereof to the Company, and the Company shall promptly pay said charges.

2-17-10 TECHNOLOGICAL AND REGULATORY CHANGES. The parties recognize that over the duration of this franchise both technological and regulatory changes will take place which will impact the enforceability of this ordinance or parts of it. In recognition of such factors the parties agree that in the event portions of this ordinance which are now, or in the future, are found or declared inapplicable or unenforceable, become through a subsequent change in law or technology again to be applicable or enforceable, such provisions shall be revived and again form a portion of this ordinance.

2-17-11 PROVISION FOR INADEQUATE ENERGY SUPPLIES. If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Company, then, in accordance with procedures promulgated by the Iowa Utilities Board and/or the Natural Gas Policy Act of 1978, 15 U.S.C. 3301 et seq. the Company shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Company.

2-17-12 COMPLAINT RECORDS. Upon the Company's receipt of written and lawful request therefor from the City, but in no event more than once annually, the Company shall provide the City with a copy of the Company's public record of complaints relating to the franchise made to the Iowa Utilities Board by the Company's customers within the City. If any confidential customer information is requested pursuant to this section, then the City shall comply with all applicable due process and confidentiality protections afforded the Company or Customer.

2-17-13 FRANCHISE FEE. In exchange for the franchise granted herein, the Company shall collect from its gas customers located within the corporate limits of the City (but not from the City) and pay to the City an amount equal to zero percent (0%) of gross receipts the Company derives from the sale, distribution or transportation of gas delivered within the present or future limits of the City. Gross receipts as used herein are revenues received from the sale, distribution or transportation of gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. The amount paid by the Company shall be in lieu of, and the Company shall be exempt from, all other fees, charges, taxes or assessments which the City may impose for the privilege of doing business within the City, including without limitation excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, and in the event the City imposes any such fee, charge, tax or assessment, the payment to be made by the Company in accordance with this section shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Company. Ad valorem property taxes imposed generally upon all real and personal property within the City shall not be deemed to affect Company's obligations under this section. The company shall report and pay any amount payable under this section on a monthly basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of the term of this ordinance.

1. The Company shall list the franchise fee collected from customers as a separate item on bills for utility service issued to its customers. If at any time the Iowa Utility Board or other authority having proper jurisdiction prohibits such recovery, the Company will no longer be obligated to collect and pay the franchise fee. In addition, the Company may reduce the franchise payable for gas delivered to a specific customer when such reduction is required to attract or retain the business of that customer.

2. If at any time the Iowa Utility Board or other authority having proper jurisdiction allows the Company to choose whether to collect the franchise fee from its customers, the Company will nevertheless continue to collect the franchise fee and may pay same to the City, as provided for herein.

3. The City shall provide copies of annexation ordinances to the Company on a timely basis to ensure appropriate franchise fee collection from customers within the City's corporate limits. The Company's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later of: (a) sixty (60) days after the Company's receipt of the annexation ordinance pertaining to such area; or (b) such time as is reasonably necessary for the Company to identify the customers in the annexed area obligated to pay the franchise fee.

4. The City shall have access to and the right to examine, during normal business hours, such of the Company's books, receipts, files, records and documents as is necessary to verify the accuracy of payments due hereunder. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery such that any under-payment by the Company shall be paid within thirty (30) days of recalculation of the amount due and any over-payment by the Company shall be deducted from the next payment of such franchise fee due by the Company to the City. Upon giving sixty (60) days' notice to the Company, the City may increase the amount of the franchise fee to be collected from the

Company's customers; provided, however, that: (a) the City shall not increase the franchise fee more than four (4) times during the initial and any renewal term of the franchise; and (b) the City shall not increase the franchise fee to more than five percent (5%) of gross receipts the Company derives from the sale, distribution or transportation of gas delivered within the present or future limits of the City.

5. No franchise fee shall be assessed to the City as a customer, per IA Code Section 364.2 (4) (f).

2-17-14 EVIDENCE OF INSURANCE AND BOND. The Company agrees to maintain insurance throughout the term of this franchise in the following amounts to protect itself and others to whom the Company may be held legally liable in the performance of its duties hereunder:

1. Worker's Compensation and Employer's Liability insurance providing statutory coverage and Employer's Liability limits of \$1,000,000 bodily injury by accident/ \$1,000,000 bodily injury by disease each employee/ \$1,000,000 bodily injury by disease, policy limit, in compliance with the laws of the State where all or any portion of the Work is being performed.

2. Commercial General Liability insurance, with minimum limits of \$2,000,000 per occurrence and \$4,000,000 general aggregate for bodily injury and property damage.

3. Automobile Liability insurance covering liability arising out of any auto (including owned, non-owned and hired automobiles), with a combined limit for bodily injury and property damage of not less than \$2,000,000 per occurrence.

4. Umbrella coverage in the amount of \$3,000,000, covering excess of Employer's Liability, Commercial General Liability and Comprehensive Automobile Liability.

5 Any of the above coverages may be self-insured at the Company's sole discretion.

6. In addition, the Company agrees to maintain a right-of-way permit bond throughout the term of this franchise in the amount of \$1,000.

7. Upon request therefor from the City, but in no event less than annually, the Company shall supply the City with: (a) a current certificate of insurance evidencing the coverages required hereunder, and (b) a current right-of-way permit bond in the amount of \$1000.00.

2-17-15 ASSIGNMENT. No sale, assignment or lease of this franchise shall be effective until it is approved by the City Council and until the Company has filed in the office of the City Clerk written notice of the proposed sale, transfer, disposition or assignment, such notice to clearly summarize the proposed procedure and the terms and conditions thereof. Such approval by the City shall not be unreasonably withheld. The proposed vendor, assignee or lessee shall similarly file an instrument, duly executed, reciting such proposal, accepting the terms of this franchise and agreeing to perform all the conditions thereof. Notwithstanding the foregoing, the City's consent shall not be required whenever: (a) Company has assigned its rights, duties or obligations hereunder to an affiliate of the Company, which affiliate has agreed to assume (pursuant to a



writing delivered to the City evidencing its ability to do so) such rights, duties or obligations, and the Company has agreed to remain liable for the performance of its duties and obligations hereunder; or (b) the Company has assigned or pledged its rights, duties or obligations hereunder for a mortgage or as security for an indebtedness.

2-17-16 INDEMNIFICATION. The Company shall hold the City harmless from any and all claims and actions, litigation or damage, arising out of the passage of this ordinance, out of the construction, erection, installation, maintenance and operation of its properties operated by authority of this ordinance within the corporate limits of the City, or the negligence of its employees in the operation thereof, including the court costs and reasonable attorney fees in making defense against such claims; provided, however, that the Company shall not be liable for the negligence of the City, its employees or agents. A copy of any process served upon the City shall be served by the City upon the Company. The Company shall have the right to defend in the name of the City and to employ counsel for such purpose. No provision of this ordinance is intended, or shall be construed, to be a waiver for any purpose of any applicable state limits in liability.

2-17-17 DEFAULT. In case of failure by the Company to comply with any of the provisions in this ordinance, or if the Company should do or cause to be done any act or thing prohibited by or in violation of the terms of this ordinance, the Company shall forfeit all rights and privileges granted by this ordinance and all rights hereunder shall terminate, provided that said termination shall not take effect until the City shall carry out proceedings in accordance with the following. Before the City proceeds to cancel this ordinance, it shall first serve a written notice upon the Company setting forth in detail in such notice the alleged neglect or failure complained of, and the Company shall have thirty (30) days thereafter in which to comply with the conditions of this grant and privilege. If at the end of such period the City deems that the conditions have not been complied with and that this ordinance is subject to repeal by reasons thereof, the City shall enact a repealing ordinance setting out the grounds upon which said grant and privilege is to be canceled or terminated. If within thirty (30) days after the effective date of said repealing ordinance the Company shall not have instituted an action - in any court of competent jurisdiction to determine whether the Company has violated the terms of this ordinance, this ordinance shall be canceled. If within such thirty (30) day period the Company does institute an action, as above provided, to determine whether or not the Company has violated the terms of this ordinance, and prosecutes such action to final judgment with due diligence, then, in that event, if the court finds that this ordinance is subject to cancellation by reason of the violation of its terms, this ordinance shall terminate thirty (30) days after such final judgment is rendered.

2-17-18 VIOLATIONS AND PENALTIES. If the Company fails to comply with the requirements of this franchise, then the City may invoke and secure compliance in accordance with Title III, Chapter 17, of the Code of Ordinances of the City and as authorized by Section 364.2 of the Iowa Code.

2-17-19 FORCE MAJEURE. It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: (a) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or

necessity of repairs to machinery, equipment or distribution or transmission lines; (b) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; (c) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

2-17-20 SEVERABILITY. If any such section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this ordinance which can be given effect without the invalid portion or portions and to this end each section and provision of this ordinance is severable.

2-17-21 CONFIDENTIALITY. Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

2-17-22 NOTICES. All notices required or permitted under the terms of this franchise shall be in writing and evidenced by receipt. Service of a notice may be accomplished by facsimile, personal services, registered or certified mail (postage prepaid) or reputable daytime or overnight delivery service. Notices shall be sent to the parties at the following addresses:

City:

City of Maquoketa

Attn: City Manager

201 E. Pleasant St.

Maquoketa, IA 52061

Fax: 563-652-2485

Company:

Black Hills Energy

Attn: Community Affairs Manager

1015 Cedar Cross Rd.

Dubuque, IA 52003

Fax: 563-583-0850

1. The Company or the City may designate a new address for itself by written notice to the other duly given as provided herein.

2-17-23 ENACTMENT. Subject to Iowa Code § 364.2, this ordinance following its passage by the City Council and its publication as provided by law, shall become effective upon its written acceptance by the Company delivered to the City Clerk and shall effectively supersede and cancel Ordinance No. 567, being the prior franchise held by the Company.

The Company shall pay all costs of the election and preparation of this franchise ordinance.

2-17-24 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

(Ord. 1124, Passed, November 2, 2015)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 18 MUNICIPAL ELECTRIC LIGHT AND POWER SYSTEM

2-18-1 MUNICIPAL ELECTRIC LIGHT AND POWER SYSTEM. As provided in Ordinance No. 345 adopted by the Maquoketa City Council on December 27, 1914, and approved by the voters on December 29, 1916, a Municipal Electric Light and Power System is hereby created and established.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 19 BOARD OF TRUSTEES

Board of Trustees. Chapter 19, Title II, Board of Police Retirement Trustees is hereby repealed.  
(Ord. 779, passed 3-2-91)  
(Ord. 1118, passed 01-23-14)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 20 RESERVE POLICE FORCE

2-20-1	RESERVE CREATED	2-20-6	VIOLATION OF ORDINANCES
2-20-2	MEMBERSHIP	2-20-7	OPERATION OF MOTOR
2-20-3	REMOVAL		VEHICLES
2-20-4	ORDERS	2-20-8	TRAINING
2-20-5	COMPENSATION	2-20-9	CARRYING WEAPONS

2-20-1 RESERVE CREATED. There is hereby created and established the Maquoketa Reserve Police Force.

2-20-2 MEMBERSHIP. Membership in said Reserve Police Force shall be as prescribed in said Reserve's by-laws, rules and regulations and shall be subject to the approval of the Mayor, City Council and the Chief of Police. The Mayor, City Council and Chief of Police may, from time to time, prescribe such other by-laws, rules and regulations as they may deem to be desirable.

2-20-3 REMOVAL. The members of the Reserve Police Force shall serve at the discretion of the Chief of Police and shall be removed and discharged from said Reserve at any time upon violation of any by-law, rule or regulation prescribed as aforesaid or upon the recommendation of the Reserve Police Executive Committee. The Reserve Police Executive Committee shall consist of the Public Safety Committee of the City Council, the Mayor, the Chief of Police and the City Manager.

2-20-4 ORDERS. The members of the Reserve Police Force shall be subject to lawful orders of a member of the Maquoketa Police Department and the Mayor.

2-20-5 COMPENSATION. Members of the Reserve Police Force shall be considered employees of the City during those periods when they are performing Police duties as authorized and directed by the Chief of Police or the Assistant Chief in the absence of the Chief, and they shall receive a salary of one dollar per year. However, said Reserve members shall not be entitled to any benefits of Police Retirement or Civil Service except Workman's Compensation Insurance stature.

2-20-6 VIOLATION OF ORDINANCES. No member of said Reserve shall violate the Ordinances of the City of Maquoketa or the laws of the State of Iowa or the United States of America, and any such violation may be grounds for summary dismissal.

2-20-7 OPERATION OF MOTOR VEHICLES. No member of said Reserve shall drive or operate a motor vehicle owned, leased or under the control of the City of Maquoketa, Iowa, except in an emergency or by order of a Police Officer.

2-20-8 TRAINING. Training for individuals appointed as Reserve Police Officers shall be provided by the City, but may be obtained in a merged area school or other facility selected by the individual and approved by the City. Upon satisfactory completion of training with a minimum of thirty (30) hours, the Chief of Police shall certify the individual as a Reserve Police Officer. Initial training shall be completed within one year from the date of appointment.

2-20-9 CARRYING WEAPONS. A member of the Reserve Police Force shall not carry a weapon in the line of duty until he or she has been approved by the City Council and certified by the Iowa Law Enforcement Academy Council. After approval and certification, a Reserve Police Officer may carry a weapon in the line of duty only when authorized by the Chief of Police.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 21 COMMITTEES OF THE CITY COUNCIL

2-21-1 COUNCIL COMMITTEES  
2-21-2 COMMITTEE  
RESPONSIBILITIES

2-21-3 COMMITTEE APPOINTMENTS  
2-21-4 COMMITTEE MEETINGS  
2-21-5 COMMITTEE POWER LIMIT

2-21-1 COUNCIL COMMITTEES. There is hereby created the following four committees of the City Council: Public Safety, Recreation, Public Works, and Finance & Personnel.

2-21-2 COMMITTEE RESPONSIBILITIES. The Committees of the Council are created in order to provide a division of labor regarding the issues that need to be addressed by the City Council. The Committees' responsibilities are to thoroughly examine specific portions of the City's operations and functions.

The various operations and functions assigned to the Committees would include, but not be limited to, the following:

1. Public Safety Committee shall address all issues concerning the Police Department, Fire Department, traffic control, traffic signs, and any other issues affecting the safety of the general public.

2. Recreation Committee shall address all issues concerning the City's parks and recreation/community education programs. The Committee may also meet with the Library Board of Trustees regarding issues that involve the Public Library.

3. Public Works Committee shall address all issues that involve the City's parking lots, municipal airport, Mount Hope Cemetery, the City Hall Building and any private utilities doing business within the City of Maquoketa; shall make recommendations on all items that involve the Water Department, the Wastewater Department, the sanitary sewer system, and street lights; and shall make recommendations regarding such items as the city streets, sidewalks and storm sewers.

4. Finance & Personnel Committee shall be responsible for the auditing of the City's claims prior to the Council Meeting on the third Monday of each month. The Committee shall also make recommendations to the Council regarding the financial transactions of the City, the annual audit reports and the overall financial condition of the City; and shall make recommendations to the Council regarding all matters relating to the salaries and fringe benefits of the City's employees, labor negotiations, employee rules and regulations, and any other personnel matters. The Personnel Committee shall also address items relating to public relations.

2-21-3 COMMITTEE APPOINTMENTS. Each member of the City Council shall be a member of each of the four Committees. The Mayor shall annually designate four different members of the City Council to serve as Chairperson of one of the four committees for a term of one year.



2-21-4 COMMITTEE MEETINGS. Committee meetings will be held as a committee of the whole meeting on the first and third Monday of each month at 6:00 p.m., prior to the City Council meeting. All committee of the whole meetings shall comply with provisions of the State Open Meeting Law (Chapter 21 of the Iowa Code).

2-21-5 COMMITTEE POWER LIMIT. The Committee of the Whole shall take no actions or make any final decisions, based upon its deliberations unless and until a referral of said action or decision is made from the Committee of the Whole to a regularly scheduled business meeting of the Council where said action is placed on the agenda of that business meeting in accordance with Chapter 21 of the Code of Iowa.

(Ord. 1140, Passed January 15, 2018)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 22 INDUSTRIAL REAL ESTATE PARTIAL PROPERTY TAX EXEMPTION

2-22-1	PURPOSE	2-22-6	APPLICATIONS
2-22-2	DEFINITIONS		
		2-22-7	APPROVAL
2-22-3	PERIOD OF PARTIAL EXEMPTION	2-22-8	EXEMPTION REPEALED
2-22-4	AMOUNTS ELIGIBLE FOR EXEMPTION	2-22-9	DUAL EXEMPTIONS PROHIBITED
2-22-5	LIMITATIONS	2-22-10	TAX INCREMENT FINANCING
		2-22-11	SPECULATIVE BUILDING EXEMPTION

2-22-1 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers.

2-22-2 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. “Actual Value Added” means the actual value added as of the first year for which the exemption is received.

2. “Distribution Center” shall mean a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

3. “New Construction” shall mean new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Economic Development Authority or any subsequent agency with such authority.

4. Furthermore, the exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section 427A.1, subsection 1, paragraph “e”, as amended, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

5. “Research-service Facilities” shall mean a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

6. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, as amended, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

(Code of Iowa, Sec. 427B.1)

2-22-3 PERIOD OF PARTIAL EXEMPTION” shall mean the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers is eligible to receive a partial exemption from taxation for a period of five (5) years.

(Code of Iowa, Sec. 427B.3)

2-22-4 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

For the first year, seventy-five percent (75%)

For the second year, sixty percent (60%)

For the third year, forty-five percent (45%)

For the fourth year, thirty percent (30%)

For the fifth year, fifteen percent (15%)

(Code of Iowa, Sec. 427B.3)

2-22-5 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

(Code of Iowa, Sec. 427B.3)

2-22-6 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.

2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue or any subsequent person or agency with such authority.

(Code of Iowa, Sec. 427B.4)

2-22-7 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty (30) days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

2-22-8 EXEMPTION REPEALED. When, in the opinion of the City Council, continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

2-22-9 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Sec. 427B.6)

2-22-10 TAX INCREMENT FINANCING. The following ordinances are included by reference:

Ord. 727, 3-12-90 Established 1990 Industrial Park TIF District.

Ord. 739, 12-16-90 This corrected the legal description in Ord. 727.

Ord. 935, 5-27-00 Added south industrial park (Lary Farm) to Ord. 727 and 739.

Ord. 942, 10-2-00 Added Family Dollar site and Prairie Creek Golf Course to Ord. 727, 739, 935.

Ord. 971, 7-17-02 Added Prairie Creek Center to Ord. 727, 739, 935, 942.

Ord. 997, 8-21-04 West Platt Corridor TIF District, including Downtown, B-2 zone.

Ord. 1018, 7-26-06 Added Sunshine School property to territory of Ord. 997.

Ord. 1026, 7-26-06 Added Walmart Subdivision to Ord. 727, 739, 935, 942, 971.

2-22-11 SPECULATIVE BUILDING EXEMPTION.

1. A tax exemption of 100% of the taxes assessed per year shall be allowed for the assessment year in which the building is first assessed for taxation or for the years in which reconstruction or renovation first adds value and for all subsequent years until the property is leased or sold or for a period of five (5) assessment years or until the exemption is terminated by

Ordinance of the City Council. If the shell building is leased or sold, the portion of the building which has been leased or sold shall not be entitled to an exemption.

2. An application shall be filled under Iowa Code 427.B(94) for each project for which an exemption is claimed. Upon the sale of the shell building, the shell building shall be considered new construction for purposes of Iowa Code 427.B(1) and Maquoketa Ordinance Title II, Chapter 22.

3. The Council shall grant an exemption under the Subsection only to a community development organization as defined in 427.1(27a) of the Code of Iowa, a not-for-profit cooperative association under Chapter 499 Code of Iowa and for-profit entities for speculative purposes as provided in Iowa Code 427.1(27).

. (Ord. 777, 1-20-92 and amended by Ord. 1107, 1-21-13)

(Ord. 1119, 1-23-14)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 23 UTILITY BOARD OF TRUSTEES

2-23-1	PURPOSE	2-23-10	BUDGET PREPARATION
2-23-2	ESTABLISHED	2-23-11	USE OF STREETS AND ALLEYS
2-23-3	APPOINTMENT	2-23-12	PERMIT PAYMENT
2-23-4	TERMS OF OFFICE	2-23-13	SERVICES TO THE COMMUNITY
2-23-5	MEETINGS	2-23-14	CHAIRPERSON
2-23-6	BONDS	2-23-15	MANAGEMENT PERSONNEL
2-23-7	COMPENSATION	2-23-16	EFFECTIVE DATE
2-23-7A	REIMBURSEMENT		
2-23-8	POWERS AND DUTIES		
2-23-9	FINANCIAL REPORTS		

2-23-1 PURPOSE. The purpose of this Chapter is to provide for the operation of the municipally owned electric utility by a Board of Trustees

2-23-2 ESTABLISHED. There shall be established a Board of Municipal Electric Utility Trustees to manage and control the municipal electric utility as authorized by the voters at the municipal election held November 5, 1985.

2-23-3 APPOINTMENT. The Mayor shall appoint five (5) members to the Board of Trustees. The City Council of the City of Maquoketa will confirm or deny said appointments. The Board shall serve in an advisory capacity for a period not to exceed one year commencing with the passage of this Ordinance. The City Council may by Resolution release the Board of its advisory duties and grant the Board supervisory control of the electric utility prior to the expiration of such one-year period.

2-23-4 TERMS OF OFFICE. The terms of office shall be as follows:

- One person – Two year term
- Two persons – Four year term
- Two persons – Six year term

All subsequent terms of office shall be for six (6) years. The terms shall be deemed to commence in January 1 of odd numbered years. Any vacancy shall be filled in the manner of original appointments, but only for the balance of the unexpired term where the vacancy occurs. All Members of the Board shall be residents of the City of Maquoketa.

2-23-5 MEETINGS. The Board of Trustees shall hold at least one regular meeting each month. The Board shall also call special meetings as necessary. The Secretary shall provide public notice of all regular and special meetings. The regular monthly meeting date shall be set by the Board at

their first meeting in January for the following year. The regular monthly meeting date shall not conflict with the regular monthly meetings of the City Council.

2-23-6 BONDS. Each Trustee shall execute and furnish to the City an official bond in the sum of \$5,000 to be approved by the Council and filed with the Clerk. A blanket bond covering all officers and employees may be substituted in place of individual bonds.

2-23-7 COMPENSATION. Each Trustee shall receive compensation of \$35.00 per meeting attended. Said compensation shall commence January 1, 1986 and shall not exceed the sum of \$1,000 for one calendar year.

(Ord. 1001, Passed February 21, 2005.)

2-23-7A REIMBURSEMENT. Each Trustee shall receive reimbursement for monies spent on mileage lodging, meals and supplies while doing business for the Utility. The Trustee must present the Utility with a receipt for each expense and it will be approved by the Board at the following meeting.

(Ord. 938 06-19-2000)

2-23-8 POWERS AND DUTIES. The Board of Trustees shall have all the power and authority in the management and control of the City Electric Plant and Distribution System as is conferred upon such Trustees in Chapter 388, of the Code of Iowa, or any amendments thereto including the fixing of rates for electric service. Each Trustee shall transmit to his/her successor in office all books, papers, records and documents belonging to the City in his/her custody or pertaining to his/her office.

2-23-9 FINANCIAL REPORTS. Immediately following a regular or special meeting of the Board, the Secretary shall prepare a condensed statement of the proceedings of the Board and cause the statement to be published in the newspaper of general circulation in the City. The statement must include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. A copy of such statement shall also be filed with the City Clerk. It shall immediately after the close of each fiscal year, file with the City Clerk and City Council a financial report including all money received and disbursed for the fiscal year, and a comparative balance sheet showing assets and liabilities of the fund at the beginning and end of the fiscal year. All financial reports shall be subject to audit by a Certified Public Accountant. All audits will be paid from the Utility Fund.

2-23-10 BUDGET PREPARATION. The Board shall prepare its budget and present it to the Council not later than January 15th of each year prior to the deadline for Council action approving the annual budget in the form required for cities and by the Council. The Board may establish a Budget on a calendar year basis to coincide with electric reports mandated by Agencies and the State of Iowa.

2-23-11 USE OF STREETS AND ALLEYS. It shall be lawful for the municipal utility to cause to be set within the limits of the public streets and alleys of the City such poles as it may deem necessary, and to adjust conducting wires to and along said poles, for the purpose of lighting the City with electricity, and the person or persons putting up and adjusting said wires are hereby

authorized and empowered to cut off and remove such limbs of trees or other obstructions in the City right-of-way and dedicated easements as may be necessary for the free and uninterrupted use of said wires for the purpose of lighting the City with electricity in accordance with standards established by the Council.

2-23-12 PERMIT PAYMENT. In consideration of permission to use the streets and public ways of the City for the construction, operation, maintenance, and reconstruction of a municipal electric distribution system within the City, the Board shall pay to the City an annual amount equal to two percent (2%) of the annual total gross revenues collected from the sale of electricity to all customers, excluding sales made under rate schedules lgs-1500 and lgs-2000 through December 31, 2003. The payment shall be in addition to any other payment owed to the City by the Board. Such payment shall be made in January of each year. The Board shall pass an annual resolution that will accompany each permit payment which certifies and details the amount(s) of total gross revenue from electric sales, categories of revenues from electric sales, and timeframe of electric sales from which the payment is derived.

(Ord 950, Passed February 19, 2001)

2-23-13 SERVICES TO THE COMMUNITY. The Board shall continue to provide the following services to the City and Community without charge.

1. Service and maintenance for the traffic signals, street lights, electric services in City buildings, airport buildings and lights, pumping stations and water wells. The Board may charge the City for parts and materials at the Board's costs.

2. Mounting, storing and removing of the Downtown Christmas decorations, flags and banners.

2-23-14 CHAIRPERSON. The Board shall elect a Chairperson who shall preside over the Board meetings. The terms shall be established by the Board. The Board may also elect a Vice-Chairperson and Secretary-Treasurer. All such appointments shall be made at the first meeting in January.

2-23-15 MANAGEMENT PERSONNEL. The City Manager may serve in an advisory capacity for the Utility Board of Trustees until such time as the City Council by Resolution directs that such assistance from the City Manager is no longer required. The Board may employ a Manager or Secretary to administer the policies and directions of the Board.

(Ord. 657. 2-17-86)

2-23-16 EFFECTIVE DATE. This ordinance shall become effective upon its passage and publication according to law.



## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 24 DOWNTOWN BUSINESS REVITALIZATION AREA

#### 2-24-1 AREAS FORMED

#### 2-24-2 EFFECTIVE DATE

The Downtown Business Revitalization Area is an area which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, deterioration of site or other improvements, and a combination of these and other factors, substantially impairs or arrests the sound growth of the City, constitutes an economic and social liability and is a menace to the public welfare in its present condition and use.

The rehabilitation and redevelopment of the Downtown Business Revitalization Area is necessary in the interest of the public welfare of the residents of Maquoketa and the Downtown Business Revitalization Area meets the criteria set forth in Section 404.1 of the Act.

2-24-1 AREAS FORMED. That in accordance with the Act and in consideration of the recitations set out in the preamble hereof, the area formed by contiguous real estate parcels with a legal description as follows:

1. Lots 6, 7, 8, 9 of Block 17 – Original Town
2. Lots 6, 7, 8, 9 of Block 17 – Original Town
3. Block 26 – Original Town
4. Block 25, and Resurvey of Blocks 25 & 38 – Original Town
5. Block 18 - Original Town
6. Lots 1-9, Block 11 – Original Town
7. Block 3 – Resurvey of Shaws Addition
8. Block 5 – Shaws 2nd Addition
9. Block 4 – Resurvey of Shaws Addition
10. Block 19 – Resurvey of Block 19 – Original Town
11. Block 20 – Original Town
12. Lots 1-8, Block 10 – Original Town

13. Lots 1-8, Block 9 – Original Town

2-24-2 EFFECTIVE DATE. That this Ordinance shall be in effect after its final passage, approval and publication, as provided by law, March 3, 1986.

(Ord. 658. 3-3-86)

## TITLE 11 POLICY AND ADMINISTRATION

### CHAPTER 25 HISTORIC PRESERVATION COMMISSION

2-25-1	PURPOSE AND INTENT	2-25-5	SEPARABILITY
2-25-2	DEFINITIONS	2-25-6	AMENDATORY PROVISIONS
2-25-3	MAQUOKETA HISTORIC PRESERVATION COMMISSION	2-25-7	EFFECTIVE DATE
2-25-4	POWERS OF THE COMMISSION		

2-25-1 PURPOSE AND INTENT. The purpose of this proclamation is to:

1. Promote the education, 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 historical 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.

2-25-2 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. "Commission" shall mean The Maquoketa Historic Preservation Commission, as established by their proclamation.
2. "Historic District" shall mean an area which contains a significant portion of buildings, structures 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 presents 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; or,

d. Is associated with the lives or persons significant to our past; or,

e. Has yielded, or may be likely to yield, information important to prehistory or history.

3. "Historic Site" means a 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.

## 2-25-3 MAQUOKETA HISTORIC PRESERVATION COMMISSION.

1. The Commission shall consist of five (5) members who shall be residents of the City.  
(Ord. 706, 4-17-89)  
(Ord. 1128, Passed February 2, 2016)

2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Members should demonstrate a positive interest in historic preservation, possessing interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general of real estate.

3. The original appointment of the Members of the Commission shall be three (3) for two (2) years, and two (2) for three (3) years, January 1, following the year of such appointment or until their successor is appointed to serve for the term of three (3) years.

4. 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.

5. Members may serve for more than one (1) term and each member shall serve until the appointment of a successor.

6. Vacancies shall be filled by the City according to the original selection as aforesaid.

7. Members shall serve without compensation.

8. A simple majority of the Commission shall constitute a quorum for the transaction of business.

9. 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.

10. The Commission shall meet at least three (3) times a year.

#### 2-25-4 POWERS OF THE COMMISSION

1. The Commission may conduct inventory studies for identification and designation of Historic Districts and sites meeting the definitions established by this Ordinance. (The necessary inventory forms and procedures for their completion are available from the State Office for Historic Preservation). 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 make a recommendation to the State Office of Historic Preservation for the listing of a historical district or site in the National Register or Historic Places and may conduct a public hearing thereon.

3. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein; and,

4. Other Powers. In addition to those duties and powers specified above, the Commission may, with City 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 interests in historic properties, including properties adjacent to or associated with historic preservation.

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 Federal government or other organizations.

f. Cooperate with the Federal, State and Local governments in the pursuance of the objectives of historic preservation.

g. Provide information for the purpose of historic preservation to the governing body.

h. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

2-25-5 SEPARABILITY. Should any section or provision of this proclamation be decided by a court of this State to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or part thereof other than the part so decided to be unconstitutional or invalid.

2-25-6 AMENDATORY PROVISIONS. The City may amend this proclamation to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.

(Ord. 674, 1-5-87)

2-25-7 EFFECTIVE DATE. This proclamation shall take effect immediately upon passage and publication as required by law, being March 12, 1986.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 26 THE GIVING AND REPORT OF GIFTS

2-26-1	DONEE REPORTING OF GIFTS	2-26-5	FILING CHAPTER WITH
2-26-2	DONOR REPORT OF GIFTS		COUNTY
2-26-3	DEFINITION OF GIFT		
2-26-4	REPORTING FOR GROUP		
	EVENTS		

2-26-1 DONEE REPORTING OF GIFTS. An elected or appointed official or employee of this City, or the spouse, or minor child of an elected or appointed official or employee of this City, or a firm of which the elected or appointed official or the employee of this City holds ten percent (10%) or more of the stock either directly or indirectly, shall disclose in writing on a report form developed by the Secretary of State, the nature, the date, and the name of the Donor, and the name of such person as Donee to which a gift or gifts were made where the gifts exceed fifteen dollars (\$15) in cumulative value in any one calendar day. However, the Donee need not report food and beverage provided for immediate consumption in the presence of the Donor.

By the fifteenth (15th) day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed in the office of the County Auditor of the county or counties in which the City is located.

2-26-2 DONOR REPORT OF GIFTS. A donor of a gift to an elected or appointed official or to an employee of the City, or to the spouse, or to minor child of an elected or appointed official or employees of this City, or to a firm of which the elected or appointed official or the employee of the City is a partner, or to a corporation of which the elected or appointed official or the employee of the City holds 10 percent (10%) or more of the stock either directly or indirectly, shall disclose in writing on the form developed by the Secretary of State the nature, amount, date, and name of the Donor, and the name of the Donee of a gift or gifts made by the Donor which the gift or gifts exceeds fifteen dollars (\$15) in cumulative value in any one calendar day. However, the Donor need not report food and beverage provided for immediate consumption in the presence of the Donor.

By the fifteenth (15th) day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed by the Donor, with the County Auditor of the county or counties in which the Donee's City is located.

2-26-3 DEFINITION OF GIFT. 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. “Gift” means a rendering of money, property, services, granting a discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the Donor is in any of the following categories:

a. Is doing or seeking to do business of any kind with the City of Maquoketa. For purposes of this Chapter, “doing business with the City” means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the City.

b. Is engaged in activities which are regulated or controlled by the City of Maquoketa.

c. Has interests which may be substantially and materially affected by the performance or nonperformance of the Donee’s official duty.

d. Is a lobbyist with respect to matters within the Donee’s jurisdiction.

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

a. Campaign contributions.

b. Informational material relevant to a public servant’s official functions, such as books, pamphlets, reports, documents, or periodicals, and registration fees or tuition not including travel or lodging for not more than three (3) days, at seminars or other public meetings conducted in this State, at which the public servant receives information relevant to the public servant’s official functions. Information or participation received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the Donee’s regulated occupation or profession if the Donee pays any registration costs exceeding thirty-five dollars (\$35).

c. Anything received from a person related within the fourth degree by kinship or marriage, unless the Donor is acting as an agent or intermediary for another person not so related.

d. Any inheritance.

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

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

g. Actual expenses for food, beverages, travel, lodging, registration, and schedule entertainment of the Donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting.



h. Plaques or items of negligible resale value given a recognition for public services.

3. The value of the gift is determined as follows:

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

b. The value of a gift to the Donee is the value actually received.

c. For the purposes of the reporting requirements of this Chapter, a Donor of a gift made by more than one individual to one or more Donees, shall report the gift if the total value of the gift to the Donee exceeds fifteen dollars (\$15).

2-26-4 REPORTING FOR GROUP EVENTS. Expenses for food, beverages, registration, and scheduled entertainment at group events to which all members of either House or both Houses of the General Assembly have been invited and where an elected or appointed official or employee of this City has been invited, shall be report by the Donor for each such event. The Donor shall report the date, location, and total expenses incurred by the Donor or Donors. By the fifteenth (15th) day of the month following the month in which the group event occurred, a copy of the report shall be filed by the Donor with the County Auditor of the County or Counties in which the City of the invited City official or employee is located.

2-26-5 FILING CHAPTER WITH COUNTY. The City Clerk shall file a copy of this Chapter with the County Auditor of Jackson County within fifteen (15) days of the passage of this Chapter.

(Ord. 684, 12-7-87)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 27 REMOVAL FROM OFFICE

#### 2-27-1 MANNER OF REMOVAL

#### 2-27-2 PROCESS OF REMOVAL

#### 2-27-3 ADDITIONAL GROUNDS FOR REMOVAL

2-27-1 MANNER OF REMOVAL. All personnel appointed to City Office may be removed by the officer or body making the appointment. The removal shall be done in a manner set fourth at Iowa Code Section 372.15 (1988) which Iowa Code Section is hereby adopted as though set out here in full.

2-27-2 PROCESS OF REMOVAL. Any elected City Official may be removed from Office for any of the reasons set forth in Chapter 66 of the Iowa Code (18\988). The removal process begins when five qualified electors of the City of Maquoketa sign and file in the Office of the City Clerk a Petition for Removal. The petition need not be in any special form but must be in writing and it must state the grounds for removal.

1. Upon filing of a Petition for Removal, the City Manager shall set a time and place for a hearing upon the petition and the City Manager shall cause a copy of the petition and a notice of the time, date, and place of the hearing to be served upon the officer whose removal is sought in the petition.

2. The removal petition shall be heard by the City council and the City Council shall vote to remove or not to remove the officer after the hearing upon the petition. The vote shall be by roll call vote in public session. The removal of an elected official requires a two thirds vote of the Council.

2-27-3 ADDITIONAL GROUNDS FOR REMOVAL. Additional grounds for removal under City Code Section 2-27-1 and Section 2-27-2 shall include:

1. Full time residence outside the Maquoketa City limits by an officer or appointee whose office requires residence within the City of Maquoketa.

2. Full term residence outside of Jackson County, Iowa, by an appointee whose office requires residence in Jackson County, Iowa.

3. Absence from three or more consecutive meetings of the appointees or elected officials Board Commission or Council Meeting.

(Ord. 690, 10-3-88)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 28 COMPETITION WITH PRIVATE ENTERPRISE

2-28-1	PURPOSE		SUPERVISION OF CITY
2-28-2	WATER DEPARTMENT		MANAGER
2-28-3	WASTEWATER DEPARTMENT	2-28-7	LIBRARY
2-28-4	FIRE DEPARTMENT	2-28-8	POLICE DEPARTMENT
2-28-5	PARK	2-28-9	CITY MANAGER'S OFFICE
	DEPARTMENT/COMMUNITY	2-28-10	CABLE TELEVISION
	EDUCATION		COMMISSION
2-28-6	PUBLIC WORKS	2-28-11	MUNICIPAL ELECTRIC
	DEPARTMENT UNDER		UTILITY
		2-28-12	GENERAL PROVISIONS

2-28-1 PURPOSE. Pursuant to the provisions of Section 23A.2 of the Code of Iowa as adopted by HG 529 of the Acts of the 72nd G.A., the following departments of the City are hereby authorized to do the following.

#### 2-28-2 WATER DEPARTMENT.

1. Drill wells, install lines and towers, pump and sell water.
2. Test water and perform inspections.

#### 2-28-3 WASTEWATER DEPARTMENT.

1. Construct and maintain sanitary sewer lines and lift stations.
2. Test wastewater samples for other municipalities and industries.
3. Operate a wastewater treatment plant.
4. Treat wastewater from residential, commercial, and industrial users and charge fees for such service.

#### 2-28-4 FIRE DEPARTMENT.

1. Fire suppression.
2. Fire code inspections, plan review and enforcement.
3. Rescue and extrication.
4. Advanced and basic emergency medical care and first aid.

5. Public C.P.R. training.
6. Public fire prevention training.
7. Purchase of lease fire apparatus and equipment and repair and maintain the same.
8. Fire station building repair and maintenance
9. Fire station grounds maintenance
10. Train Fire Department employees
11. Respond to any emergency which may arise within the City of Maquoketa or surrounding Townships under contract with the City.
12. Organize and administer community festivities.

2-28-5 PARKS DEPARTMENT/COMMUNITY EDUCATION.

1. Rent pavilions.
2. Rent community center rooms.
3. Mow park and City lawns.
4. Operate City vending machines.
5. Purchase and re-sell pool concession items.
6. Provide swimming lessons.
7. Pick up garbage and trash.
8. Fertilize lawns.
9. Spray for weeds.
10. Perform snow removal.
11. Operate and maintain skating rinks and all City parks.
12. Operate tot lot.
13. Operate playground program.

14. Rent ball diamonds.
15. Lease tennis courts and provide lighting.
16. Provide golf and art lessons.
17. Conduct youth and adult recreation programs, projects, and activities.

#### 2-28-6 PUBLIC WORKS DEPARTMENT UNDER SUPERVISION OF THE CITY MANAGER.

1. Provide engineering services relative to City wide infrastructuring needs including: gathering of engineering data; analysis and evaluation of engineering data; developing and administering records of City infrastructure; design and preparations of plans, specifications, and contract documents; contract administration; construction inspection; staking and surveying; administration of State, local and Federal regulations governing the development, repair, or improvements of City infrastructure.

2. Maintain City property and easement in accordance with City Code and policy including: planting and pruning and removal of trees and shrubs; mowing grass and weeds, construction, repair and maintenance of City buildings, removal and disposal of dead animals, repair, fabrication, maintenance of City vehicles and equipment.

3. Abatement of public nuisances on private property in accordance with City, State, and Federal regulations.

4. Construct, repair, maintain and inspect the City's transportation system including: grading; excavating; sawing; breaking and removing concrete and asphalt; applying salt, sand, rock, chlorides, road oil, and other roadway chemicals or materials; removal of snow, ice, leaves, dirt, and other debris; bridge and culvert cleaning, painting and repair; installation, repair, replacement or removal of traffic signs, signals, street lights, street markers, information signs, pavement markings, barricades and other traffic control devices.

5. Construct, repair, maintain and inspect the City's storm water conveyance and sanitary sewer conveyance systems including: excavating, grading; pipe-laying; manhole and inlet construction and repair; cleaning sewers and ditches; relieving backups; applying chemical treatments; locating and televising; grouting.

#### 2-28-7 LIBRARY DEPARTMENT.

1. Loan books, records, cassette tapes and magazines.
2. Make available newspapers, magazines and books for patron use in Library.
3. Make available a photocopier for patron use.

4. Make available a microfilm/microfiche copier for public use.
5. Provide meeting room for meetings.
6. Reference/information services.
7. Directory assistance.
8. Process and catalog Library books.
9. Borrow films and video from State Library.
10. Borrow books from other Libraries.
11. Sell used books.

2-28-8 POLICE DEPARTMENT.

1. Enforce the laws of the State of Iowa and the City of Maquoketa, Iowa.
2. Provide security services.
3. Provide traffic control services for such events as parade and funeral processions.
4. Provide service of process and notices.
5. Provide transportation.
6. Provide emergency medical aid.
7. Provide photo processing and printing.

2-28-9 CITY MANAGER'S OFFICE.

1. Maintain records and accounts.
2. Receive and invest funds.
3. Issue Licenses and permits.

2-28-10 CABLE TELEVISION COMMISSION.

1. Operate a local access studio and cable television channel.
2. Video tape programs of general interest to the Community.

3. Sell copies of videos of various programs and events.

2-28-11 MUNICIPAL ELECTRIC UTILITY.

1. Construct and maintain electric lines and substations.
2. Generate electrical power.
3. Sell electric power and related services.
4. Sell and install electrically related equipment such as security lights, meters, etc.

2-28-12 GENERAL PROVISIONS. All City Departments are hereby authorized to do the following:

1. Maintain records, supplies and equipment.
2. Use and maintain all property under the Department's control whether real or personal and whether owned or leased.
3. Purchase or rent property, real or personal.
4. Answer and initiate phone calls.
5. Bill for services and materials.
6. Employ personnel to carry out its mission and train personnel.
7. Perform all tasks assigned to it by the City or State law and by the City Council or City Manager.
8. Do such things as are authorized through the City budget or appropriation process.
9. Do such things as have traditionally been performed by the Department.
10. Engage in manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public at such times and in such appropriate manner as the Department head deems appropriate.

(Ord. 695, 11-7-88)

TITLE II POLICY AND ADMINISTRATION  
CHAPTER 29 URBAN REVITALIZATION AREA

2-29-1	PURPOSE	2-29-5	APPLICATION FOR
2-29-2	DEFINITIONS		EXEMPTION
2-29-3	ADOPTION OF AMENDED	2-29-6	CITY COUNCIL ACTION ON
	URBAN REVITALIZATION		APPLICATION
	PLAN	2-29-7	TAX INCREMENT FINANCING
2-29-4	EXEMPTION	2-29-8	EXEMPTIONS GRANTED BY
			REPEALED ORDINANCES

2-29-1 PURPOSE. The purpose of this Ordinance is to provide for the continued designation of an area in the City of Maquoketa, Iowa, as an Urban Revitalization Area under Iowa Code Chapter 404. The area so designated can be generally described as that area within the corporate limits of the City of Maquoketa, Iowa, with the exception of the downtown area designated in Ordinance 722, which ordinance is repealed. The exact legal description of the area so designated is described in Appendix A attached to the Urban Revitalization Plan.

2-29-2 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. "City" shall mean the City of Maquoketa, Iowa.
2. "County" shall mean Jackson County, Iowa.
3. "Improvements" includes rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. (Iowa Code §404.3(7)).
4. "Qualified Real Estate Assessed as Residential, but Limited to Single Family Residential Only" shall mean real property, assessed as residential property, but limited to single-family residential only, and excluding multi-family dwellings, duplexes, and condominiums, other than land, which is located in a designated revitalization area and to which improvements have been added, during the time the area was so designated, which have increased the actual value by at least the percent specified in the Urban Revitalization Plan adopted by the City. It also means land upon which no structure existed at the start of the new construction, which is located in a designated revitalization area and upon which new construction has been added during the time the area was so designated.

(Iowa Code §404.3(7))  
(Ord. 984, 12-05-03)



5. “Urban Revitalization Area” means the property described in Appendix A attached to the City’s Urban Revitalization Plan as amended, such area having been previously identified in a Resolution of Finding adopted by the City Council.

2-29-3 ADOPTION OF AMENDED URBAN REVITALIZATION PLAN. Upon the adoption and effective date of this Ordinance, the property described in Appendix A is hereby designated as an Urban Revitalization Area as defined in Iowa Code Chapter 404, as amended. A public hearing having been held on the attached amended Urban Revitalization Plan, this Plan is hereby adopted in its entirety by reference.

2-29-4 EXEMPTION. All qualified real estate assessed as residential, but limited to single family residential only, is eligible to receive a partial exemption from taxation on the first seventy-five thousand dollars (\$75,000.) of actual value added by the improvements. This exemption is for a period of three (3) years.

2-29-5 APPLICATION FOR EXEMPTION. An application for an exemption under this Ordinance shall be filed by the owner of the property with the City Clerk on or before February 1st of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation. In the case of reconstruction, rehabilitation, and/or remodeling, the property owner’s application to the City Clerk must be approved before work has commenced. The application shall be on forms provided by the City Clerk, and shall contain, at a minimum, the following information: the nature of the improvements, their costs, the estimated or actual date of completion, and any other information required or requested by the City Clerk.

2-29-6 CITY COUNCIL ACTION ON APPLICATION. The City Council shall approve the application, subject to review by the Jackson County Assessor, if the project is in conformance with the Amended Urban Revitalization Plan adopted by the City herein, is located within a designated revitalization area, and if the improvements were made during the time the area was so designated. Such approval shall also be subject to the terms of section 2-29-7 of this Ordinance. The City Council shall forward for review all approved applications to the Jackson County Assessor by March 1st of each year with a statement describing the exemption schedule established by this Ordinance. Applications for exemption for succeeding years on approved projects shall not be required.

2-29-7 TAX INCREMENT FINANCING. The City Council shall have the authority to reject or modify an application for an exemption for property, located within an urban renewal area, when the implementation of the provisions of this Ordinance conflict with the financial benefits of tax increment financing received by the same property.

2-29-8 EXEMPTIONS GRANTED BY REPEALED ORDINANCES. Pursuant to Iowa Code §404.7, all existing exemptions created under ordinances repealed herein shall continue until their expiration.

(Ord. 722, 11-30-89)

(Ord. 928, 01-04-00)

(Ord. 967, 06-03-02)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 30 INDUSTRIAL DEVELOPMENT URBAN RENEWAL AREA

#### 2-30-1 PURPOSE

#### 2-30-2 DEFINITIONS

#### 2-30-3 PROVISIONS FOR DIVISION OF TAXES

2-30-1 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes on the taxable property in the Industrial Development Urban Renewal Area of the City of Maquoketa, Iowa, each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Maquoketa to finance projects in such area.

(Ord. 727, 3-12-90)

2-30-2 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. "City" shall mean the City of Maquoketa, Iowa.
2. "County" shall mean the County of Jackson, Iowa.

3. "Urban Renewal Area" shall mean the Industrial Development Urban Renewal Area of the City of Maquoketa, Iowa, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on March 12, 1990:

All that part of the West Half of the Southwest Quarter of Section 20, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, lying South of Iowa Highway No. 64.

Northeast Quarter of the Northeast Quarter of Section 30, Township 84 North Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

East Half of the Southeast Quarter of Section 19, Township 84 North Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

West Half of the Southeast Quarter of Section 19, Township 84 North Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

That part of the East half of the Southwest Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa described as follows, to wit:

Commencing at the Southeast Corner of said East Half of the Southwest Quarter of Section 19; thence West to a point of intersection with the East line of Dearborn Street; thence North along said East line of Dearborn Street to a point of intersection with the North line of Locust Street; thence West 316 feet more or less to a point in the center of Clark Street; thence North 900 feet to a point 30 feet East of the Southeast corner of Lot 14, Block 9, Goodenow's 1st Addition to the City of Maquoketa, Jackson County, Iowa; thence West 158 feet to the Southwest Corner of said Lot 14, Block 9, Goodenow's 1st Addition; thence North 60 feet to the Northwest corner of said Lot 14, Block 9, Goodenow's 1st Addition; thence West 168 feet to a point of 40 feet West of the Southwest Corner of Lot 2, Block 9 of Goodenow's 1st Addition; thence North 150 feet to a point in the center of the intersection of Matteson Street and Pleasant Street in the City of Maquoketa, Iowa; thence East 169 feet to a point 30 feet South of the Southwest Corner of Lot 9, Block 2, Goodenow's 1st Addition; thence North 225 feet; thence West 128 feet; thence South 15 feet; thence West 216 feet to the Northwest Corner of Lot 11, Block 11, Goodenow's 1st Addition; thence North 180 feet to the Northwest Corner of Lot 14, Block 1, Goodenow's 1st Addition; thence East 216 feet to the Northwest Corner of Lot 3, Block 2, Goodenow's 1st Addition; thence North to a point of intersection with the North Line of said East half of the Southwest Quarter of said Section 19; thence East along said North Section line to the Northeast Corner of said East Half of the Southwest Quarter of said Section 19; thence South to the point of beginning, being the Southwest Corner of said East Half of the Southwest Quarter of Section 109.

(Ord. 739, 12-26-90)

**2-30-3 PROVISIONS FOR DIVISION OF TAXES.** After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1, 1989, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1, 1989, shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of an interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds, issued under the authority of Section 403.9 (1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll

referred to in Subsection (A) of this Section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in Subsection (B) of this Section and the special fund into which that portion shall be paid may be irrevocably pledged by the City of the payment of the principal and interest on loans, advances, bonds used under the authority of Section 403.9 (1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this Section, the word “taxes” includes, but is not limited to, all levies on and ad valorem basis upon land or real property.

(Ord. 727, 3-12-90)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 30A URBAN RENEWAL AREA NUMBER SIX

#### 2-30A-1 PURPOSE

#### 2-30A-2 DEFINITIONS

#### 2-30A-3 PROVISIONS FOR DIVISION

#### OF TAXES LEVIED ON

#### TAXABLE PROPERTY IN

#### URBAN RENEWAL AREAS

2-30A-1 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in the Maquoketa Urban Renewal Area #6, each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, monies advanced to or indebtedness, including bonds proposed to be issued by the City of Maquoketa to finance projects in such area.

2-30A-2 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. "City" shall mean the City of Maquoketa, Iowa.
2. "County" shall mean the County of Jackson, Iowa.

3. "Urban Renewal Area" shall mean the Maquoketa Urban Renewal Area #6, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by Resolution adopted on December 19, 1994:

Urban Renewal Area #6.

All of Section 23 T84NR2E South of the South Fork of the Maquoketa River and that portion of Section 24 T84NR2E North of Platt Street and West of U.S. Highway 61.

2-30A-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN URBAN RENEWAL AREAS. After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1, 1994, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose

of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1, 1994, shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, monies advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9 (1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in Subsection (A) of this Section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in Subsection (B) of this Section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9 (1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this Section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 851, 1-16-95)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 30B 1990 MAQUOKETA IOWA INDUSTRIAL DEVELOPMENT URBAN RENEWAL PROJECT AREA

#### 2-30-B-1 PURPOSE

#### 2-30-B-2 DEFINITIONS

#### 2-30-B-3 PROVISIONS FOR DIVISIONS OF TAXES

2-30B-1 PURPOSE. The purpose if this Ordinance is to provide for the division of taxes on the taxable property in the 1990 Maquoketa Iowa Industrial Development Urban Renewal Project Area of the City of Maquoketa, Iowa, each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Maquoketa to finance projects in such area.

2-30B-2 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. “City” shall mean the City of Maquoketa, Iowa.
2. “County” shall mean the County of Jackson, Iowa.

3. “Original Project Area” shall mean that portion of the City of Maquoketa, Iowa described in the Urban Renewal Plan for the 1990 Maquoketa, Iowa Industrial Development Urban Renewal Area approved by Resolution No. 90-18 on March 12, 1990 and amended in December 1990 and May 2000, which Original Project Area includes the lots and parcels located within the area legally described as follows:

All that part of the West Half of the Southwest Quarter of Section 20, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, lying South of Iowa Highway No. 64.

Northeast Quarter of the Northeast Quarter of Section 30, Township 84 North Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

East Half of the Southeast Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

West Half of the Southeast Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

The part of the East Half of the Southwest Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa described as follows to-wit:

Commencing at the Southeast Corner of said East Half of the Southwest Quarter of Section 19, thence West to a point of intersection with the East line of Dearborn Street; thence North along said East line of Dearborn Street to a point of intersection with the North line of Locust Street; thence West 316 feet more or less to a point in the center of Clark Street, thence North 900 feet to a point of 30 feet East of the Southeast corner of Lot 14, Block 9, Goodenow's 1st Addition to the City of Maquoketa, Jackson County, Iowa; thence West 158 feet to the Southwest Corner of said Lot 14, Block 9, Goodenow's 1st Addition; thence North 60 feet to the Northwest corner of said Lot 14, Block 9, Goodenow's 1st Addition; thence West 168 feet to a point of 40 feet West of the Southwest Corner of Lot 2, Block 9, said Goodenow's 1st Addition; thence North 150 feet to a point in the center of the intersection of Matteson Street and Pleasant Street in the City of Maquoketa, Iowa; thence East 169 feet to a point 30 feet South of the Southwest Corner of Lot 9, Block 2, Goodenow's 1st Addition; thence west 216 feet to the Northwest corner of Lot 11, Block 1, Goodenow's 1st Addition; thence North 180 feet to the Northwest corner of Lot 14, Block 1, Goodenow's 1st Addition; thence East 216 feet to the Northwest Corner of lot 3, Block 2, Goodenow's 1st Addition; thence North to a point of intersection with the North line of said East Half of the Southwest Quarter of said Section 19; thence East along said North Section line to the Northeast Corner of said East Half of the Southwest Quarter of said Section 19; thence South to the point of beginning, being the Southeast corner of said East Half of the Southwest Quarter of Section 109"

4. "Amendment No. 2 Area" shall mean that portion of the City of Maquoketa, Iowa described in Amendment No. 2 to the Urban Renewal Plan for the 1990 Maquoketa, Iowa Industrial Development Urban Renewal Area approved by Resolution No. 2000-43 on May 15, 2000, which Amendment No. 2 Area includes the lots and parcels located within the area legally described as follows:

The North half of the Southwest fractional quarter and commencing at the Northwest corner of the South Half of the Southwest quarter of Section Thirty One, thence East 31 rods, thence Southwesterly to a point 13 rods South of the point of beginning; also the South Half of the northwest fractional quarter of Section Thirty One, Township Eighty Four North, Range Three East of the Fifth Principal Meridian, Jackson County, Iowa, excepting therefrom a strip 5-1/3 rods on the East side therefrom. Also excepting commencing at the Northwest corner of the South Half of the Northwest Quarter of said Section Thirty One, thence South 51 rods, thence East 90 rods, thence North 51 rods, thence West 90 rods to the place of beginning also excepting those lands acquired for the highway right of way. Also excepting Parcel "E", in the Southwest Quarter of said Section 31, more particularly described as follows:

Commencing at the West Quarter corner of Section 31, Township 84 North, Range 3 East of the Fifth Principal Meridian, Jackson County, Iowa;

Thence North 01 degrees 29 minutes 50 seconds West, 482.87 feet along the Westerly line of the Northwest One-Quarter of said Section 31 to the Southerly line of the Northerly 51 rods of the Westerly 90 rods of the South One-Half of the Northwest One-Quarter of said Section 31;



Thence North 89 degrees 07 minutes 08 seconds East, 60.00 feet along the said Southerly line of the Northerly 51 rods of the Westerly 90 rods to the Easterly right of way line of former primary road No. U.S. 61 and the point of beginning;

Thence North 89 degrees 07 minutes 08 seconds East, 1425.00 feet along said Southerly line of the Northerly 51 rods of the Westerly 90 rods; to the Easterly line of said northerly 51 rods of the Westerly 90 rods;

Thence North 01 degrees 29 minutes 50 seconds West, 813.84 feet along said Easterly line of the Northerly 51 rods of the Westerly 90 rods to the Southwesterly right of way line of relocated U.S. Highway No. 61;

Thence-South 74 degrees 15 minutes 19 seconds East, 185.46 feet along said Southwesterly right of way line;

Thence South 62 degrees 08 minutes 27 seconds East, 438.88 feet along said Southwesterly right of way line;

Thence South 52 degrees 29 minutes 52 seconds East, 279.39 feet along said Southwesterly right of way line;

Thence South 33 degrees 32 minutes 33 seconds East, 378.40 feet along said Southwesterly right of way line to the Westerly line of the East 5-1/3 rods of the Southeast One-Quarter of the Southwest One-Quarter of said Section 31;

Thence South 01 degrees 48 minutes 43 seconds East, 1861.78 feet along said Westerly line of the East 5-1/3 rods to the Southerly line of the North One-Half of the Southwest One-Quarter of said Section 31;

Thence South 88 degrees 59 minutes 54 seconds West, 1858.73 feet along said Southerly line of the North One-Half of the Southwest One-Quarter to the Easterly line of Parcel "E" in the Southwest One-Quarter of said Section 31;

Thence North 01 degrees 29 minutes 50 seconds West, 924.94 feet along said Easterly line of Parcel "E" to the Northerly line of said parcel "E";

Thence South 89 degrees 07 minutes 13 seconds West 534.06 feet to the Easterly right of way line of former primary road No. U.S. No. 61;

Thence North 01 degrees 29 minutes 50 seconds West, 230.29 feet along said Easterly right of way line;

Thence North 23 degrees 17 minutes 55 seconds West, 53.85 feet along said Easterly right of way line ;

Thence North 01 degrees 29 minutes 50 seconds West, 584.87 feet along said Easterly right of way line to the point of beginning.

Full right-of-way for old Highway 61 from the city limits south to interchange of old Highway 61 and new Highway 61.

5. “Amendment No. 3 (also known as 2000 Amendment No. 2) Area” shall mean that portion if the City of Maquoketa, Iowa described in Amendment No. 3 to the Urban Renewal plan for the 1990 Maquoketa, Iowa Industrial Development Urban Renewal Area approved by Resolution No. 2000-76 on September 5, 2000, which Amendment No. 3 Area includes the lots and parcels located within the area legally described as follows:

a. Route of the 12”-16” water main loop. The proposed water main will connect to the existing 12’ water main at the west side of water tower in S. Vermont St. It will then turn east along Washington St. to S. 5th St., a distance of 800 feet. It will then go south along S. 5th St. a distance of 500 feet. It will then turn west for 150 feet into property owned by the Maquoketa School District (Maquoketa High School property). It will then go south 1000 feet in the Maquoketa School District property. It will then go east 150 feet to S. 5th St. It will then go south 500 feet along S. 5th St. to the south line of the NW ¼ of Section 25, T84N, R2E of the 5th Principal Meridian. It will then go east 1300 feet along the south line of the NW ¼ of Section 25, T84N, R2E of the 5th Principal Meridian to South Main Street (Jackson County 200th Avenue). It will then follow S. Main St. south to 17th Street (Jackson County), approximately 2600 feet. It will then follow 17th St. east to 211th St., approximately 2600 feet. It will then follow 211th St. south approximately 1100 feet. The water main will then continue south along the east line of the SE ¼ of the NW ¼ of Section 31, T84N, R3E of the Fifth Principal Meridian to the east line of the US Highway 61 Right of Way, approximately 400 feet. It will then cross the Highway 61 Right-of-Way in a normal (perpendicular) direction to the highway and enter the Highway 61 Industrial Park, a distance of approximately 350 feet.

b. The Hainstock Golf Course. The golf course is described as follows: Parcel NE part of the NE SW lying N of Road, consisting of 7 acres; NW SE consisting of 36.79 acres; SW SE excluding Parcel “E” in survey 1J-123, consisting of 20.73 acres; abandoned railroad ROW W ½ SE excepting that part of parcel “E” in survey 1J-123, consisting of 5.29 acres; NW NE excepting parcels “C” and “D” in survey 1J-124, consisting of 26.98 acres; parcel “D” NW NE in survey 1J-124, consisting of 2.64 acres; parcel “B” SW SE in survey 1I-141 consisting of 18.47 acres; and the east 600’ of the west 1128’ of the north 500’ and east 40’ of the west 528’ of SW SE;

Except for the following, which will comprise the Timber City Golf Housing Development, a housing subdivision and a separate tax-increment-financing district of its own:

#### TIMBER CITY GOLF ADDITION LEGAL DESCRIPTION

A part of the SE ¼ of Section 30, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa described as follows:

Commencing as a point of reference at the S ¼ corner of said Section 30; Thence N01°24'49"W along the west line of said SE ¼, 194.96 feet to the point of beginning;

Thence N01°24'49" along said west line, 423.29 feet;

Thence N90°00'00"E, 6.63 feet;

Thence NE-ly along an arc of 115.56 feet of a 175.74 foot radius curve to the right having a chord distance of 113.49 feet bearing N17°57'33"E;

Thence N36°47'50"E, 161.90 feet to the point of beginning;

Thence NE-ly along an arc of 21.48 feet of a 109.74-foot radius curve to the left having a chord distance of 21.45 feet bearing N31°11'23"E;

Thence N25°34'55"E, 65.12 feet;

Thence NE-ly along an arc of 161.50 feet of a 380.25-foot radius curve to the right having a chord distance of 160.28 feet bearing N37°44'58"E;

Thence N41°43'15"W, 156.02 feet;

Thence N27°05'27"W, 47.27 feet;

Thence N06°40'06"W, 82.62 feet;

Thence N05°56'09"E, 215.88 feet;

Thence N17°40'40"W, 205.02 feet;

Thence N42°01'03"E, 140.88 feet;

Thence S62°43'29"E, 341.97 feet;

Thence S29°27'07"E, 356.11 feet;

Thence S38°55'53"E, 260.09 feet;

Thence S14 degrees, 30'15"E, 205.46 feet;

Thence S80 degrees, 48'08"W, 250.80 feet;

Thence S72 degrees, 29'32"W, 197.12 feet;

Thence S58 degrees, 55'53"W, 250.80 feet;

Thence N26 degrees, 09'05"W, 109.26 feet;

Thence N53 degrees, 12'10"W, 66.00 feet to the point of beginning containing 11.08 acres.

c. The Marvin Heneke Farm. The farm is described as follows: The S  $\frac{1}{2}$  SW  $\frac{1}{4}$ , and all that part if the SW  $\frac{1}{4}$  Se  $\frac{1}{4}$  lying West of the center of the Public Road, all in Section 31, Township 84 North, Range 3 East of the 5th P.M., Jackson County, Iowa, EXCEPTING the following to-wit: Commencing at the Northwest corner of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 31; thence East 31 rods; thence southwest to a point 13 rods south of the place of beginning; thence North to the place of beginning; AND EXCEPT beginning at the Southwest corner of the SW  $\frac{1}{4}$  of Section 31; thence 450' North; thence 200' East; thence 450' South; thence 200' East to the point of beginning; AND EXCEPT a parcel of land located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  Se  $\frac{1}{4}$ ; All in Section 31, Township 84 North, Range 3 East of 5th P.M.

d. Route of MMEU's electrical line for its loop to the site. The interconnection point for the new electrical power lines will be in the proximity of the intersection of Myatt Drive (184th Ave) and 17th Street. The electrical lines will then proceed southward in the right-of-way of 184th Ave until it reached 1st Street (the Jackson-Clinton County Line Road.) The electrical lines will turn eastward on 1st street and head east using the right-of-way of 1st Street until the lines touch the Marvin Heneke Farm. MMEU will also use parts of the existing TIF district, especially the right-of-way of 200th Ave (Old Hwy 61) and other parts within the area in Amendment #2, including the right-of-way of the 1st Street that abuts the south boundary of the Heneke Farm.

6. Amended Project Area shall mean that portion of the City of Maquoketa, Iowa included within the Original Project Area and the Amendment No. 2 Area and the Amendment No. 3 Area, which Amended project Area includes the lots and parcels located within the area legally described as follows:

All that part of the West Half of the Southwest Quarter of Section 20, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, lying South of Iowa Highway No. 64.

Northeast Quarter of the Northeast Quarter of Section 30, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

East Half of the Southeast Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

West Half of the Southeast Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa.

The part of the East Half of the Southwest Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa described as follows to wit:

Commencing at the Southeast Corner of said East Half of the Southwest Quarter of Section 19, thence West to a point of intersection with the East line of Dearborn Street; thence North along said East Line of Dearborn Street to a point of intersection with the North line of Locust Street;

thence West 316 feet more or less to a point in the center of Clark Street, thence 900 feet to a point 30 feet East of the Southeast corner of Lot 14, Block 9, Goodenow's 1st Addition to the City of Maquoketa, Jackson County, Iowa; thence North 60 feet to the Northwest Corner of said Lot 14, Block 9, Goodenow's 1st Addition; thence West 168 feet to a point in the center of the intersection of Matteson Street and Pleasant Street in the City of Maquoketa, Iowa; thence East 169 feet to a point 30 feet south of the Southwest Corner of Lot 9, Block 2, Goodenow's 1st Addition; thence North 225 feet; thence West 128 feet; thence South 15 feet, thence west 216 feet to the Northwest Corner of Lot 11, Block 1, Goodenow's 1st Addition; thence North 180 feet to the Northwest corner of Lot 14, Block 1, Goodenow's 1st Addition; thence East 216 feet to the Northwest corner of Lot 3, Block 2, Goodenow's 1st Addition; thence North to a point of intersection with the North line of said East Half of the Southwest Quarter of said Section 19; thence East along said North Section line to the Northeast corner of said East Half of the Southwest Quarter of said Section 19; thence South to the point of beginning, being the Southeast corner of said East Half of the Southwest Quarter of Section 109"

The North half of the Southwest fractional quarter and commencing at the Northwest corner of the South Half of the South Half of the southwest Quarter of Section Thirty One, thence East 31 rods, thence Southwesterly to a point 13 rods South of the point of beginning, thence North 13 rods to the place of beginning; also the South Half of the Northwest fractional quarter of Section Thirty One, Township Eighty Four North, Range Three East of the Fifth Principal Meridian, Jackson County, Iowa, excepting therefrom a strip 5-1/3 rods on the East side therefrom. Also excepting commencing at the Northwest corner of the South Half of the Northwest Quarter of said Section Thirty One, thence South 51 rods, thence East 90 rods, thence North 51 rods, thence West 90 rods to the place of beginning also excepting those lands acquired for highway right of way. Also excepting Parcel "E", in the Southwest Quarter of said Section 31, more particularly described as follows:

Commencing at the West Quarter corner of Section 31, Township 84 North, Range 3 East of the Fifth Principal Meridian, Jackson County, Iowa;

Thence North 01 degrees 29 minutes 50 seconds West, 482.87 feet along the Westerly line of the Northwest One-Quarter of said Section 31 to the Southerly line of the Northerly 51 rods of the Westerly 90 rods of the South One-Half of the Northwest One-Quarter of said Section 31;

Thence North 89 degrees 07 minutes 08 seconds East, 60.00 feet along the said Southerly line of the Northerly 51 rods of the Westerly 90 rods; to the Easterly right of way line of former primary road No. U.S. 61 and the point of beginning;

Thence North 89 degrees 07 minutes 08 seconds East, 1425.00 feet along said Southerly line of the Northerly 51 rods of the Westerly 90 rods; to the Easterly line of said Northerly 51 rods of the Westerly 90 rods;

Thence North 01 degrees 29 minutes 50 seconds West, 813.84 feet along said Easterly line of the Northerly 51 rods of the Westerly 90 rods to the Southwesterly right of way line relocated U.S. Highway No. 61;

Thence South 74 degrees 15 minutes 19 seconds East, 185.46 feet along said Southwesterly right of way line;

Thence South 62 degrees 08 minutes, 27 seconds East, 438.88 feet along said Southwesterly right of way line;

Thence South 52 degrees 29 minutes, 52 seconds East, 279.39 feet along said Southwesterly right of way line;

Thence South 33 degrees 32 minutes 33 seconds East, 378.40 feet along said Southwesterly right of way line to the Westerly line of the East 5-1/3 rods of the Southeast One-Quarter of the Northwest One-Quarter and Northeast One-Quarter of the Southwest One-Quarter of said Section 31;

Thence South 01 degrees 48 minutes 43 seconds East, 1861.78 feet along said Westerly line of the East 5-1/3 rods to the Southerly line of the North One-Half of the Southwest One-Quarter of said Section 31;

Thence South 88 degrees 59 minutes 54 seconds West, 1858.73 feet along said Southerly line of the North One-Half of the Southwest One-Quarter to the Easterly line of Parcel "E" in the Southwest One-Quarter of said section 31;

Thence North 01 degrees 29 minutes 50 seconds West, 924.94 feet along said Easterly line of Parcel "E" to the Northerly line of said Parcel "E";

Thence South 89 degrees 07 minutes 13 seconds West 534.06 feet to the said Easterly right of way line of former primary road No. U.S. 61;

Thence North 01 degrees 29 minutes 50 seconds West, 230.29 feet along said Easterly right of way line;

Thence North 23 degrees 17 minutes 55 seconds West, 53.85 feet along said Easterly right of way line;

Thence North 01 degrees 29 minutes 50 seconds West, 584.87 feet along said Easterly right of way line to the point of beginning.

Full right-of-way for old Highway 61 from the City limits south to interchange of old Highway 61 and new Highway 61.

e. Route of the 12"-16" water main loop. The proposed water main will connect to the existing 12" water main at the west side water tower in S. Vermont St. It will then go south on S. Vermont St. to Washington St., a distance of 400 feet. It will then turn east along Washington St. to 5th St., a distance of 800 feet. It will then go south along S. 5th St. a distance of 500 feet. It will then turn west for 150 feet into property owned by the Maquoketa School District (Maquoketa High School property). It will then go south 1000 feet in the Maquoketa School District property. It will then go east 150 feet south to S. 5th St. It will then go south 500 feet along S. 5th St. to the

south line of the NW ¼ of Section 25, T84N, R3E of the 5th Principal Meridian. It will then go east 1300 feet along the south line of the NW ¼ of Section 25, T84N, R3E of the 5th Principal Meridian to South Main St. south to 17th Street (Jackson County 200th Avenue) It will then follow S. Main St. south to 17th Street (Jackson County), approximately 2600 feet. It will follow 17th St. east to 211th St., approximately 2600. It will then follow 211th St. south approximately 1100 feet, The water main will continue south along the east line of the SE ¼ of the NW ¼ of Section 31, T84N, R3E of the 5th Principal Meridian to the east line of the US Highway 61 Right-of-way, approximately 400 feet. It will then cross the Highway 61 Right-of-way in a normal (perpendicular) direction to the highway and enter the Highway 61 Industrial Park, a distance of approximately 350 feet.

f. The Hainstock Golf Course. The golf course is described as follows: Parcel NE part if the NE SW lying N of Road, consisting of 7 acres; NW SE consisting of 36.79 acres; SW SE excluding parcel "E" in Survey 1J-123, consisting of 20.73 acres; abandoned railroad ROW W ½ SE excepting that part of parcel "E" in survey 1L-123, consisting of 5.29 acres; NW NE excepting parcels "C" and "D" in survey 1J-124, consisting of 2.64 acres; parcel "B" SW SE in survey 1I-141, consisting of 18.47 acres; and the east 600' of the west 1128' of the north 500' and east 40' of the west 528' of SW SE;

Except for the following, which will comprise the Timber City Golf Housing Development, a housing subdivision and a separate tax-increment-financing district of its own:

#### TIMBER CITY GOLF ADDITION LEGAL DESCRIPTION

A part of the SE ¼ of Section 30, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa described as follows:

Commencing as a point of reference at the S ¼ corner of said Section 30; Thence N01°24'49"W along the west line of said SE ¼, 194.96 feet to the point of beginning;

Thence N01°24'49"W along said west line, 423.29 feet;

Thence 90°00'00"E, 6.63 feet;

Thence NE-ly along an arc of 115.56 feet of a 175.74-foot radius curve to the right having a chord distance of 113.49 feet bearing N17°57'33"E;

Thence N36 °47'50"E, 161.90 feet to a point if beginning;

Thence NE-ly along an arc of 21.48 feet of a 109.74-foot radius curve to the left having a chord distance of 21.45 feet bearing N31°11'23"E;

Thence N25°34'55"E, 65.12 feet;

Thence NE-ly along an arc of 161.50 feet of a 380.25-foot radius curve to the right having a chord distance of 160.28 feet bearing N37°44'58"E;

Thence N41°43'15"W, 156.02 feet;

Thence N27° 05'27"W, 47.27 feet;

Thence N06°40'06"W, 82.62 feet;

Thence N05°56'09"E, 215.88 feet;

Thence N17°40'40"W, 140.88 feet;

Thence N42°01'03"E, 341.97 feet;

Thence S29°27'07"E, 356.11 feet;

Thence 38°55'53"E, 260.09 feet;

Thence S14 degrees, 30'15"E, 205.46 feet;

Thence S80 degrees, 48'08"W, 250.80 feet;

Thence S72 degrees, 29'32"W, 197.12 feet;

Thence S58 degrees, 55'53"W, 250.80 feet;

Thence N26 degrees, 09'05"W, 109.26 feet;

Thence N53 degrees, 12'10"W, 66.00 feet to the point of beginning containing 11.08 acres.

g. The Marvin Heneke Farm. The farm is described as follows: The S ½ SW ¼, and all that part of the SW ¼ SE ¼ lying West of the center of the Public Road, all in Section 31, Township 84 North, Range 3 East of the 5th P.M., Jackson County, Iowa, EXCEPTING the following to-wit: Commencing at the Northwest corner of the SW ¼ SW ¼ of said Section 31; thence East 31 rods; thence Southwest to a point of 13 rods South of the place of beginning; thence North to the place of beginning; AND EXCEPT beginning at the Southwest corner of the SW ¼ of Section 31; thence 450' North; thence 200' East; thence 450' South; thence 200 East to a point of beginning; AND EXCEPT a parcel of land located in the SE ¼ SW ¼ and the SW ¼ SE ¼; All in Section 31, Township 84 North, Range 3 East of the 5th P.M.

h. Route of MMEU's electrical line for it's loop to the site. The interconnection point for the new electrical power lines will be in the proximity of the intersection of Myatt Drive (184th Ave) and 17th St Street. The electrical lines will then proceed southward in the right of way of 184th Ave until it reaches 1st Street (the Jackson Clinton County Line Road.) The electrical lines



will turn eastward on 1st Street and head east using the right-of-way of 1st Street until the lines touch at the Marvin Heneke Farm. MMEU will also use parts of the existing TIF district, especially the right-of-way of 200th Ave (Old Hwy 61) and other parts within the area in Amendment #2, including the right of way of the 1st Street that abuts the south boundary of the Heneke Farm.

## 2-30B-3 PROVISIONS.

1. The taxes levied on the taxable property in the Amended Project Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, City of Maquoketa, County of Jackson, Maquoketa Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

2. As to the Original Project Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the original Project Area upon the total sum of the assessed value of the taxable property in the Original Project Area as shown on the assessment roll as of January 1, 1989, being the first day of the calendar year preceding the effective date of Ordinance Nos. 727 and 739, shall be allocated to and when collected be paid in to the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As to Amendment No. 2 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1999, being the assessment roll applicable to property in such area as January 1 of the calendar year preceding the effective date of Ordinance No. 935.

As to Amendment No. 3 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance No. 935.

3. That portion of the taxes each year in excess of the base period taxes for the Amended Project Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Maquoketa to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of Maquoketa, Iowa to finance or refinance, in whole or part, urban renewal projects undertaken within the Amended Project Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Amended Project Area without any limitations as hereinabove provided.

4. Unless or until the total assessed valuation of the taxable property in the areas of the Amended Project Area exceeds the total assessed value of the taxable property in said areas shown by the assessment rolls referred to on Section 3 of this Ordinance, all of the taxes levied and

collected upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts in the same manner as all other property taxes.

5. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Maquoketa referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Original Project Area under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance No. 935, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect the division of taxes from property within the Amendment No. 1 Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to full invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Project Area and the territory contained therein.

(Ord. No. 942, 10-02-00)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 30 C WEST PLATT STREET URBAN RENEWAL PROJECT AREA

2-30C-1	PURPOSE	2-30C-3	PROVISIONS FOR
2-30C-2	DEFINITIONS		DIVISIONS OF TAXES

2-30C-1 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes on the taxable property in the West Platt Street Urban Renewal Project Area of the City of Maquoketa, Iowa, each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, monies advanced to or indebtedness, including bonds proposed to be issued by the City of Maquoketa to finance in such area.

2-30C-2 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. "City" shall mean the City of Maquoketa, Iowa.
2. "County" shall mean the County of Jackson, Iowa.

#### URBAN RENEWAL AREA: COMMERCIAL PROPERTY DESCRIPTIONS

##### DIRK MARCUCCI- 18298 HWY 64

Commencing at the Southeast Corner of the Northeast Quarter of Section 23, Township 84 North, Range 2 East of the Fifth Principal Meridian; thence North 33 feet to the point of beginning; thence North 201 feet along the Section Line; thence West 165.7 feet; thence South 201 feet; thence East 165.7 feet to the point of beginning, containing .76 acres, more or less.

Subject to Easements of record, including but not limited to the Easements recorded in Book NN, page 96 and 98; and also subject to the rights of the Public in all highways.

Part of the SE ¼ NE ¼ of Sec. 23, T84N, R2E of the 5th P.M. in the City of Maquoketa, Jackson County, Iowa,

Beginning at the E ¼ corner of the said Sec. 23; thence S 89°26'50"W, 165.59 ft. (165.70 ft. record) along the south line of the NE ¼ of said Sec. 23; thence N 00°39'35"W, 53.14 ft; thence N 78°48'46"E, 115.72 ft; thence N 83°47'28"E, 52.97 ft. to the east line to the Point of Beginning; containing 11,290sq.ft., of which 8,168sq.ft. are within existing road right of way.

Basis of Bearings: The south line of the NE ¼ of said Sec. 23 is assumed to bear S89°26'50"W for the purpose of this description.

And:

Commencing at the E ¼ Corner of said Sec. 23; thence N00°00'24"W, 172.54ft. along the east line of the NE ¼ of said Sec. 23, to the Point of Beginning; thence N18°05'09"W, 64.45ft.; thence N89°26'50"E, 20.00ft. to the said east line; thence S00°00'24"E, 61.46 ft. along said east line, to the Point of Beginning; containing 615sq.ft.

Basis of Bearings: The east line of the NE ¼ of Said Sec. 23 is assumed to bear N00°00'24"W for the purpose of this description.

JEANETTE MESSERLI – 18343 HWY 64

The West half of Northwest Quarter of the Southwest Quarter of Section Twenty Four; and commencing at the Northeast Corner of land formerly owned by E.K. Wesner, which was conveyed to him by Robert Williams and wife, December 12, 1989, and which Deed is recorded in Deed Records of Jackson County, Iowa, in Book 55, Page 363; and running thence East to the corner of Section Twenty Four; thence South on the West side of Section 24 to the Corner of the Northwest Quarter of the Southwest Corner of said Section 24; thence West to the land so sold to said E.K. Wesner; thence North along the line of said E.K. Wesner's land to the place of beginning, and being in Township Eight Four North, Range Two, East of the Fifth Principal Meridian, Jackson County, Iowa, consisting of 29 acres, more or less.

EXCEPTING THEREFROM 6.1 acres condemned for Highway purposes in Book J, Page 523.

SUBJECT to Easements of Record, Rights of the public in All Highways, and Access Agreements, if any.

PATTY J. MCNABB AND MONA K. REICHLING – 1021 WEST PLATT

There is no actual consideration for this transfer and therefore it is exempt from tax transfer tax and the filing of a Declaration of Value.

The Following described real estate, situated in Jackson County, Iowa, to wit:

The West One-Half (W ½) of the East One-Half (E ½) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼); also conveying the North three-fourths (N ¾) of the East One-half (E ½) of the East One-half (E ½) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼); all in Section Twenty Four (24) Township Eight-four (84) North, Range Two (2), East of the Fifth Principal Meridian. (Warranty Deed recorded in Book 91, Page 176.)

EXCEPTING THEREFROM a parcel of land conveyed to "First Methodist Episcopal Church of Maquoketa, Iowa", a Corporation, by Warranty Deed dated March 21, 1958, and recorded March 28, 1958, in Book 94, Page 51, described as:

A parcel of land in the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Twenty Four (24), Township Eight-Four (84) North, Range Two (2) East of Fifth Principal Meridian, in the City of Maquoketa, Jackson County, Iowa, more particularly described as follows:

Commencing at a point on the center line of West Platt Street, 300 feet West of the West line of Western Avenue, according to Official Recorded Plat of the City of Maquoketa, Jackson County, Iowa; thence South 825 feet to the point of beginning; thence West 655 feet to the East Boundary Line of the Hamilton Property; thence South 495 feet, thence East 330 feet; thence North 330 feet; thence East 330 feet; thence North 165 feet to the point of beginning, containing 5 acres, more or less.

And Also EXCEPTING THEREFROM the premises conveyed to the Iowa State Highway Commission, by Warranty Deed recorded June 7, 1966, in Book 104, Page 100m of the records in the Office of the Recorder of Jackson County, Iowa.

GLENN J. & LOIS J, KARPINSKE

The West Half of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 24, Township 84 North, Range 2 East of the 5th Principal Meridian, Jackson County, Iowa, except the East 30 feet thereof; which is half of the Western Avenue; also excepting the following:

Commencing at a point on the West line of Western Avenue 300 feet south of the centerline of West Platt Street; thence West 120 feet; thence South 360 feet; thence East 120 feet to the West line of Western Avenue; thence North along the West line of Western Avenue to the point of beginning.

Also excepting 2976 square feet conveyed to the State of Iowa for highway purposes, by Warranty Deed recorded in Book 103, Page 541.

Also excepting a part of the West Half of the Northwest quarter of the Northeast Quarter of the Southwest Quarter of Section 24, Township 84 North, Range 2 East of the Fifth Principal Meridian, in the City of Maquoketa, Jackson County, Iowa, more particularly described as follows:

Commencing at a point of reference at the West Quarter Corner of said Section 24; thence North 90 degrees 00 minutes 00 seconds East 1589.20 feet along the North line of Southwest Quarter of said Section 24 to a point of intersection with the westerly right of way extended of Western Avenue; thence South 1 degrees 17 minutes 12 seconds West 33.01 feet to the point of beginning; thence South 1 degrees 17 minutes 112 seconds West 267.30 feet along the Westerly right of way line of Western Avenue to the North line of the tract described in Warranty Deed Book 141 Page 160 in the Jackson County Recorder's Office; thence North 89 degrees 42 minutes 08 seconds West 160.00 feet; thence north 1 degree 17 minutes 12 seconds East 266.47 feet to a point of intersection with the Southerly right of way line of Platt Street (also Iowa Highway No.64.); thence North 90 degrees 00 minutes 00 seconds East 160.00 feet along said right of way line to the point of beginning.

The area of the above described exception is 0.980 acres more or less and is subject to easements of record.

#### ROTMAN MOTORS – 921 WEST PLATT STREET

Lots 1,2 and 3 in Thomas Subdivision of the West Half of the East 10 acres of the West Half of the Northeast Quarter of the Southwest Quarter of Section 24 in Township 84 North, Range 2 East of the 5th P.M.; in the City of Maquoketa, Jackson County, Iowa and according to the Plat recorded in Book T, page 315, Deed Records of Jackson County, Iowa.

This Deed, without actual consideration, confirms and supplements that certain Deed from Rotman and Rotman, a partnership, to Carl J. Rotman, as Trustee under the Declaration of Trust dated April 3, 1997, said Deed dated October 5, 1998 and filed October 6, 1998 as File No. 98-3629 in the Office of the Jackson County Recorder; and therefore, this Deed is exempt from real estate of transfer tax and the filing of a Declaration of Value and Groundwater Hazard Statement pursuant to Section 428A.2(10) of the Code of Iowa.

#### ROTMAN MOTORS – 913 WEST PLATT STREET

The East five (5) acres of the West Half (W ½) of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Twenty- four (24), Township Eight- Four (84) North, Range Two (2) East of the 5th Principal Meridian, Jackson County, Iowa, excepting therefrom the South 900 feet thereof.

#### ROTMAN MOTORS – 913 WEST PLATT

The West 163 feet if the North 300 feet of Green Acres Subdivision of Out Lot 54 in the City of Maquoketa, Jackson County, Iowa; subject to easements of record, including the easement reserved by the City of Maquoketa in the Quit Claim Deed dated March 5, 1990 recorded in Book 156 at Page 168.

#### 10 FASTRAKS, INC. – 916 W PLATT STREET

#### TRACT I

Commencing at the Southwest corner of the following described real estate, to-wit:

The East 7/16 of the East Half of the Northwest Quarter of Section 24. Township 84 North, Range 2, East of the 5th Principal Meridian; Jackson County, Iowa, except the East 10 acres thereof, subject to public highways and easements of record, thence north on the West line thereof 143 feet, thence East 75 feet, thence South 143 feet to the South line of the above described premises, thence West along said South line 75 feet to the place of beginning.

Subject to and reserving all rights of easements of record.

#### TRACT II

Commencing at the Southwest corner of the following described real estate, to-with:

The East seven sixteenths of the east Half of the Northwest Quarter of Section 24, Township 84 North, Range 2, East of the 5th Principal Meridian, Jackson County, Iowa, except the East 10 acres thereof:

Thence North on the West line thereof 143 feet to the point of beginning, thence North along said West line 100 feet, thence East 150 feet, thence South 100 feet, thence West 150 feet to the point of beginning.

The above described real estate may also be described as Lot 46 as shown on the plat of River Front Addition to the City of Maquoketa, Jackson County, Iowa; said Plat being recorded September 26, 1967 in Plat Book 1A, Page 165.

### TRACT III

Commencing at the Southwest Corner of the Northwest Quarter of Section 24, Township 84 North, Range 2 East of the 5th Principal Meridian, Jackson County, Iowa, thence East on the south line thereof 2035.6 feet; thence north 502.1 feet along the East line of the following described real estate to with:

The West 10 acres of the East 45 acres of the East Half to the Northwest Quarter of Section 24, Township 84 North, Range 2, East of the 5th Principal Meridian, Jackson County, Iowa, excepting therefrom all that part thereof being and lying North of the Maquoketa River; to a point, said point being the Southeast Corner of survey by J.G. Thorne dated November 28, 1069 and recorded in Book 1-B, Page 143 in the Office of the Jackson County Recorder, thence West along the South line of said survey 170 feet, thence South 265 feet to the point of beginning, thence South 204.1 feet, thence East 170 feet, thence North 356.1 feet, thence Southwesterly to the point of beginning.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Maquoketa, Iowa in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Maquoketa, Iowa desires to provide for the division of revenue from taxation in the Urban Renewal Project Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

2-30C-3 PROVISIONS OF DIVISIONS. After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Project Area is located, shall be divided as follows:

1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Maquoketa, County of Jackson, Maquoketa Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the

taxable property in the Urban Renewal Project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Maquoketa certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Maquoketa, Iowa hereby established, to pay the principal of and interest in loans, monies advanced to indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of section 403.9 or 403.12 of the Code of Iowa, as amended, incurred, by the City of Maquoketa, Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Project Area pursuant to the Urban Renewal Plan, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Urban Renewal Project Area without any limitation as herein above provided.

4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes.

5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Maquoketa, Iowa referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Project Area as described above. In the Event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Project Area and the territory contained therein.

(Ord. No. 933, 5-8-01)



## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 30D HAINSTOCK HOUSING DEVELOPMENT PROJECT URBAN RENEWAL PROJECT AREA

2-30D-1	PURPOSE	2-30D-3	PROVISIONS FOR
2-30D-2	DEFINITIONS		DIVISION OF TAXES

2-30D-1 PURPOSE. The purpose of this Ordinance is to provide the division of taxes on the taxable property in the Hainstock Housing Development project Urban Renewal Project Area of the City of Maquoketa, Iowa each year for the benefit of the State, City, County, school districts and other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Maquoketa to finance projects in such area.

2-30D-2 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. “City” shall mean the City of Maquoketa, Iowa
2. “County” shall mean the County of Jackson, Iowa

#### HAINSTOCK HOUSING DEVELOPMENT AREA

Legal Description of the Timber City Golf Addition Housing Subdivision:

A part of the SE ¼ of Section 30, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa described as follows:

Commencing as a point of reference at the S ¼ corner of said Section 30;

Thence N01°24’49”W along the west line of said SE ¼, 194.96 feet to the point of beginning;

Thence N01°24’49”W along the west line, 423.29 feet;

Thence N90°00’00”E, 6.63 feet;

Thence NE-ly along an arc of 115.56 feet of a 175.74-foot radius curve to the right having a chord distance of 113.49 feet bearing N17°57’33”E;

Thence N36°47’50”E, 161.90 feet tot the point of beginning;

Thence NE-ly along an arc of 21.48 feet of a 109.74-foot radius curve to the left having a chord distance of 21.45 feet bearing N31°11'23"E;

Thence N25°34'55"E, 65.12 feet;

Thence NE-ly along an arc of 161.50 feet of a 380.25-foot radius curve to the right having a chord distance of 160.28 feet bearing N37°44'58"E;

Thence N41°43'15"W, 156.02 feet;

Thence N27°05'27"W, 47.27 feet;

Thence N06°40'06"W, 82.62 feet;

Thence N05°56'09"E, 215.88 feet;

Thence N17°40'40"W, 205.02 feet;

Thence N42°01'03"E, 140.88 feet;

Thence S62°43'29"E, 341.97 feet;

Thence S29°27'07"E, 356.11 feet;

Thence S38°55'53"E, 260.09 feet;

Thence S14 degrees, 30' 15"E, 205.46 feet;

Thence S80 degrees, 48'08"W, 250.80 feet;

Thence S72 degrees, 29'32"W, 197.12 feet;

Thence S58 degrees, 55'53"W, 250.80 feet;

Thence N53 degrees, 12'10"W, 66.00 feet to the point of beginning containing 11.08 acres.  
Also including adjacent streets and right-of-ways.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Maquoketa, Iowa in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Maquoketa, Iowa desires to provide for the division or revenue from taxation in the urban Renewal project Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

2-30D-3 PROVISIONS FOR DIVISION OF TAXES. After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Project Area each year by and for the benefit of the State of Iowa, The City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Maquoketa, County of Jackson, Maquoketa Community School District, and all other taxing districts from and after the effective date of this ordinance shall be divided as hereinafter in this Ordinance provided.

2. That portion if the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing DISTRICTS UPON THE TOTAL SUM OF ASSESSED VALUE OF THE TAXABLE PROPERTY IN THE Urban Renewal project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Maquoketa certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by and for the taxing district into which all other property taxes are paid.

3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Maquoketa, Iowa hereby established, to pay the principal of and interest on loans, monies advances to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.112 of the Code of Iowa, as amended, incurred by the City of Maquoketa, Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal project Area pursuant to the Urban Renewal plan, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Urban Renewal Project Area without any limitation as herein above provided.

4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes.

5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Maquoketa, Iowa referred to in Section 3 hereof have been paid. Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

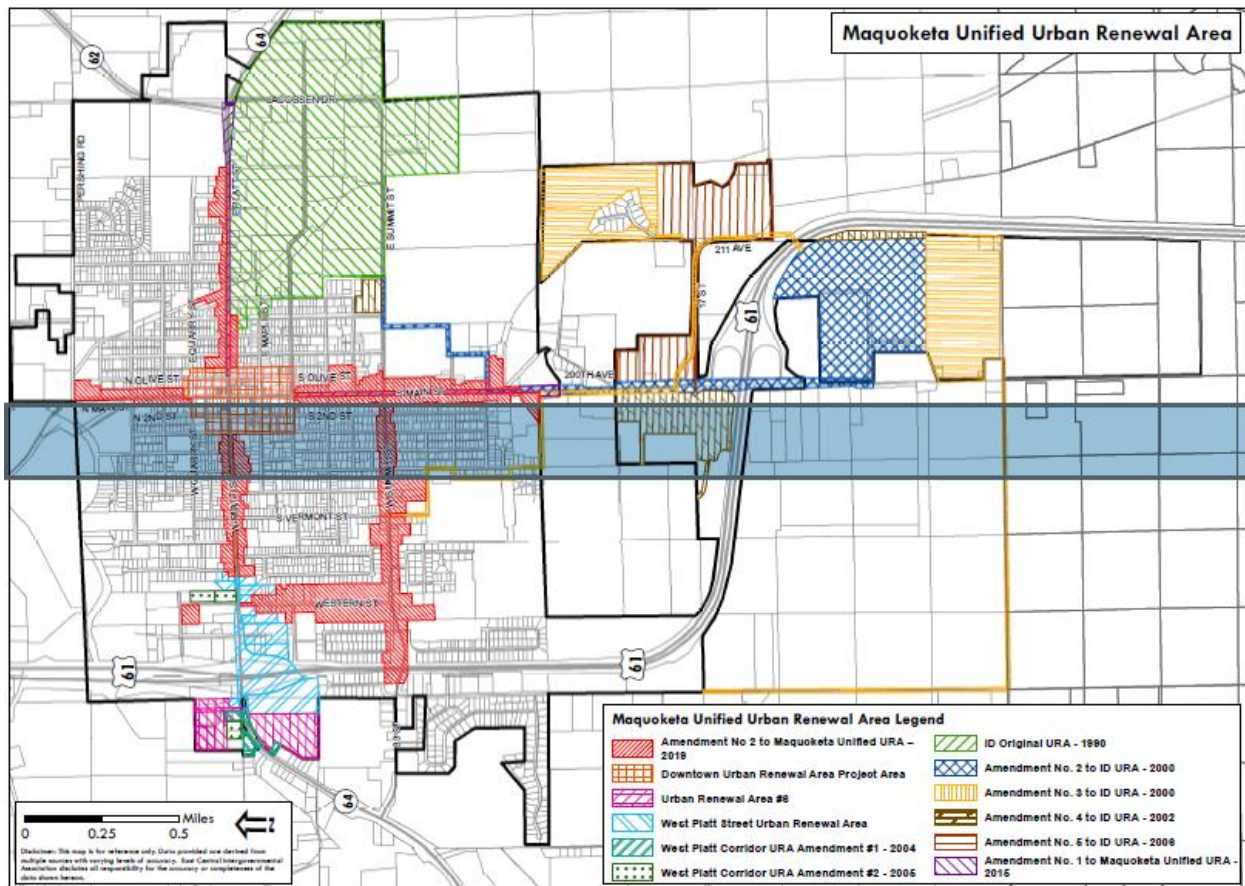
All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal project Area as described above. In the Event that any provision of this Ordinance shall be determined to be contrary to the law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Project Area and the territory contained therein.

(Ord. No. 943, 10-02-00)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 30E MAQUOKETA AMENDED AND RESTATED UNIFIED URBAN RENEWAL AREA

2-30E-1	PURPOSE	2-30E-4	TAXES
2-30E-2	TAXES LEVIED	2-30E- 5	ASSESSED VALUE
2-30E-3	1990 INDUSTRIAL DEVELOPMENT URBAN RENEWAL AREA	2-30E-6	MONIES PAID
		2-30E-7	PREVIOUS ORDINANCES
		2-30E-8	ORDINANCE IN EFFECT



WHEREAS, indebtedness has been incurred by the City, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the Maquoketa Amended and Restated Unified Urban Renewal Area, and the continuing needs of redevelopment within the Maquoketa Amended and Restated Unified Urban Renewal Area are such as to require the continued application of the incremental tax resources of the Maquoketa Amended and Restated Unified Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAQUOKETA, STATE OF IOWA, THAT:

Ordinance Number(s) 727, 739, 851, 910, 912, 933, 935, 942, 945, 971, 997, 1018, and 1026 are hereby amended to read as follows:

2-30E-1 PURPOSE. Due to the voluminous legal descriptions for the Maquoketa Amended and Restated Unified Urban Renewal Area, this Ordinance has been summarized for publication. Please see the map set out above in lieu of the complete legal descriptions of the property comprising the "Amended Area". A copy of the entire Ordinance containing the complete legal descriptions may be inspected at the City Clerk's Office.

2-30E-2 TAXES LEVIED. The taxes levied on the taxable property in the Amended Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Jackson, Iowa, Maquoketa Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

2-30E-3 1990 INDUSTRIAL DEVELOPMENT URBAN RENEWAL AREA. As to the 1990 Industrial Development Urban Renewal Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Area upon the total sum of the assessed value of the taxable property in the Area as shown on the assessment roll as of January 1, 1989, being January 1 of the calendar year preceding the effective date of Ordinance Nos. 727 and 739, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As to Amendment No. 2 to the Industrial Development Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1999, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 935.

As to Amendment No. 3 to the Industrial Development Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1999, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 942.

As to Amendment No. 4 to the Industrial Development Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2001, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 971.

As to Amendment No. 5 to the Industrial Development Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2005, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 1026.

As to the Urban Renewal Area #6 Original Project Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1994, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 851.

As to Amendment No. 1 to Urban Renewal Area #6 Project Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1997, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 912.

As to the Downtown Urban Renewal Area Original Project Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1997, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the first calendar year in which the City certified to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described in Ordinance No. 910.

As to the West Platt Street Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1999, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the first calendar year in which the City certified to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described in Ordinance No. 933.

As to the West Platt Corridor Urban Renewal Project Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2003, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 997.

As to the Amendment No. 2 to the West Platt Corridor Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2004, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 1018.

As to the Unified Amendment No. 1 Subarea, only non-taxable right-of-way were included in the Unified Urban Renewal Area and base period taxes will not be affected.

As to the Unified Amendment No. 2 Subarea, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2018, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

2-30E-4 TAXES. That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Maquoketa, State of Iowa, to pay the principal of and interest on loans,

monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of Maquoketa, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

2-30E- 5 ASSESSED VALUE. Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

2-30E-6 MONIES PAID. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Maquoketa, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

2-30E-7 PREVIOUS ORDINANCES. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the 1990 Industrial Development Area, the Urban Renewal Area #6 Area, the Downtown Area, the West Platt Corridor Area, the Unified Amendment No. 1 Subarea, and the Unified Amendment No. 2 Subarea under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance Nos. 739, 851, 910, 933, 935, 942, 945, 971, 997, 1018, and 1026, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amended Area as described above. Notwithstanding any provisions in any prior Ordinances or other documents, the provisions of this Ordinance and all prior Ordinances relating to the Unified Urban Renewal Area, as amended, shall be construed to continue the division of taxes from property within the Area to the maximum period of time allowed by Section 403.19 of the Code of Iowa. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Area and the territory contained therein.

2-30E-8 ORDINANCE IN EFFECT. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

(Ord. 1151, Passed 2019)



## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 31 FORFEITED PROPERTY

2-31-1	PURPOSE	2-31-4	NOTIFICATION TO STATE
2-31-2	DEFINITIONS		IOWA
2-31-3	CONTROL OF FORFEITED	2-31-5	ACCOUNTING OF FUNDS
	PROPERTY	2-31-6	DISPOSITION OF WEAPONS
			AND CONTROLLED
			SUBSTANCES

2-31-1 PURPOSE. The purpose of this Ordinance is to provide for a method of depositing cash proceeds of forfeited property into an account separate from the general funds of the City of Maquoketa to provide for the use of forfeited property that is not converted to cash and to provide guidelines for the expenditure in use of forfeited property.

2-31-2 DEFINITIONS. "Forfeited Property" means property which was illegally processed or which was used or was intended to be used to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense or property which was acquired from the proceeds of a criminal offense which property was taken or held by a law enforcement agency and which after procedures outlined in Chapter 809 of the Code of Iowa was ordered or was found by the Court to be forfeited property.

(Ord. 793, 7-20-92)

2-31-3 CONTROL OF FORFEITED PROPERTY. The City Chief of Police and the City Manager shall have control over forfeited property in the City of Maquoketa. The City Chief of Police and the City Manager shall take all steps necessary to convert the use of forfeited property to a purpose that enhances law enforcement in Maquoketa, Iowa, and these steps shall include creating an account for the deposit of cash obtained through forfeiture of property and from the sale of forfeited property. These steps shall also include the arrangements for use of forfeited property not converted to cash by the Maquoketa Police Department.

2-31-4 NOTIFICATION TO STATE OF IOWA. The City Manager and the Chief of Police shall immediately communicate the fact of having forfeited property to the Attorney General of the State of Iowa and shall arrange for the delivery of that property to the Attorney General of the State of Iowa should the Attorney General request delivery. In addition, the City Manager and the Chief of Police shall take steps to obtain the written authorization of the Iowa Attorney General for the disposition of seized property and shall remit to the Attorney General of the State of Iowa 10% of all sums obtained in the form of forfeited cash or from the sale of forfeited property.

2-31-5 ACCOUNTING OF FUNDS. The proceeds of the sale of forfeited property and of forfeited cash shall be used by the Maquoketa Police Department for the enhancement of the Maquoketa Police Department. The City Manager and the Chief of Police shall annually make an accounting of funds spent and funds retained to the City Council of Maquoketa, Iowa.

2-31-6 DISPOSITION OF WEAPONS AND CONTROLLED SUBSTANCES. It shall be the duty of the Chief of Police to dispose of controlled substances and weapons forfeited to the Maquoketa Police Department in the manner provided at Chapter 809.13 of the Code of Iowa. The Chief of Police shall dispose of other forfeited property according to the rule referred to in Chapter 809.13 and 809.14.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 32 PARKS COMMISSION

2-32-1	PARKS COMMISSION JURISDICTION AND PURPOSE	2-32-6	EMPLOYEES
2-32-2	TERMS, APPOINTMENTS , VACANCIES	2-32-7	GIFTS
2-32-3	ORGANIZATION	2-32-8	ACQUISITION OF LAND
2-32-4	BUDGET	2-32-9	SALE OR LEASE OF PROPERTY
2-32-5	REPORTS	2-32-10	RULES
		2-32-11	PENALTIES

2-32-1 PARKS COMMISSION JURISDICTION AND PURPOSE. Subject to City Council approval, Parks Commission shall advise the City on the management of all City parks and shall develop policies for the management of City parks.

2-32-2 TERMS, APPOINTMENTS, VACANCIES.

1. The Commission shall consist of five (5) Commissioners, appointed by the City Council, who shall be non-elected citizens. There shall be one member of the Maquoketa City Council, appointed by the Mayor, to serve as a non-voting member of the Commission.

2. Terms of offices shall be three (3) year terms, staggered. The non-voting council position shall be a term as designated by the Mayor.

3. Vacancies shall be filled as needed with terms of expiration of vacant position remaining the same.

2-32-3 ORGANIZATION. At its first meeting the Commission shall adopt organizational rules governing the conduct of Commission business such as notice of meetings, agenda, quorum for business, rules of order, and the election of a Chairperson Pro-Tem; and, shall elect a Chairperson and a Secretary for the following duties:

1. Chairperson shall preside at all Commission meetings.

2. Secretary shall be responsible for taking of Commission minutes, turning same in to the City administration office for disbursement to Council and permanent record keeping. At subsequent meetings, the Commission shall adopt rules for the use of and conduct at City parks. The Commission shall also adopt sanctions for violations of its rules.

2-32-4 BUDGET. The Parks Commission shall receive a fiscal budget from the City. The breakdown within that budget of revenues and expenditures shall be subject to Council approval during the budget process. All revenues and expenditures will be received and disbursed within the City Budget system. All expenditures over \$1,000 shall be authorized by the City Council

before being expended. All expenditures under \$500 shall be authorized by the Commission. Expenditures up to \$1,000 shall be authorized by the City Manager.

2-32-5 REPORTS. The Secretary shall, in addition to providing minutes of meetings to City Administration for Council disbursement, make written reports of its activities as it deems advisable or upon Council request.

2-32-6 EMPLOYEES. The Parks Commission shall not have employees and shall not manage City employees; however, the City Manager shall consult with the Parks Commission regarding work to be accomplished at City parks and facilities and events and the City Manager shall assign City employees to provide services to the Parks Commission if the City Manager, in his/her discretion, decides it is necessary.

2-32-7 GIFTS. All gifts, donations and bequests that may be made to the City for the purpose of establishing, increasing, or improving the parks and their facilities shall be administered by the Commission and expended subject to the \$500 authorization required under 2-32-4.

2-32-8 ACQUISITION OF LAND. With the consent of the City Council the Commission may initiate the acquisition of real estate inside or outside the City for park purposes by donation, lease or purchase. However, condemnation proceedings shall be instituted and maintained by the City of Maquoketa. Title to all real estate for or managed by the Commission shall be held in the name of the City of Maquoketa.

2-32-9 SALE OR LEASE OF PROPERTY. The Commission may sell, subject to the approval of the Council, exchange, or lease any real estate acquired by it which in its discretion is unfit, not desirable, unnecessary, or not required for park purposes.

2-32-10 RULES. The Commission shall have power to make rules and regulations for the use of parks or their recreational facilities, subject to the approval of the rules by the Council. Such rules shall either be posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

2-32-11 PENALTIES. Violation of any Board of Park Commissioners rules regarding use of parks or conduct of parties either in the parks or at any Park Board sponsored activity shall be grounds for imposition of sanctions by the Parks Board of Commissioners; but, any such sanction may be appealed to the entire City Council for their review and decision. The City Council decisions regarding sanctions shall be final.

(Ord. 834, 6-6-94)

(Ord. 1103, 6-4-12)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 33 BOARDS, COMMISSIONS AND AUTHORITIES

#### 2-33-1 BOARDS, COMMISSIONS AND AUTHORITIES

#### 2-33-3 RESIGNATIONS DURING TERM

#### 2-33-2 PURPOSE

2-33-1 BOARDS, COMMISSIONS, AND AUTHORITIES. The following Boards, Commissions and Authorities are designated with number of members, terms of office and type of appointments as indicated:

	<u>Commission</u>	<u>Number</u>	<u>Term</u>	<u>Appointment</u>
1.	Airport Commission	5	5	Council
2.	Planning and Zoning Commission	7	5	Council
3.	Zoning Board of Adjustment	5	5	Council
4.	Housing Authority	7	2	Council
5.	Library Board of Trustees	9	6	Mayor
6.	Civil Service Commission	3	6	Council
7.	Housing Rehabilitation Committee	6	1	Council
8.	Cable Commission	5	2	Mayor
9.	Utility Board of Trustees	5	6	Mayor
10.	Historic Preservation Commission	5	3	Mayor
11.	Parks and Recreation Commission	5	3	Council
12.	Tree Board	5	3	Mayor

2-33-2 PURPOSE. The purpose and duties of these bodies are covered in specific Chapters of this Ordinance Code. In addition, members should put aside personal, or self-centered positions and advocate the best long-range ideas for the Community as a whole.

2-33-3 RESIGNATIONS DURING TERM. Members are expected to attend meetings called by the Chairperson and contribute their ideas. Members may resign prior to completing a term by a written statement to the City Clerk. Members who miss three (3) consecutive meetings within a year shall be considered to have resigned from their appointed position and the effected Chairperson may request the so vacated position to be filled.

(Ord. 857, 7-10-95)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 34 TAX INCENTIVES TO HOMEOWNERS IN MAQUOKETA

This program began on May 20, 1998 and expired after five years on May 20, 2003. Any person receiving this incentive before the termination date will continue until the limits, as previously defined, are reached.

(Ord. 894, Passed May 18, 1998)

TITLE III COMMUNITY PROTECTION  
CHAPTER 1 OFFENSES

3-1-1	VIOLETION OF CHAPTER AND PENALTY	3-1-7	POSSESSION OF OPEN CONTAINERS
3-1-2	PUBLIC PEACE	3-1-8	INDECENT EXPOSURE
3-1-3	DISORDERLY CONDUCT	3-1-9	NOISE DISTURBANCE
3-1-4	FAILURE TO DISPERSE	3-1-10	CURFEW
3-1-5	UNLAWFUL ASSEMBLY	3-1-11	DRUG PARAPHERNALIA
3-1-6	DISCHARGING FIREARMS	3-1-12	LITTERING PROHIBITED

3-1-1 VIOLETION OF CHAPTER AND PENALTY. Commission of any of the acts named in the following Sections by any person shall constitute a violation of this Chapter and shall be a municipal infraction. The penalty for a conviction of a violation of these acts shall be as set forth in Ordinance 1-3-1.

(Ord. 991, Passed April 19, 2004)

(Ord. 1142, Passed June 2, 2018)

3-1-2 PUBLIC PEACE.

1. ASSAULT. A person commits an assault when, without justification, the person does any of the following:

a. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

b. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

c. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

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

3-1-3 DISORDERLY CONDUCT. Any person commits a simple misdemeanor when the person does any of the following:

1. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

2. Makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

3. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

4. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

5. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

6. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

7. Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Ord. 872, Passed March 4, 1996)

(Ord. 973, Passed May 20, 2002)

(Ord. 1142, Passed June 2, 2018)

3-1-4 FAILURE TO DISPERSE. A Peace Officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. Any person within hearing distance of such command, who refuses to obey, commits a municipal infraction.

(Ord. 1142, Passed June 2, 2018)

3-1-5 UNLAWFUL ASSEMBLY DEFINED.

1. An unlawful assembly is three or more persons assembled together, in any public place with any of them acting in a violent manner and with intent that they or any of them will commit a public offense; or,

2. An unlawful assembly is a group of three or more persons who have gathered or collected together on public property of the City of Maquoketa or are occupying, parading, or marching on any public street of the City of Maquoketa under the circumstance that an assembly permit has not been granted by the City Manager for the assembly.

3-1-5.1 PERMIT APPLICATION. Before any group of persons shall collect or gather together or parade or march upon the streets or public places of the City, they shall first obtain a permit



from the City Manager, which permit, when issued, shall be without charge, and shall state the time, manner and conditions of such march, parade or assembly.

1. An application for a permit containing the information required herein shall be filed with the City Manager by any group desiring to use any street or public place as provided in this article. Applications shall be made on forms prepared by the City Manager, and shall contain the information required herein. The City Manager shall have a reasonable time to grant or deny the permit. The length of time that is reasonable shall be determined by the type of use requested; the information supplied; the time of filing of the application; and the extent of advance preparation or planning demonstrated and reasonably required.

2. The City Manager shall grant or deny the permit, in writing, according to the standards set forth in Section 3-1-5 herein and shall provide the written decision to the applicant by regular mail or by personal delivery.

3-1-5.2 PENALTY. A person who participates in or remains a part of unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a municipal infraction.  
(Ord. 1142, Passed June 2, 2018)

### 3-1-5.3 APPLICATION FORM

1. The application form for the use of any street or public place shall contain the following information:

- a. Name and address of the applicant and the sponsoring organization, if any.
- b. The type of event that is planned.
- c. Proposed location or locations.
- d. Expected size of group.
- e. Date, time and expected length of the use.
- f. Names and addresses of the person or persons to be in charge of the proposed use at the specified location.
- g. Names and addresses of any persons to be featured as entertainers or speakers.
- h. List of mechanical or electronic equipment to be used.
- i. Number and type of any motor vehicles or other forms of transportation to be used, including bicycles.
- j. Number and type of any animals to be used.

k. A description of any sound amplification to be used.

1. Proposed monitoring of the group, including the number of people who will set up and clean up.

2. The application shall include an agreement pursuant to which the applicant shall agree to indemnify, defend and save harmless the City of Maquoketa and its agents, Officers and employees, from any and all claims, lawsuits, damages, losses and expenses, of whatever nature, which may result from or arise from the activity or event covered by the permit, irrespective of whether said claims are frivolous or meritorious.

**3-1-5.4 STANDARDS FOR ISSUANCE.** The City Manager shall examine the application, and shall grant or deny said permit based upon the following standards:

1. In light of the date and time of said proposed use, whether the use will unreasonably interfere with the privacy, safety, security, convenience and tranquility of the residents or inhabitants of the area.

2. Whether the proposed street or public place can accommodate the group or use, based both on group size and on health and sanitation facilities, whether available or to be provided by applicant.

3. Whether the proposed use or activity is compatible with the normal activity of the street or public place at the requested time or date.

4. Whether the application demonstrates the applicant has the means, planning and coordination to hold the proposed event, considering the time of day, location, public facilities available, traffic control, parking requirements and any monitoring required to protect the public health and safety.

5. Whether the event will interfere with another event for which a permit has already been granted.

6. Whether the proposed use would substantially interrupt the flow of street and/or pedestrian traffic.

7. Whether the use would require the excessive diversion of Police from other duties, or substantially interfere with the City's fire fighting operations.

**3-1-5.5 REVOCATION.** After a permit is granted, in the event it is determined that the applicant has misstated any material fact in the application, or that there is a substantial and material variance between the information in the application and the actual facts or those facts that appear reasonably to have occurred, the City Manager may review such application and revoke such permit if not in compliance with this Article. Such permit may also be revoked when it is determined by the Chief of Police that by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation.

(Ord. 871, 3-4-96)

3-1-6 DISCHARGING FIREARMS. Any person who discharges an air gun, rifle, shotgun, pistol, or firearm of any kind within the City limits, with exception of indoor or outdoor firing ranges authorized by the Chief of Police or in the act of self defense of property authorized by State law or Police officers in the line of duty, commits a municipal infraction. The Chief of Police shall have the authority to authorize adult individuals to discharge shotguns or air guns for the eradication of pigeons, sparrows, crows, and starlings. The shooting shall be under the direct supervision of the Chief of Police or other designated officer. The permission of the property owner shall be obtained prior to any shooting on their premises. Chief shall allow only birdshot or equivalent shot on such occasions.

(Ord. 1142, Passed June 2, 2018)

3-1-7 POSSESSION OF OPEN CONTAINERS. It shall be unlawful for any person to possess any open container of beer or alcoholic beverages upon the public streets or highways, including the sidewalk, within the public right of way and in any public place except upon a premises covered by a Liquor Control License.

3-1-8 INDECENT EXPOSURE. It shall be unlawful for any person to urinate or defecate in or upon any street, alley or any place open to public view.  
(Ord. 1075, Passed October 5, 2009)

3-1-9 NOISE DISTURBANCE. Any violation of Maquoketa City Ordinance Title VI, Chapter 8 is a municipal infraction.

(Ord. 843, 8-15-94)

(Ord. 991, Passed April 19, 2004)

(Ord. 1142, Passed June 2, 2018)

3-1-10 CURFEW.

1. PREAMBLE. The City of Maquoketa, Iowa, City Council finds that offenses by minors, especially at night, detracts from the health, safety, and welfare of the minors and adults who live in Maquoketa.

The Council finds that older citizens hesitate to use the public sidewalks at night and fear calling the police to break up groups of youth who disturb the peace late at night. The Council also finds that the following law violations by juveniles are likely to occur after 11:00 o'clock P.M.:

- a. Disturbance of the peace by loud noise or abusive language;
- b. Drinking of alcoholic beverages;
- c. Interference with pedestrian and vehicular traffic;
- d. Thefts of motor vehicles;

- e. Burglary of public, commercial, industrial, and private buildings;
- f. Possession of firearms;
- g. Vandalism of public and private property; and,
- h. Assaults against juveniles and by juveniles.

The Council finds that a curfew will assist law enforcement officials in curbing the violations listed above.

The Council also finds that a curfew will assist parents in obtaining compliance by children with parent's directions about when to be home.

2. INTERPRETIVE CLAUSE. The City of Maquoketa recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This Ordinance should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religion and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

3. PROHIBITION. Now, Therefore, It Is Ordained by the City of Maquoketa that any minor under the age of 18 shall not be upon the streets or sidewalks of the City of Maquoketa between the hours of 11:00 o'clock P.M. and 5:00 o'clock A.M. except under one of the following exceptions:

- a. The minor is traveling to or returning from employment or a religious, political, economic, or cultural assembly;
- b. The minor is traveling a direct route to or from home and the location of an errand that the minor is accomplishing at the request of a parent; or the minor is traveling a direct route home from a school or recreational or social event that the minor attended with the approval of his/her parent;
- c. The minor is accompanied by a parent;
- d. Repealed (Ord. No. 1054, 03-17-08)
- e. The minor is traveling interstate with the consent of a parent.

#### 4. DEFINITIONS.

a. "Minor" means any person under the age eighteen (18), but shall not include any minor who has attained their majority by marriage.

b. "Parent" means biological parent, a guardian or custodian appointed by the court, or an adult who has accepted the supervision of a minor at the request of the biological parent, guardian, or custodian.

c. "Assembly" means any gathering of persons for a religious, political, economic, or cultural purpose and does not require the presence of chaperones or adults.

(Ord. No. 1054, 03-17-08)

5. PENALTY AND ENFORCEMENT. A minor who is in violation of this Ordinance may be reunited with his/her parents or may be taken home by the Police officers or may be directed to travel immediately home; and, in addition, a minor who violates this Ordinance shall be guilty of a municipal infraction and shall be subject to the penalty provided in Maquoketa Ordinance 1-3-1.

(Ord. 836, 5-16-94)

(Ord. 991, Passed April 19, 2004)

(Ord. 1142, Passed June 2, 2018)

### 3-1-11 DRUG PARAPHERNALIA.

1. DEFINITIONS. As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

a. Manufacture a controlled substance.

b. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

c. Test the strength, effectiveness, or purity of a controlled substance.

d. Enhance the effect of a controlled substance.

2. EXEMPTION. "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

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

(Ord. 883, passed 11-4-96)

(Ord. 991, Passed April 19, 2004)

(Code of Iowa, Sec. 124.414)

### 3-1-12 LITTERING PROHIBITED.

1. 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.

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

3. 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.

4. 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.

5. 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.

6. 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.

(ECIA Model Code Amended in 2017)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 2 NUISANCES

3-2-1	DEFINITIONS	3-2-9	ABATEMENT BY MUNICIPALITY
3-2-2	NUISANCE PROHIBITED		
3-2-3	OTHER CONDITIONS REGULATED	3-2-10	COLLECTION OF COST OF ABATEMENT
3-2-4	NOTICE TO ABATE NUISANCE OR CONDITION	3-2-11	INSTALLMENT PAYMENT OF COST OF ABATEMENT
3-2-5	CONTENTS OF NOTICE TO ABATE	3-2-12	CONDEMNATION OF NUISANCE
3-2-6	METHOD OF SERVICE		
3-2-7	REQUEST FOR HEARING AND APPEAL		
3-2-8	ABATEMENT IN EMERGENCY		

3-2-1 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. “Nuisances Declared” 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)  
(ECIA Model Code Amended in 2017)

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, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort of property or individuals or the public.

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

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

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

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

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

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.

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

i. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper by dealers in such articles within the fire limits of any city, unless it be in a building of fireproof construction.

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

k. Weeds. Any condition relating to weeds which is described as a nuisance in the Maquoketa 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))

(ECIA Model Code Amended in 2017)

l. Trees on private property infected with Dutch elm disease.

m. Effluent from a septic tank or drainfield or ponding of polluted water over an overloaded or non-operating drainfield.

n. The obstruction of a gutter or drainage ditch or pipe.

o. The maintaining of any accumulations of rubbish and animal manure.

p. Any building or structure damaged by fire

(Ord. No. 1057, 7-21-08)

q. Any water service line constructed of lead.



(Ord. 1132, Passed May 16, 2016)

r. Any accumulation of junk, refuse, garbage, or accumulation of items determined by City inspectors to be an unsightly nuisance when viewed from adjacent property or from the public street.

s. Any equipment or other structure erected in the right-of-way by any utility or private owner which is not kept in good repair, is unsightly due to lack of maintenance, or which is dilapidated or broken such that the equipment or structure is dangerous, or offensive to the senses, or unsightly.

t. Open excavations, construction sites, and demolition sites that, as determined by City inspectors, are not secured from the public.

(Ord. 1137, Passed June 19, 2017)

u. 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 Jackson County Public Health Department and junk or salvage materials property stored in accordance with the Maquoketa Municipal Code.

v. 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.

w. 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 basis not maintained in an appropriate manner so as to allow its proper function.

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

y. Conditions which are conducive to the harborage or breeding of vermin.

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

aa. 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 property 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 cesspools or septic tank which does not comply with the Jackson County Department of Health regulation.

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

cc. Dangerous buildings or structures.

dd. Abandoned buildings.

ee. 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.

ff. 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 Maquoketa Municipal Code of Ordinances.

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

hh. 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 the City's 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.

ii. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 24 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Maquoketa Municipal Code of Ordinances.

jj. The parking of motor vehicles on private property without the consent of the property owner or responsible party.

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

ll. 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.

mm. 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.

nn. 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.

oo. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 7:00 a.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.

pp. 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.

qq. 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.

rr. No person shall allow any plants to grow uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of 8 inches or more, nor shall any person allow their grass to grow unattended with a consistent height above 8 inches.

ss. 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.

tt. 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.

uu. 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.

vv. Pools and ponds containing stagnant water.

ww. 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.

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

yy. 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.

(ECIA Model Code Amended in 2017)

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

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)  
(ECIA Model Code Amended in 2017)

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.

2. The removal, repair, or dismantling of a dangerous building or structure.

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

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

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

6. The fencing, so as to shield from public view, any junk, refuse, garbage, or accumulation of items determined by City inspectors to be an unsightly nuisance when viewed from adjacent property or from the public street. This abatement remedy may be enforced where fencing is permitted by this Code of Ordinances, or where otherwise permitted or directed in a particular case by the City.

(Ord. 1137, Passed June 19, 2017)

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))  
(ECIA Model Code Amended in 2014)  
(ECIA Model Code Amended in 2017)

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

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

3-2-6 METHOD OF SERVICE. The notice may be served by certified mail or personal service to the property owner as shown by the records of the County Auditor.

(Ord. 983, Passed June 16, 2003)

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

At the conclusion of the hearing, or within ten (10) days thereof, 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 shall order it abated within an additional time which must be reasonable under the circumstances. Any person aggrieved by this decision may appeal the decision to the City Council. The appeal must be made in writing and delivered to the officer conducting the hearing within ten (10) days of the hearing officer’s decision. The appeal shall be heard at a time and place fixed by the City Council. The findings of the City Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time that is reasonable under the circumstances.

(Ord. 985, 11-03-03)

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 which may be required under this Ordinance within prior notice. The City shall assess the costs

as provided in Section 3-2-10 of this Ordinance, after notice to the property owner under the applicable provision of Section 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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.

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, he shall certify the costs to the County Treasurer and it shall then be collected with, and in the same manner, as general property taxes.

(Ord. 991, Passed April 19, 2004)

3-2-11 INSTALLMENT PAYMENT OF COSTS OF ABATEMENT. If the amount expended to abate the nuisance or condition is less than \$1000, the City may permit the assessment to be paid in up to five (5) annual installments, in the same manner and with the same interest rates provided for assessments against benefited property under Iowa Code Chapter 384, division IV. If the amount expended to abate the nuisance or condition is \$1000 or more, the City may permit the assessment to be paid in up to ten (10) annual installments, in the same manner and with the same interest rates provided for assessments against benefited property under Iowa Code Chapter 384, division IV.

(Ord. No. 1020, 3-6-06)

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

(Code of Iowa, Sec. 364.12A, 657A.1, 657A.10a)  
(ECIA Model Code Amended in 2014)  
(ECIA Model Code Amended in 2017)

TITLE III COMMUNITY PROTECTION  
CHAPTER 3 TRAFFIC CODE

SUBCHAPTER 3A TRAFFIC REGULATIONS: GENERAL DEFINITIONS

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3-3A-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. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. “Vehicle” does not include:

- a. Any device moved by human power.
- b. Any device used exclusively upon stationary rails or tracks.
- c. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.
- d. Any steering axle, dolly, auxiliary axle or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

2. “Motor vehicle” means a vehicle which is self-propelled, but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires and are not operated upon rails.

a. “Used motor vehicle” or “second-hand motor vehicle” means a motor vehicle of a type subject to registration under the laws of this state which has been sold “at retail” as defined in chapter 322 and previously registered in this or any other state.

- b. "New car" means a car which has not been sold "at retail" as defined in chapter 322.
  - c. "Used car" means a car which has been sold "at retail" as defined in chapter 322 and previously registered in this state or any other state.
  - d. "Car" or "automobile" means a motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles.
3. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor and a motorized bicycle.
- a. "Motorized bicycle" or "motor bicycle" means a motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than fifty cubic centimeters and not capable of operating at a speed in excess of twenty-five miles per hour on level ground unassisted by human power.
4. "Motor truck" means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers.
5. "Light delivery truck," "panel delivery truck" or "pickup" means any motor vehicle designed to carry merchandise or freight of any kind, not to exceed two thousand pounds.
6. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
7. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
8. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
9. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
10. "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Wherever the word "trailer" is used in this chapter, same shall be construed to also include "semitrailer." A "semitrailer" shall be considered in this chapter separate from its power unit.

11. "Trailer coach" means either a trailer or semitrailer designed for carrying persons.

12. "Specially constructed vehicle" means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

13. "Reconstructed vehicle" means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

14. "Essential parts" mean all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

15. "Foreign vehicle" means every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

16. "Implement of husbandry" means every vehicle which is designed for agricultural purposes and exclusively used, except as herein otherwise provided by the owner thereof, in the conduct of the owner's agricultural operations. Implements of husbandry shall also include:

a. Portable livestock loading chutes without regard to whether such chutes are used by the owner in the conduct of the owner's agricultural operations, provided that such chutes are not used as a vehicle on the highway for the purpose of transporting property.

b. Any vehicle which is principally designed for agricultural purposes and which is moved during daylight hours by a person either:

(1) From a place at which the vehicles are manufactured, fabricated, repaired, or sold to a farm site or a retail seller or from a retail seller to a farm site;

(2) To a place at which the vehicles are manufactured, fabricated, repaired, or sold to a farm site or a retail seller or from a retail seller from a farm site; or

(3) From one farm site to another farm site. For the purpose of this subsection the term "farm site" means a place or location at which vehicles principally designed for agricultural purposes are used or intended to be used in agricultural operations or for the purpose of exhibiting, demonstrating, testing, or experimenting with the same, provided however, that said place or location shall not be deemed a "farm site" if the movement of said vehicle, from or to the place at which vehicles principally designed for agricultural purposes are manufactured, fabricated, repaired, or sold at retail, exceeds a distance of fifty miles.

c. Any semitrailer converted to a full trailer by the use of a dolly used by the owner in the conduct of the owner's agricultural operations to transport agricultural products being towed by a farm tractor provided the vehicle is operated in compliance with the following requirements:

(1) The towing unit is equipped with a braking device which can control the movement of and stop the vehicles. When the semitrailer is being towed at a speed of twenty miles per hour, the braking device shall be adequate to stop the vehicles within fifty feet from the point the brakes are applied. The semitrailer shall be equipped with brakes upon all wheels.

(2) The towing vehicle shall be equipped with a rear view mirror to permit the operator a view of the highway for a distance of at least two hundred feet to the rear.

(3) The semitrailer shall be equipped with a turn signal device which operates in conjunction with or separately from the rear taillight and shall be plainly visible from a distance of one hundred feet.

(4) The semitrailer shall be equipped with two flashing amber lights, one on each side of the rear of the vehicle, and be plainly visible for a distance of five hundred feet in normal sunlight or at night.

(5) The semitrailer shall be operated in compliance with sections 321.123 and 321.463.

Notwithstanding the other provisions of this subsection any vehicle covered thereby if it otherwise qualifies may be registered as special mobile equipment, or operated or moved under the provisions of sections 321.57 to 321.63, if the person in whose name such vehicle is to be registered or to whom a special plate or plates are to be issued elects to do so and under such circumstances the provisions of this subsection shall not be applicable to such vehicle, nor shall such vehicle be required to comply with the provisions of sections 321.384 to 321.429, when such vehicle is moved during daylight hours, provided however, the provisions of section 321.383 shall remain applicable to such vehicle.

All self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary off-road usage, and used exclusively for the application of plant food materials, agricultural limestone or agricultural chemicals, and not specifically designed or intended for transportation of agricultural limestone and such chemicals and materials. Such machinery shall be operated in compliance with section 321-463.

17. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including trailers and bulk spreaders which are not self-propelled having a gross weight of not more than twelve tons used for the transportation of fertilizers and chemicals used for farm crop production, and other equipment used primarily for the application of fertilizers and chemicals in farm fields or for farm storage, but not including trucks mounted with applicators of such products, road construction or maintenance machinery and ditch-digging apparatus. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this subsection; provided that nothing contained in this section shall be construed to include portable mills or cornshellers mounted upon a motor vehicle or semitrailer.

18. "Pneumatic tire" means every tire in which compressed air is designed to support the load.

19. "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

20. "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

21. "Where a vehicle is kept" shall refer to the county of residence of the owner or to the county where the vehicle is mainly kept if said owner is a nonresident of the state.

22. "Garage" means every place of business where motor vehicles are received for housing, storage, or repair for compensation.

23. "Combination" or "Combination of vehicles" shall be construed to mean a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semitrailers or vehicles, which are coupled or fastened together for the purpose of being moved on the highways as a unit.

24. "Gross weight" shall mean the empty weight of a vehicle plus the maximum load to be carried thereon. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle.

24A. "Unladen weight" means the weight of a vehicle or vehicle combination without load.

25. "Combined gross weight" shall mean the gross weight of a motor vehicle plus the gross weight of a trailer or semitrailer to be drawn thereby.

26. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances and emergency vehicles owned by the United States, this state or any subdivision of this state or any municipality therein, and such privately owned ambulances, rescue or disaster vehicles as are designated or authorized by the director of transportation.

27. "School bus" means every vehicle operated for the transportation of children to or from school, except vehicles which are:

- a. Privately owned and not operated for compensation,
- b. Used exclusively in the transportation of the children in the immediate family of the driver,
- c. Operated by a municipally or privately-owned urban transit company for the transportation of children as part of or in addition to their regularly scheduled service, or

d. Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of paragraph "D" of this section shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

28. "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

29. "Railroad train" means an engine or locomotive with or without cars coupled thereto, operated upon rails.

30. "Railroad corporation" means any corporation organized under the laws of this state or any other state for the purpose of operating the railroad within this state.

31. "Explosives" mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that on ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

32. "Flammable liquid" means any liquid which has a flash point of 70 degrees F. or less, as determined by a Tagliabue or equivalent closed cup test device.

33. "Department" means the State Department of Transportation. "Commission" means the State Transportation Commission.

34. "Director" means the Director of the State Department of Transportation or the Director's designee.

35. "Person" means every natural person, firm, co-partnership, association, or corporation. Where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, co-partnership, company, firm, or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesman, or otherwise.

36. "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner for the purpose of this chapter.

37. "Nonresident" means every person who is not a resident of this state.



38. "Dealer" means every person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state.

39. "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

40. "Manufacturer" means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. It does not include a person who converts, modifies or alters a completed motor vehicle manufactured by another person. It includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124.

40A. "Completed motor vehicle" means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components or minor finishing operations.

41. "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the dealer's or manufacturer's books and records are kept and a large share of the dealer's or manufacturer's business is transacted.

42. "Operator" means every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

43. "Chauffeur" means any person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation or hire, or any person who operates, a truck tractor, road tractor or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt except when the operation by the owner or operator is occasional and merely incidental to the owner or operator's principal business, is by a volunteer fire fighter operating fire apparatus, or is by a volunteer ambulance or rescue squad attendant operating ambulance or rescue squad apparatus. If a volunteer fire fighter or ambulance or rescue squad operator receives nominal compensation not based upon the value of the services performed, the fire fighter or operator shall be considered to be receiving no compensation and classified as a volunteer.

Subject to the provisions of section 321.179, a farmer or the farmer's hired help shall not be deemed a chauffeur, when operating a truck owned by the farmer, and used exclusively in connection with the transportation of the farmer's own products or property.

44. "Driver" means every person who drives or is in actual physical control of a vehicle.

45. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in section 801.4.

46. “Local authorities” mean every county, municipal, and other local board or body having authority to adopt local Police regulations under the Constitution and laws of this State.

47. “Pedestrian” means any person afoot.

48. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

49. “Private road” or “driveway” means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

50. “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

51. “Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

52. “Laned highway” means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.

53. “Through (or thru) highway” means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a peace officer or traffic-control signal. The term “arterial” is synonymous with “through” or “thru” when applied to highways of this State.

54. “Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

55. “Crosswalk” means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. or, any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

56. “Safety zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

57. “Business district” 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.

58. "Residence district" means the territory within a city contiguous to and including a highway, not comprising a business, suburban or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business.

59. "School district" means the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in a city.

60. "Suburban district" means all other parts of a city not included in the business, school or residence districts.

61. The linear measure of the plot of ground upon which the building is located abutting upon the highway shall be deemed "frontage occupied by the building," and the phrase "frontage on such highway for a distance of three hundred feet or more" shall mean the total frontage on both sides of the highway for such distance.

62. "Official traffic-control devices" mean all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

63. "Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

64. "Railroad sign" or "signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

65. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.

66. "Right of way" means the privilege of the immediate use of the highway.

67. "Alley" means a thoroughfare laid out, established and platted as such, by constituted authority.

68A. "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.

68B. "Travel trailer" means a 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 to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet in width and its overall length shall not exceed forty feet. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If any such vehicle is used in this state as a place of

human habitation for more than ninety consecutive days in one location it shall be classed as a mobile home regardless of the size limitations herein provided.

68C. "Fifth-wheel travel trailer" means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed forty feet.

68D. "Motor home" means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four, two of which shall be systems specified in subparagraphs (1), (4) or (5) of this paragraph, of the following permanently installed systems which meet American national standards institute and national fire protection association standards in effect on the date of manufacture:

(1) Cooking facilities.

(2) Ice box or mechanical refrigerator.

(3) Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.

(4) Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.

(5) Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system.

(6) A one hundred ten - one hundred fifteen volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

69. "Tandem axle" means any two or more consecutive axles whose centers are more than forty inches but not more than eighty-four inches apart.

70. "Guaranteed arrest bond certificate" means any printed, unexpired certificate issued by an automobile club or association to any of its members, or any printed, unexpired certificate issued by an insurance company authorized to write automobile liability insurance within this state, which said certificate is signed by such member or insured and contains a printed statement that such automobile club, association or insurance company and a surety company which is doing business in this state under the provisions of section 515.48, subsection 2, guarantee the appearance of the person whose signature appears on the certificate and that they will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed two hundred dollars. If such insurance company is itself qualified under the provisions of section 515.48, subsection 2, then it maybe its own surety. Bail in this form shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as provided by law.

71. A “special truck” means a motor truck not used for hire with a gross weight registration of six through twenty tons used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in the owner's own farming operation or occasional use for charitable purposes. “Special truck” also means a truck tractor which is modified by removal of a fifth wheel and carries the full load on the motor truck and which by reason of its conversion becomes a motor truck.

72. “Component part” means any part of a vehicle, other than a tire, having a component part number.

73. “Component part number” means the vehicle identification derivative consisting of numerical and alphabetical designations affixed to a component part by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the component part.

74. “Vehicle identification number” or the initials VIN mean the numerical and alphabetical designations affixed to a vehicle or a component part of a vehicle by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the vehicle.

75. “Demolisher” means any agency or person whose business is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck or dismantle vehicles.

76. “Multipurpose vehicle” means a motor vehicle designed to carry not more than ten people, and constructed either on a truck chassis or with special features for occasional off-road operation.

77. “Motor vehicle license” means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to operator, chauffeur, and motorized bicycle licenses and instruction and temporary permits.

78. “Vehicle rebuilder” means a person engaged in the business of rebuilding or restoring to operating condition vehicles subject to registration under this chapter, which have been damaged or wrecked.

79. “Used vehicle parts dealer” means a person engaged in the business of selling bodies, parts of bodies, frames or component parts of used vehicles subject to registration under this chapter.

80. “Vehicle salvager” means a person engaged in the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under this chapter.

81. “Ambulance” means a motor vehicle which is equipped with life support systems and used to transport sick and injured persons who require emergency medical care to medical facilities.

82. "Registration year" means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle for vehicles registered by the County Treasurer and the calendar year for vehicles registered by the department of motor trucks and truck tractors with a combined gross weight exceeding five tons which are registered by the County Treasurer.

83. "Remanufactured vehicle" means every vehicle of a type required to be registered and having a gross vehicle weight rating of at least thirty thousand pounds that has been disassembled, resulting in the total separation of the major integral parts and which has been reassembled with those parts being replaced with new or rebuilt parts. In every instance, a new diesel engine and all new tires shall be installed and shall carry manufacturers' warranties.

Every vehicle shall include but not be limited to, new or rebuilt component parts consisting of steering gear, clutch, transmission, differential, engine radiator, engine fan hub, engine starter, alternator, air compressor and cab. For purposes of this subsection, "rebuilt" means the replacement of any element of a component part which appears to limit the serviceability of the part. A minimum of twenty thousand dollars shall be expended on each vehicle and the expense must be verifiable by invoices, work orders, or other documentation as required by the department.

The department may establish equipment requirements and a vehicle inspection procedure for remanufactured vehicles. The department may establish a fee for the inspection of remanufactured vehicles not to exceed one hundred dollars for each vehicle inspected.

84. "Alcohol concentration" means the number of grams of alcohol per any of the following:
- a. One hundred milliliters of blood.
  - b. Two hundred ten liters of breath.
  - c. Sixty-seven milliliters of urine.

85. "Alcoholic beverage" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.

86. "All terrain vehicle" means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road use but not including farm tractors, construction equipment, forestry vehicles or lawn and grounds maintenance vehicles.

## ORIGINAL AND RENEWAL OF REGISTRATION AND CERTIFICATE OF TITLE

### 3-3A-17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

It is a misdemeanor punishable as provided in section 321.482, for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered, or for which the appropriate fee has not been paid when and as required hereunder.

### 3-3A-18 VEHICLES SUBJECT TO REGISTRATION - EXCEPTION.

Every motor vehicle, trailer, and semitrailer when driven or moved upon a highway shall be subject to the registration provisions of this chapter except:

1. Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, or nonresidents, as contemplated by section 321.53 and chapter 326, or under a temporary registration permit issued by the department as hereinafter authorized.

2. Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another.

3. Any implement of husbandry.

4. Any special mobile equipment as herein defined.

5. Any vehicle which is used exclusively for interplant purposes, in the operation of an industrial or manufacturing plant, consisting of a single unit comprising a group of buildings separated by streets, alleys, or railroad tracks, and which vehicle is used solely to transport materials from one part of the plant to another or from an adjacent railroad track to the plant and in so doing incidentally using said streets or alleys for not more than one thousand feet.

6. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in section 285.1, subsection 1. and section 285. 10, subsection 9. Upon application the department shall, without charge, issue a registration certificate and shall also issue registration plates which shall have imprinted thereon the words "Private School Bus" and a distinguishing number assigned to the applicant. Such plates shall be attached to the front and rear of each bus exempt from registration under this subsection.

8. Any mobile home.

### 3-3A-32 REGISTRATION CARD SIGNED, CARRIED AND EXHIBITED.

Every owner upon receipt of a registration card shall write the owner's signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers and shall be shown to any peace officer upon the officer's request.

3-3A-33 EXCEPTION. The provisions requiring that a registration card be carried in the vehicle to which it refers shall not apply when such card is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle.

### 3-3A-34 PLATES OR VALIDATION STICKER FURNISHED-RETAINED BY OWNER-SPECIAL PLATES.

1. Plates issued. The County Treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. Whenever the owner of a registered vehicle transfers or assigns ownership of such vehicle to another person the owner shall remove the registration plates from the vehicle. The owner shall forward the plates to the County Treasurer where the vehicle is registered or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by such person, providing the owner complies with section 321.46.

2. Validation stickers. In lieu of issuing new registration plates each registration year for a vehicle renewing registration, the department may reassign the registration plates previously issued to the vehicle and may adopt and prescribe annual validation stickers indicating payment of registration fees. The department shall issue two validation stickers for each set of registration plates. One sticker shall specify the year of expiration of the registration period. The second sticker shall specify the month of expiration of the registration period and need not be reissued annually. The month of registration shall not be required on registration plates or validation stickers issued for vehicles registered under chapter 326. The stickers shall be displayed only on the rear registration plate, except that the stickers shall be displayed on the front registration plate of a truck-tractor.

The State Department of Transportation shall promulgate rules to provide for the placement of motor vehicle registration validation stickers on all registration plates issued for the motor vehicle when such validation stickers are issued in lieu of issuing new registration plates under the provisions of this section.

3. Radio operators plates. The owner of an automobile, light delivery truck, panel delivery truck, or pickup who holds an amateur radio license issued by the Federal Communications Commission may, upon written application to the County Treasurer accompanied by a fee of five dollars, order special registration plates bearing the call letters authorized the radio station covered by the person's amateur radio license. When received by the County Treasurer, such special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. Not more than one set of special registration plates may be issued to an applicant. Said fee shall be in addition to and not in lieu of the fee for regular registration plates. Special registration plates must be surrendered upon expiration of the owner's amateur radio license and the owner shall thereupon be entitled to the owner's regular registration plates. The County Treasurer shall validate special plates in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee.

4. Multiyear plates. In lieu of issuing annual registration plates for trailers and semitrailers, the department may issue multiyear registration plates for a three-year period for trailers and semitrailers licensed under chapter 326 upon payment of the appropriate registration fee. Fees from three-year payments shall not be reduced or prorated.



5. Personalized registration plates:

a. Upon application and the payment of a fee of twenty-five dollars, the Director may issue to the owner of a motor vehicle registered in this state or a trailer with a gross weight of one thousand pounds or less, personalized registration plates marked with the initials, letters, or a combination of numerals and letters requested by the owner. Upon receipt of the personalized registration plates, the applicant shall surrender the regular registration plates to the County Treasurer. The fee for issuance of the personalized registration plates shall be in addition to the regular annual registration fee.

b. The County Treasurer shall validate personalized registration plates in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee.

c. The fees collected by the Director under this section shall be paid to the Treasurer of State and credited by the Treasurer of State as provided in section 321.145.

6. Sample vehicle registration plates. Vehicle registration plates displaying the general design of regular registration plates, with the word “sample” displayed on the plate, may be furnished to any person upon payment of a fee of three dollars, except that such plates may be furnished to Governmental agencies without cost. Sample registration plates shall not be attached to a vehicle moved on the highways of this state.

7. Handicapped plates. The owner of a motor vehicle subject to registration pursuant to section 321.109 subsection 1, light delivery truck, panel delivery truck or pickup truck who is a handicapped or paraplegic person as defined in section 601E.1, may upon written application to the Department, order special registration plates designed by the Department bearing the international symbol of accessibility. The application shall be approved by the Department and the special registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The Department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the special plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped or paraplegic person as defined in section 601E.1. The special registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped or paraplegic person as defined in section 601E. 1.

8. Prisoner of war plates. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery, panel delivery truck or pickup who was a prisoner of war during the second world war at any time between December 7, 1941 and December 31, 1946, the Korean conflict at any time between June 25, 1950 and January 31, 1955 or the Vietnam conflict at any time between August 5, 1964 and June 30, 1973, all dates inclusive, may upon written application to the Department, order special registration plates designed by the Department in cooperation with the Adjutant General which plates signify that the applicant was a prisoner of war as defined in this subsection. Each applicant applying for special registration plates under this

subsection may purchase only one set of registration plates under this subsection. The application is subject to approval by the Department, in consultation with the Adjutant General, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The special plates shall contain the letters "POW" and three numerals and shall be subject to an annual registration fee of fifteen dollars. The Department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee.

9. National Guard plates. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who is a member of the National Guard, as defined in chapter 29A, may upon written application to the Department, order special registration plates designed by the Department in cooperation with the Adjutant General which plates signify that the applicant is a member of the National Guard. The application shall be approved by the Department, in consultation with the Adjutant General, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates shall be five dollars, which shall be in addition to the regular annual registration fee. The Department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. Special registration plates shall be surrendered in exchange for regular registration plates upon termination of the owner's membership in the active National Guard.

3-3A-37 DISPLAY OF PLATES. Registration plates issued for a motor vehicle other than a motorcycle, motorized bicycle or a truck tractor shall be attached to the motor vehicle, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear of the vehicle. The registration plate issued for a truck tractor shall be attached to the front of the truck tractor. The special plate issued to a dealer shall be attached on the rear of the vehicle when operated on the highways of this state.

The registration plate issued for an auxiliary axle shall be attached to the rear thereof when directly visible from the rear, and in all other cases, shall be attached to the right frame of such axle so as to be visible from the right side of the vehicle utilizing such axle.

It is unlawful for the owner of a vehicle to place any frame around or over the registration plate which does not permit full view of all numerals and letters printed on the registration plate.

3-3A-38 PLATES, METHOD OF ATTACHING - IMITATIONS PROHIBITED. Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials or imitation plate or plates imitating or purporting to imitate the official license plate of any other state or territory of the United States or of any foreign government and in a condition to be clearly legible.

3-3A-41 CHANGE OF ADDRESS OR NAME OR FUEL TYPE. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named

in the application or shown upon a registration card such person shall within ten days thereafter notify the County Treasurer of the County in which the registration of said vehicle is of record, in writing of the person's old and new addresses.

Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter legally changed such person shall within ten days notify the County Treasurer of the County in which the title of said vehicle is of record, of such former and new name.

A person who has registered a vehicle in a County, other than the County designated on the vehicle registration plate, may apply to the County Treasurer where the vehicle is registered for new registration plates upon payment of a fee of five dollars and the return of the former County registration plates.

When a motor vehicle is modified to use a different fuel type or to use more than one fuel type the person in whose name the vehicle is registered shall within thirty days notify the County Treasurer of the County in which the registration of the vehicle is of record of the new fuel type or alternative fuel types. The County Treasurer shall make the record of such changes available to the Department of Revenue. If the vehicle uses or may use a special fuel the County Treasurer shall issue a special fuel identification sticker.

#### PERMITS TO NONRESIDENT OWNERS

**3-3A-54 REGISTRATION REQUIRED OF CERTAIN NONRESIDENT CARRIERS.** Nonresident owners of foreign vehicles operated within this State for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this State.

The term intrastate transportation as used herein shall mean the transportation for compensation of persons or property originating at any point or place in the State of Iowa and destined to any other point or place in said State irrespective of the route or highway or highways traversed, including the crossing of any State line of the State of Iowa, or the ticket or bill of lading issued and used for such transportation.

**3-3A-55 REGISTRATION REQUIRED FOR CERTAIN VEHICLES OWNED OR OPERATED BY NONRESIDENTS.** A nonresident owner or operator engaged in remunerative employment within the state or carrying on business within the state and owning or operating a motor vehicle, trailer, or semitrailer within the state shall register each vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this State. However, this paragraph does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days.

A nonresident owner of a motor vehicle operated within the State by a resident of the State shall register the vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this State. However, this paragraph does not apply to vehicles being operated by

residents temporarily, not exceeding ninety days. It is unlawful for a resident to operate within the State an unregistered motor vehicle required to be registered under this paragraph.

## OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION

**3-3A-98 OPERATION WITHOUT REGISTRATION.** No person shall operate, nor shall an owner knowingly permit to be operated upon any highway any vehicle required to be registered and titled hereunder unless there shall be attached thereto and displayed thereon when and as required by this chapter a valid registration card and registration plate or plates issued therefor for the current registration year and unless a certificate of title has been issued for such vehicle except as otherwise expressly permitted in this chapter. Any violation of this section is a simple misdemeanor.

**3-3A-99 FRAUDULENT USE OF REGISTRATION.** A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate or permit not issued for that vehicle under this chapter. A violation of this section is a serious misdemeanor.

**3-3A-100 FALSE EVIDENCES OF REGISTRATION.** It is a fraudulent practice for any person to commit any of the following acts:

1. To alter with a fraudulent intent any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, manufacturer's vehicle identification plate, or permit issued by the Department or County Treasurer.

2. To forge or counterfeit any such document or plate.

3. To hold or use any such document or plate knowing the same to have been altered, forged or falsified.

4. To hold or use any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, manufacturer's vehicle identification plate, or permit issued by the Department or County Treasurer, for any vehicle to which such document or plate is not legally assigned.

5. To transfer in any manner or to offer to transfer in any manner a certificate of title, manufacturer's or importer's certificate to any vehicle on which a salvage certificate of title or junking certificate is required under section 321.52, with knowledge or reason to believe that the certificate will be used for a vehicle other than the vehicle for which the certificate is issued.

**3-3A-115 ANTIQUE VEHICLES-MODEL YEAR PLATES PERMITTED.**

1. A motor vehicle twenty-five years old or older whose owner desires to use the motor vehicle exclusively for exhibition or educational purposes at State or County fairs, or other places where the motor vehicle may be exhibited for entertainment or education purposes, shall be given a registration for a registration fee of five dollars per annum permitting the driving of the motor vehicle upon the public roads and from State and County fairs or other places of entertainment or education for exhibition or educational purposes and to and from service stations for the purpose of receiving necessary maintenance.

2. The sale of a motor vehicle twenty-five years old or older which is primarily of value as a collector's item and not as transportation is not subject to chapter 322 and any person may sell such a vehicle at retail or wholesale without a license as required under chapter 322.

3. The owner of a motor vehicle which is registered under subsection 1, may display a registration plate from or representing the model year of the motor vehicle, furnished by the person, in lieu of a current and valid Iowa registration plate issued to the vehicle, provided that any replaced current and valid Iowa registration plate and the registration card issued to the vehicle are simultaneously carried within the vehicle and are available for inspection to any peace officer upon the officer's request.

## OPERATORS AND CHAUFFEURS LICENSES

3-3A-174 OPERATORS AND CHAUFFEURS LICENSED. A person, except those hereinafter expressly exempted shall not drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle license issued by the Department. No person shall operate a motor vehicle as a chauffeur unless he/she holds a valid chauffeur's license.

Every licensee shall have the licensee's, operator's, or chauffeur's, or motorized bicycle license or instruction permit in immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the Department. However, no person charged with violating this section shall be convicted if the person produces in court, within a reasonable time, an operator's or chauffeur's or motorized bicycle license or instruction permit issued to that person and valid at the time of the person's arrest.

## 3-3A-180 INSTRUCTION PERMITS.

1. Any person who is at least fourteen years of age and who, except for the person's lack of instructions in operating a motor vehicle, would otherwise be qualified to obtain an operator's license, shall upon meeting the requirements of section 321.186 other than driving demonstration, and upon paying the required fee, be issued a temporary instruction permit by the Department, entitling the permittee while having such permit in the permittee's immediate possession to drive a motor vehicle upon the highways for a period of two years from the date of issuance when accompanied by a licensed operator or chauffeur who is at least eighteen years of age, or an approved driver education instructor, or a prospective driver education instructor who is enrolled in and has been specifically designated by a teacher education institution with a safety education program approved by the Department of Public Instruction, and who is actually occupying a seat

beside the driver; except that any instruction permit issued to a person who is less than sixteen years of age shall entitle such permittee to drive a motor vehicle upon the highways only when accompanied by a parent or guardian, or an approved driver education instructor, or a prospective driver education instructor, who is enrolled in and has been specifically designated by a teacher education institution with a safety education program approved by the Department of Public Instruction, or by any person who is twenty-five years of age or more if written permission is granted by the parent or guardian, who is a holder of a valid operator's or a chauffeur's license, and who is actually occupying a seat beside the driver.

If the permit holder is driving a motorcycle, the qualified operator must be within audible and visual communications distance from the permit holder and is accompanying the permit holder on or in a different motor vehicle. However, only one permit holder shall be under the immediate supervision of an accompanying qualified operator, unless the qualified operator is an approved motorcycle or driver education instructor or a prospective driver or motorcycle education instructor, and the permit holder is enrolled in an approved motorcycle or driver education course, in which case no more than three students shall be under the immediate supervision of each instructor while on the highway.

2. A person, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's instruction permit valid for the operation of a motor vehicle requiring a chauffeur's license when the permittee is accompanied by a person, possessing a valid chauffeur's license, properly licensed to drive the motor vehicle and actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise qualified to obtain a valid chauffeur's license and must meet the requirements of section 321.186 other than a driving demonstration. The chauffeur's instruction permit shall be valid for a period not to exceed two years and shall be returned to the Department upon receipt of a valid chauffeur's instruction license. Issuance of a chauffeur's instruction permit shall not require the surrender of a valid operator's license.

A permittee shall not be penalized for failing to have the permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest.

3-3A-193 RESTRICTED LICENSES. When provided in rules adopted pursuant to chapter 17A, the Department upon issuing an operator's or chauffeur's license or motorized bicycle license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee, including licenses issued under section 321.194, as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The Department shall not require a person issued a valid operator's or chauffeur's license to comply with any other licensing requirements in order to operate a motorized bicycle.

The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

The Department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

It is a misdemeanor, punishable as provided in section 321.482, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person.

**3-3A-194 MINORS SCHOOL LICENSES.** Upon certification of a special need by the school board or the superintendent of the applicant's school, the Department may issue a school license to a person between the ages of fourteen and eighteen years. The license shall entitle the holder, while having the license in immediate possession, to operate a motor vehicle during the hours of 6 a.m. to 9 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at the schools or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. The license shall expire on the licensee's eighteenth birthday or upon issuance of a restricted license under section 321.178, subsection 2, or operator's license.

Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the Department. The school board or superintendent shall certify that a need exists for the license and that the board and superintendent are not responsible for actions of the applicant which pertain to the use of the school license. The Department of Public Instruction shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the Department shall issue a school license. The fact that the applicant resides at a distance less than one mile from the applicant's schools of enrollment is prima-facie evidence of the nonexistence of necessity for the issuance of a license.

A license issued under this section is subject to suspension or revocation in like manner as any other license or permit issued under a law of this State. The Department may also suspend a license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The Department may suspend a license issued under this section upon receiving a record of the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this State or a City Ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After revoking a license under this section the Department shall not grant an application for a new license or permit until the expiration of one year or until the licensee's sixteenth birthday, whichever is the longer period.

## HOURS OF OPERATION

**3-3A-225 MAXIMUM MECHANICAL OPERATION.** No person shall operate a commercial vehicle for hire for more than a period of twelve hours out of any period of twenty-four hours upon the highways of this State without being relieved from duty for ten consecutive hours and

where a driver puts in twelve hours driving out of any period of twenty-four hours, though not consecutive, the driver must be given at least eight hours off duty.

An urban transit company, as defined in section 321-19, subsection 2, shall be exempt from this section where service of peak hour loads requires split shifts for drivers. A driver for an urban transit company shall not drive for more than twelve hours in any twenty-four-hour period and a driver who operates vehicle on a split shift shall have not less than one hour off between shifts.

## OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

3-3A-229 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

### 3-3A-231 AUTHORIZED EMERGENCY VEHICLES.

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of any authorized emergency vehicle may:

a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.

3. The driver of a Fire Department vehicle, Police vehicle or ambulance may:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle under subsection 2 and for a Fire Department vehicle, Police vehicle or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section 321.433 or a visual signaling device approved by the Department except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph "B" of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.



5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

### 3-3A-232 RADAR JAMMING DEVICES-PENALTY.

1. A person shall not sell, operate or possess a radar jamming device, except as otherwise provided in this section, when the device is in a vehicle operated on the highways of this State or the device is held for sale in this State.

2. This section does not apply to radar speed measuring devices purchased by, held for purchase for, or operated by peace officers using the devices in their official duties.

3. A radar jamming device may be seized by a peace officer subject to forfeiture as provided by chapter 809.

4. For the purpose of this section "radar jamming device" means any mechanism designed or used to transmit radio waves in the electromagnetic wave spectrum to interfere with the reception of those emitted from a device used by peace officers of this State to measure the speed of motor vehicles on the highways of this State and which is not designed for two-way transmission and cannot transmit in plain language.

### 3-3A-234 BICYCLES, ANIMALS, OR ANIMAL-DRAWN VEHICLES.

1. A person riding an animal or driving an animal drawing a vehicle upon a roadway is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application.

(Ord. 991, Passed April 19, 2004)

## TRAFFIC SIGNS, SIGNALS, AND MARKINGS

3-3A-256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES. No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer subject to the exceptions granted the driver of an authorized emergency vehicle.

### 3-3A-257 OFFICIAL TRAFFIC CONTROL SIGNAL.

1. For the purposes of this section "stop at the official traffic control signal" means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

2. Official traffic control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner:

a. A “steady circular red” light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or a left turn from a one-way street to a one-way street from the left lane of traffic on a one-way street onto the leftmost lane of traffic on a one-way street. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

b. A “steady circular yellow” or “steady yellow arrow” light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right of way to all vehicles.

c. “A steady circular green” light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right of way to other vehicular and pedestrian traffic lawfully within the intersection.

d. A “steady green arrow” light shown alone or with another official traffic control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right of way to other vehicles and pedestrians lawfully within the intersection.

e. A “flashing circular red” light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed.

f. A “flashing yellow” light means vehicular traffic shall proceed through the intersection or past such signal with caution.

g. A “don’t walk” light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

h. A “walk” light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right of way by drivers of all vehicles.

3. Official traffic-control devices are established at the following intersections within the city limits of Maquoketa, Iowa:

Platt and Main

West Platt and Niagara  
West Platt and Vermont  
West Platt and Western  
West Platt and Cresslane  
South Main and Carlisle Drive (Ord. No. 1040, 01/02/07)  
West Platt Street and McKinsey Drive (Ord. No. 1079, 02/15/10)  
West Platt Street and Westgate Drive (Ord. No. 1079, 02/15/10)

### 3-3A-275 OPERATION OF MOTORCYCLES AND MOTORIZED BICYCLES

1. General. The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.

2. Riders:

a. Motorized Bicycles. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle.

b. Motorcycles. A person shall not operate or ride a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

3. Sitting Position. A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.

4. Use of Traffic Lanes. Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.

5. Headlights On. A person shall not operate a 1977 or later model year motorcycle or motorized bicycle upon the highways without displaying at least one lighted headlamp of the type described in section 321.409. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.

6. Packages. The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

7. Handlebars. A person shall not operate a motorcycle or motorized bicycle with handlebars more than fifteen inches in height above the portion of the seat occupied by the operator.

8. Parades. The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from local authorities.

9. Bicycle Safety Flags Required on Motorized Bicycles. When operated on a highway, a motorized bicycle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the motorized bicycle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, and be Day-Glo In color.

(Ord. 849, 11-29-94)

## CRIMINAL OFFENSES

3-3A-277 RECKLESS DRIVING. Any person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

Every person convicted of reckless driving shall be guilty of a simple misdemeanor.

3-3A-277A CARELESS DRIVING. A person commits careless driving if the person intentionally operates a motor vehicle on a public road or highway in any one of the following ways:

1. Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.
2. Simulates a temporary race.
3. Causes any wheel or wheels to unnecessarily lose contact with the ground.
4. Causes the vehicle to unnecessarily turn abruptly or sway.

(Ord. No. 960- 12-17-01)

3-3A-278 DRAG RACING PROHIBITED. No person shall engage in any motor vehicle speed contest or exhibition of speed on any street or highway of this State and no person shall aid or abet any motor vehicle speed contest or speed exhibition on any street or highway of this State, except that a passenger shall not be considered as aiding and abetting. Motor vehicle speed contest or exhibition of speed are defined as one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets or highways.

Any person who violates the provisions of this section shall be guilty of a simple misdemeanor.  
(C66, 71, 73, §321.284; C75, 77, 79, 81, §321.278]  
Referred to in §805.8(2)g)

**3-3A-279 ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VEHICLES.** The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual or audible signal to stop and in doing so exceeds the speed limit by twenty-five miles per hour or more. The signal given by the peace officer shall be by flashing red light or siren. For purposes of this section, “peace officer” means those officers designated under section 801.4, subsection 7, paragraphs “A,” “B,” “C,” “G,” and “H.”

(C81, §321.279)  
Referred to in §321.209(8)

### **3-3A-285 SPEED RESTRICTIONS**

1. **Reasonable and Proper Speed.** Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law.

2. **Lawful Speed.** The following shall be the lawful speed except as modified by sections 1 or 3, and any speed in excess thereof shall be unlawful:

- a. Twenty miles per hour in any business district.
- b. Twenty-five miles per hour in any residence or school district.
- c. Forty miles per hour for any motor vehicle drawing another vehicle, except as hereinafter specified.
- d. Forty-five miles per hour in any suburban district.
- e. Fifty-five miles per hour from sunset to sunrise and fifty-five miles per hour from sunrise to sunset.
- f. Fifty-five miles per hour for any motor vehicle drawing a one or two-wheel trailer or a tandem wheel trailer not more than thirty-two feet in length including towing arm and not more than eight feet in width.
- g. Reasonable and proper, but not greater than fifty miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 5 of this section.

h. Notwithstanding any other speed restrictions, the speed limits for all vehicular traffic, except vehicles subject to the provisions of section 321.286 on fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the Federal Highway Administration and this State (23 U.S.C. 103 (e) 1977) shall be fifty-five miles per hour.

It is further provided that any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate system.

3. Speed Zones. The following shall be lawful speed except as hereinbefore or hereinafter modified, and any speed in excess thereof shall be unlawful:

a. Twenty miles per hour (20 m.p.h.) on Platt Street from Eliza Street to Niagara Street; and, on Main Street from Maple Street to Quarry Street.

b. Twenty-five miles per hour (25 m.p.h.) in any residential district.

c. Forty-five miles per hour (45 m.p.h.) in any suburban district except as follows: the maximum speed on Western Avenue shall be 25 miles per hour for Northbound traffic and Southbound traffic between West Summit Street and West Platt Street.

(ORD 877, passed 6-7-96)

d. Thirty miles per hour (30 m.p.h.) on East Summit Street from South Matteson Street to Jacobsen Drive; on Jacobsen Drive from East Summit Street to East Platt Street; on East Platt Street from Jacobsen Drive to Eliza Street; on West Platt Street from Niagara Street to the intersection of Iowa Highways 61 and 64.

e. Forty miles per hour (40 m.p.h.) on Iowa Highway 64 from the Highway 64-61 Intersection to the West City Limits.

f. Repealed

(Ord. 926, passed 12/6/99)

g. Repealed

(ORD. 926, passed 12/6/99)

h. Forty-five miles per hour (45 m.p.h.) on Iowa Highway 64 from Jacobsen Drive to the East City Limits.

i. Forty-five miles per hour (45 m.p.h.) on Iowa Highway 62 from Iowa Highway 64 to the North City Limits.

j. Twenty-Five miles per hour (25 m.p.h.) on Myatt Drive from Summit Street to the South City Limits.

(Ord. 763, 8-19-91)

(Ord. 977, 8-19-02)

k. Twenty-five miles per hour (25 m.p.h.) on old U.S. Highway 61 from the intersection of Grove Street and North Main Street to the North end of the City Limits.  
(Ord. 848, 11-21-94)

l. Sixty-five miles per hour (65 m.p.h.) on U.S. Highway 61 four-lane that runs inside City Limits.  
(Ord. 926, 12-6-99)

m. Thirty miles per hour (30 mph) on 17th Street from South Main Street east to 211th Avenue; thirty miles per hour (30 mph) on 211th Avenue south to terminus at 13th Street; thirty miles per hour (30 mph) on 13th Street from 211th Avenue east to City Limits.  
(Ord. 1036, 11-20-06; Ord. No. 1072, 5-18-09)

n. Thirty-five miles per hour (35 m.p.h.) on South Main Street from Monroe Street to the southbound on ramp of Highway 61.

o. Fifty-five miles per hour (55 m.p.h.) from the southbound ramp of Highway 61 to Family Dollar Parkway. (Ord. 1052, 01-21-08)

p. Fifteen miles per hour (15 m.p.h.) on alley between South Eliza and South Olive from East Pleasant to East Platt. (Ord. No. 1082, 3-1-10)

3-3A-286 TRUCK SPEED LIMITS. It shall be unlawful for the driver of a freight-carrying vehicle, with a gross weight of over five thousand pounds, to drive the same at a speed exceeding the following:

1. Fifty-five miles per hour on all fully controlled-access, divided, multilaned highways including interstate highways.
2. Fifty-five miles per hour on all primary roads.
3. Fifty miles per hour on all secondary roads.

For the purposes of this section, interstate highways are those designated by the Federal Highway Administration and this State, and primary and secondary roads are those designated by the Federal Highway Administration and this State.

(S13, §1571-m19, -m20-, C24, 27, 31, 35, §5029; C39, §5023.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.286)

Referred to in §321.285, §321.291, 321.292,  
805.8(2)(g)

3-3A-287 BUS SPEED LIMITS. No passenger-carrying motor vehicle used as a common carrier, except school buses, shall be driven upon the highways at a greater rate of speed than fifty-five miles per hour at any time.

3-3A-288 CONTROL OF VEHICLE-REDUCED SPEED.

1. A person operating a motor vehicle shall have the vehicle under control at all times.
2. A person operating a motor vehicle shall reduce the speed to a reasonable and proper rate:
  - a. When approaching and passing a person walking in the traveled portion of the public highway.
  - b. When approaching and passing an animal which is being led, ridden, or driven upon a public highway.
  - c. When approaching and traversing a crossing or intersection of public highways, or a bridge, sharp turn, curve, or steep descent, in a public highway.
  - d. When approaching and passing a fusee, flares, red reflector electric lanterns, red reflectors or red flags displayed in accordance with section 321.448 or an emergency vehicle displaying a revolving or flashing light.
  - e. When approaching and passing a slow moving vehicle displaying a reflective device as provided by section 321.383.
  - f. When approaching and passing through a sign posted construction or maintenance zone upon the public highway.

3-3A-294 MINIMUM SPEED REGULATION. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor.

3-3A-295 LIMITATION ON BRIDGE OR ELEVATED STRUCTURES. No person shall drive a vehicle on any public bridge or elevated structure at a speed which is greater than the maximum speed permitted under this chapter on the street or highway at a point where said street or highway joins said bridge or elevated structure, provided that if the maximum speed permitted on said street or highway differs from the maximum speed on any other street or highway joining said bridge or elevated structure, then the lowest of said speeds shall be the maximum speed limit on said bridge or elevated structure, subject to the following:

The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway,



and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the Department shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of two hundred feet before each end of such structure.

No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

Upon the trial of any person charged with driving a vehicle at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, proof of such determination of the maximum speed by said Department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

## DRIVING ON RIGHT SIDE OF ROADWAY-OVERTAKING AND PASSING

### 3-3A-297 DRIVING ON RIGHT-HAND SIDE OF ROADWAY EXCEPTIONS.

1. A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:

a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

b. When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.

c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

d. Upon a roadway restricted to one-way traffic.

2. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, private road or driveway.

3. A vehicle shall not be driven upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except

as permitted under subsection 1, paragraph “B.” This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

**3-3A-298 MEETING AND TURNING TO RIGHT.** Except as otherwise provided in section 321.297 vehicles or persons on horseback meeting each other on any roadway shall yield one-half of the roadway by turning to the right.

**3-3A-299 OVERTAKING A VEHICLE.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

**3-3A-300 FAILURE TO RECOGNIZE SIGNAL.** Any driver of a vehicle that is overtaken by a faster moving vehicle who fails to heed the signal of the overtaking vehicle when it is given under such circumstances that the driver of the overtaken vehicle could, by the exercise of ordinary care and observation and precaution, hear such signal and who fails to yield that part of the traveled way as herein provided, shall be guilty of a misdemeanor.

**3-3A-301 BURDEN OF PROOF.** Upon proof that a signal was given as contemplated by section 321.300, the burden shall rest upon the accused to prove that the accused did not hear said signal.

**3-3A-302 OVERTAKING ON THE RIGHT.** The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

**3-3A-303 LIMITATIONS ON OVERTAKING ON THE LEFT.** A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or a vehicle overtaken. The overtaking vehicle shall return to the right-hand side of the roadway before coming within three hundred feet of a vehicle approaching from the opposite direction when traveling on

a roadway having a legal speed limit in excess of thirty miles per hour, and the overtaking vehicle shall return to the right-hand side of the roadway before coming within one hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit of thirty miles per hour or less.

**3-3A-304 PROHIBITED PASSING.** No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed for a distance of approximately seven hundred feet.
2. When approaching within one hundred feet of any narrow bridge, viaduct, or tunnel, when so signposted, or when approaching within one hundred feet of or traversing any intersection or railroad grade crossing.
3. Where official signs are in place directing that traffic keep to the right or a distinctive center line or off-center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the Department of Transportation.

**3-3A-305 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.** Upon a roadway designated and signposted for on-way traffic a vehicle shall be driven only in the direction designated.

A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

**3-3A-306 ROADWAYS LANED FOR TRAFFIC.** Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

Vehicles moving in a lane designated for slow-moving traffic shall yield the right of way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane.

A portion of a highway provided with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic.

3-3A-307 FOLLOWING TOO CLOSELY. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

3-3A-309 TOWING-CONVOYS-DRAWBARS. No person shall pull or tow by motor vehicle, for hire, another motor vehicle over any highway outside the limits of any incorporated city, except in case of temporary movement of a disabled motor vehicle to the place where repairs will be made, unless such person has complied with the provisions of sections 321.57 and 321.58. Provided, however, if such person is a nonresident of the State of Iowa and has complied with the laws of the State of that person's residence governing licensing and registration as a transporter of motor vehicles the person shall not be required to pay the fee provided in section 321.58 but only to submit proof of the person's status as a bona fide manufacturer or transporter as may reasonably be required by the Department.

Every person pulling or towing by motor vehicle another motor vehicle in convoy or caravan shall maintain a distance of at least five hundred feet between the units of said convoy or caravan.

The drawbar or towing arm between a motor vehicle pulling or towing another motor vehicle shall be of a type approved by the Director, except in case of the temporary movement of a disabled vehicle in an emergency situation.

3-3A-310 TOWING FOUR-WHEELED TRAILERS. A motor vehicle shall not tow a four-wheeled trailer with a steering axle, or more than one trailer or semitrailer, or both in combination. However, this section does not apply to a motor home, multipurpose vehicle, motor truck, truck tractor or road tractor nor to a farm tractor towing a four-wheeled trailer, nor to a farm tractor or motor vehicle towing implements of husbandry, nor to a wagon box trailer used by a farmer in transporting produce, farm products or supplies hauled to and from market.

Any four-wheeled trailer towed by a truck tractor or road tractor shall be registered under the semitrailer provisions of section 321.122, provided, however, that the provisions of this section shall not be applicable to motor vehicles drawing wagon box trailers used by a farmer in transporting produce, farm products or supplies hauled to and from market.

#### TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

3-3A-311 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

Both the approach for a right turn and right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the center line of the roadway being entered.

Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

3-3A-312 TURNING ON CURVE OR CREST OF GRADE. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade or hill, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

3-3A-313 STARTING PARKED VEHICLE. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

3-3A-314 WHEN SIGNAL REQUIRED. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

3-3A-315 SIGNAL CONTINUOUS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning when the speed limit is forty-five miles per hour or less and a continuous signal during not less than the last three hundred feet when the speed limit is in excess of forty-five miles per hour.

3-3A-316 STOPPING. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

3-3A-317 SIGNALS BY HAND AND ARM OR SIGNAL DEVICE.

1. The signals required under the provisions of this chapter may be given either by means of the hand and arm as provided in section 321.318, or by a mechanical or electrical directional signal device or light of a type approved by the Department and conforming to the provisions of this chapter relating thereto.

2. Directional signal devices shall be designed with a white, yellow or amber lamp or lamps to be displayed on the front of vehicles and with a lamp or lamps of red, yellow or amber to be displayed on the rear of vehicles. Such devices shall be capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daylight and darkness from a distance of at least one hundred feet from the front and rear of a vehicle equipped therewith.

3. It is unlawful for any person to sell or offer for sale or operate on the highways of the State any vehicle subject to registration under the provisions of this chapter which has never been registered in this or any other State prior to January 1, 1954, unless the vehicle is equipped with a directional signal device of a type approved by the Department and is in compliance with the provisions of subsection 2 of this section. Motorcycles, motorized bicycles and semitrailers and trailers less than forty inches in width are exempt from the provisions of this section.

4. When a vehicle is equipped with a directional signal device, such device shall at all times be maintained in good working condition. No directional signal device shall project a glaring or dazzling light. All directional signal devices shall be self-illuminated when in use while other lamps on the vehicle are lighted.

5. Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, the operator then may display on the vehicle or combination of vehicles four directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation.

3-3A-318 METHOD OF GIVING HAND AND ARM SIGNALS. All signals herein required which may be given by hand and arm shall when so given be given from the left side of the vehicle and the following manner and interpretation thereof is suggested:

1. Left turn - Hand and arm extended horizontally.
2. Right turn – Hand and arm extended upward.
3. Stop or decrease of speed – Hand and arm extended downward.

#### RIGHT OF WAY

3-3A-319 ENTERING INTERSECTIONS FROM DIFFERENT HIGHWAYS. When two vehicles enter an intersection from different highways or public streets at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

The foregoing rule is modified at through highways and otherwise as hereinafter stated in this chapter.

3-3A-320 LEFT TURNS-YIELDING. The driver of the vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to all

vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard, then said driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn.

**3-3A-321 ENTERING THROUGH HIGHWAYS.** The driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute a hazard, but said driver having so yielded may proceed cautiously and with due care enter said through highway.

**3-3A-322 VEHICLES ENTERING STOP OR YIELD INTERSECTION.**

1. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

2. 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.

**3-3A-323 BACKING VEHICLE ON HIGHWAY.** No person shall operate a vehicle on a highway in reverse gear unless and until such operation can be made with reasonable safety, and shall yield the right of way to any approaching vehicle on the highway or intersecting highway thereto which is so close thereto as to constitute an immediate hazard.

## **PEDESTRIANS RIGHTS AND DUTIES**

**3-3A-325 PEDESTRIANS SUBJECT TO SIGNALS.** Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in sections 321.327 to 321.331.

**3-3A-326 PEDESTRIANS ON LEFT.** Pedestrians shall at all times when walking on or along a highway, walk on the left side of such highway.

**3-3A-327 PEDESTRIANS' RIGHT OF WAY.** Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need

be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

**3-3A-328 CROSSING AT OTHER THAN CROSSWALK.** Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway except that cities may restrict such a crossing by ordinance.

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

Where traffic-control signals are in operation at any place not an intersection pedestrians shall not cross at any place except in a marked crosswalk.

**3-3A-329 DUTY OF DRIVER - PEDESTRIANS CROSSING OR WORKING ON HIGHWAYS.** Notwithstanding the provisions of section 321.328 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway.

Every driver of a vehicle shall yield the right of way to pedestrian workers engaged in maintenance or construction work on a highway whenever the driver is notified of the presence of such workers by a flagman or a warning sign.

**3-3A-331 PEDESTRIANS SOLICITING RIDES.** No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

Nothing in this section or this chapter shall be construed so as to prevent any pedestrian from standing on that portion of the highway or roadway, not ordinarily used for vehicular traffic, for the purpose of soliciting a ride from the driver of any vehicle.

**3-3A-332 WHITE CANES RESTRICTED TO BLIND PERSON.** For the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways, and public places of the State any white canes or walking sticks which are white in color or white tipped with red.

**3-3A-340 DRIVING THROUGH SAFETY ZONE.** No vehicle shall at any time be driven through or within a safety zone.

#### **SPECIAL STOPS REQUIRED**

**3-3A-353 STOP BEFORE CROSSING SIDEWALK RIGHT-OF-WAY.** The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic and the driver



shall yield the right of way to any vehicular traffic on the street into which the driver's vehicle is entering.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall stop such vehicle immediately prior to driving on said highway and shall yield the right of way to all vehicles approaching on said highway.

#### STOPPING, STANDING, AND PARKING

3-3A-354 STOPPING ON TRAVELED WAY. Upon any highway outside of a business or residence district a person shall not stop, park, or leave standing a vehicle, whether attended or unattended:

1. Upon the paved part of the highway when it is practical to stop, park, or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, "paved highway" includes an asphalt surfaced highway.

2. Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles.

A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section does not apply to a vehicle making a turn as provided in section 321.311.

3-3A-355 DISABLED VEHICLE. Section 321.354 shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

3-3A-358 STOPPING, STANDING, OR PARKING. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five feet of a fire hydrant.

5. On a crosswalk.
6. Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
7. Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless any city indicates a different length by signs or markings.
8. Within fifty feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
9. Within twenty 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 feet of said entrance when properly signposted.
10. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
12. Upon any bridge or other elevated structure upon a highway outside of cities or within a highway tunnel.
13. At any place where official signs prohibit stopping or parking.
14. Upon any street within the corporate limits of a city when the same is prohibited by a general ordinance of uniform application relating to removal of snow or ice from the streets.

3-3A-360 THEATERS, HOTELS, AND AUDITORIUMS. A space of not to exceed fifty feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five sleeping rooms, or other buildings where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked, or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

3-3A-361 ADDITIONAL PARKING REGULATIONS. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

Local authorities may by ordinance permit angle or center parking on any roadway under their jurisdiction.

## MISCELLANEOUS RULES

3-3A-362 UNATTENDED MOTOR VEHICLES. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

3-3A-363 OBSTRUCTION TO DRIVER'S VIEW. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

3-3A-364 CONTROL OF VEHICLE - SIGNALS. The driver of a motor vehicle traveling through defiles or on approaching the crest of a hill or grade shall have such motor vehicle under control and on the right-hand side of the roadway and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

3-3A-365 COASTING PROHIBITED.

1. The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears of such vehicle in neutral.

2. The driver of a commercial motor vehicle when traveling upon a downgrade shall not coast with the clutch disengaged.

3-3A-366 ACTS PROHIBITED ON FULLY CONTROLLED-ACCESS FACILITIES. It is unlawful for a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on a fully controlled-access facility:

1. Drive a vehicle over, upon, or across a curb, central dividing section, or other separation or dividing line.

2. Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn.

3. Drive a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.

4. Drive a vehicle into the facility from a local service road.

5. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the paved portion.

6. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity.

For the purpose of this section, fully controlled-access facility is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections.

3-3A-367 FOLLOWING FIRE APPARATUS. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

3-3A-368 CROSSING FIRE HOSE. No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

3-3A-369 PUTTING DEBRIS ON HIGHWAY. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. No substance likely to injure any person, animal or vehicle upon such highway shall be thrown or deposited by any person upon any highway. Any person who violates any provision of this section shall be guilty of a misdemeanor.

3-3A-370 REMOVING INJURIOUS MATERIAL. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material and other material shall immediately remove the same or cause it to be removed.

3-3A-371 CLEARING UP WRECKS. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

## SCHOOL BUSES

### 3-3A-372 DISCHARGING PUPILS - REGULATIONS

1. The driver of a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred 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, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow or other weather

conditions, a school bus shall not stop to receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.

If a school district contracts with an urban transit system to transport children to and from a public or private school, the school bus which is provided by the urban transit system shall not be required to be equipped with flashing warning lights and a stop arm. If the school bus provided by an urban transit system is equipped with flashing warning lights and a stop arm, the driver of the school bus shall use the flashing warning light and stop arm as required by law.

A school bus, when operating on a highway with four or more lanes shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils who must cross the highway may do so at points where there are official traffic control devices or police officers.

A school bus shall, while carrying passengers, have its headlights turned on.

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

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

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

4. The driver of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though the school bus is stopped.

3-3A-377 SPEED OF SCHOOL BUS. A motor vehicle in use as a school bus shall not be operated at a speed in excess of the posted maximum speed limit.

## SAFETY STANDARDS

3-3A-381    **MOVEMENT OF UNSAFE OR IMPROPERLY EQUIPPED VEHICLES.** It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which are in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter.

3-3A-382    **UPGRADE PULLS – MINIMUM SPEED.** A motor vehicle or combination of vehicles which cannot proceed up a three percent grade, on dry concrete pavement, at a minimum speed of twenty miles per hour, shall not be operated upon the highways of this State.

3-3A-383    **EXCEPTIONS - SLOW VEHICLES IDENTIFIED.**

1. This chapter with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, bulk spreaders and other fertilizer and chemical equipment defined as special mobile equipment, road rollers, or farm tractors except as made applicable in this section. However, the movement of implements of husbandry between the retail seller and a farm purchaser or the movement of indivisible implements of husbandry between the place of manufacture and a retail seller or farm purchaser is subject to safety rules. The safety rules shall prohibit the movement of any power unit towing more than one implement of husbandry from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

2. When operated on a highway in this State at a speed of twenty-five miles per hour or less, every farm tractor, or tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, horse-drawn vehicle, or any other vehicle principally designed for use off the highway and any such tractor, implement, vehicle or grader when manufactured for sale or sold at retail after the thirty-first of December, 1971, shall be identified with a reflective device of a type approved by the Director; however, this provision shall not apply to such vehicles when traveling in any escorted parade. The reflective device shall be visible from the rear and mounted in a manner approved by the Director. All vehicles specified in this section shall be equipped with such reflective device after the thirty-first of December, 1971. The Director, when approving such device, shall be guided as far as practicable by the standards of the American Society of Agricultural Engineers. No vehicle other than those specified in this section shall display a reflective device approved for the use herein described. On vehicles specified herein operating at speeds above twenty-five miles per hour, the reflective device shall be removed or hidden from view.

3. Garbage collection vehicles, when operated on the streets or highways of this State at speeds of twenty-five miles per hour or less, may display a reflective device of a type and in a manner approved by the Director. At speeds in excess of twenty-five miles per hour the device shall not be visible.

## **LIGHTING EQUIPMENT**

### 3-3A-384 WHEN LIGHTED LAMPS REQUIRED.

1. Every motor vehicle upon a highway within the State, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted head lamps as provided in section .415, subject to exceptions with respect to parked vehicles as hereinafter stated.

2. Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection 1 of this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

3-3A-389 REFLECTORS ADDITIONAL. Every new motor vehicle, trailer, or semitrailer hereafter sold and every commercial vehicle hereafter operated on a highway shall also carry at the rear, either as part of the rear lamp or separately, a red reflector meeting the requirements of this chapter.

3-3A-390 REFLECTOR REQUIREMENTS. Whenever a red reflector is required or permitted to be used in substitution of lamps upon a vehicle under any one of the provisions of this chapter, such reflector shall be mounted upon the vehicle at a height not to exceed forty-two inches nor less than twenty inches above the ground upon which the vehicle stands, and every such reflector shall be so designed and maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle, except that on a commercial vehicle the reflector shall be visible from all distances within five hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawfully lighted head lamps.

3-3A-391 APPROVAL OF REFLECTORS. No reflector as required by this chapter shall be used except of a type approved by the Department and the Department is hereby authorized to approve or disapprove types of reflectors submitted and to publish a list of such approved types by trade name or otherwise.

3-3A-392 CLEARANCE AND IDENTIFICATION LIGHTS. Every motor truck, and every trailer or semitrailer of over three thousand pounds gross weight, shall be equipped with the following lighting devices and reflectors in addition to other requirements of this chapter.

1. Every motor truck, whatever its size shall have the following:  
On each side, one reflector, at or near the rear; and  
On the rear, two reflectors, one at each side.

2. Every motor truck, eighty inches or more in width shall have the following in addition to the requirements of subsection 1:

- a. If thirty feet or less in overall length –  
On the front, two clearance lamps, one at each side; and

On the rear, two clearance lamps, one at each side.

b. If more than thirty feet in overall length –

On the front, two clearance lamps, one at each side;

On each side, two side-marker lamps, one at or near the front, and one at or near the rear, and an additional reflector at or near the front; and

On the rear, two clearance lamps, one at each side.

3. Every truck tractor or road tractor shall have the following:

On the front, two clearance lamps, one at each side if the tractor cab is as wide as, or wider than, the widest part of the vehicle or vehicles towed;

On each side, one side-marker lamp at or near the front; and

On the rear, one tail lamp.

4. Every trailer or semitrailer having a gross weight in excess of three thousand pounds shall have the following:

On the front, two clearance lamps, one at each side, if the trailer is wider in its widest part than the cab of the vehicle towing it;

On each side, one side-marker lamp at or near the rear; two reflectors, one at or near the front and one at or near the rear; and

On the rear, two clearance lamps, one at each side; one stop light; one tail lamp; and two reflectors, one at each side.

5. Every motor truck or combination of motor truck and trailer having a length in excess of thirty feet or a width in excess of eighty inches shall be equipped with three identification lights on both front and rear. Each such group shall be evenly spaced not less than six nor more than twelve inches apart along a horizontal line near the top of the vehicle.

3-3A-393 COLOR AND MOUNTING. No lighting device or reflector, when mounted on or near the front of any motor truck or trailer, except school buses shall display any other color than white, yellow, or amber; provided that installations heretofore in place and otherwise complying with the law may display a green light, however, such green light shall be replaced with the appropriate color when replacement is made or prior to January 1, 1980, whichever is earlier.

No lighting device or reflector, when mounted on or near the rear of any motor truck or trailer, shall display any other color than red, except that the stoplight may be red, yellow, or amber.

Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate the extreme width of the vehicle or its load.

The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber light when such lighting device or reflector is mounted on a motor truck, trailer, tractor, or motor grader owned by the State, or any political subdivision of the State, or any municipality



therein, while such equipment is being used for snow removal, sanding, maintenance, or repair of the public streets or highways.

3-3A-394 LAMP OR FLAG ON PROJECTING LOAD. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

3-3A-395 LAMPS ON PARKED VEHICLES. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside of a business district whether attended or unattended, such vehicle shall be equipped with one or more lamps which shall exhibit a white or amber light on the way side visible from a distance of five hundred to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet upon such highway. Lamps on parked or stopped vehicles, except trucks, trailers or semitrailers as defined in section .392, required to be exhibited by this section, but not including running lights, shall not be lighted at any time when the vehicle is being driven on the highway unless the head lamps are also lighted. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

3-3A-397 LAMPS ON BICYCLES. Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified in section .384 visible from a distance of at least three hundred feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector meeting the requirements of this chapter may be used in lieu of a rear light.

3-3A-398 LAMPS ON OTHER VEHICLES AND EQUIPMENT. All vehicles, including animal-drawn vehicles and including those referred to in section.383 not hereinbefore specifically required to be equipped with lamps, shall at the times specified in section .384 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and, except for animal-drawn vehicles, with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear. Animal-drawn vehicles shall be equipped with a flashing amber light visible from a distance of five hundred feet to the rear of the vehicle during the time specified in section .384.

3-3A-402 SPOT LAMPS. Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

3-3A-403 AUXILIARY DRIVING LAMPS. Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height not less than twelve inches

nor more than forty-two inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this chapter.

**3-3A-404 SIGNAL LAMPS AND SIGNAL DEVICES.** Every motor vehicle shall be equipped with a signal lamp or signal device which is so constructed and located on the vehicle as to give a signal of intention to stop, which shall be red or yellow in color, which signal shall be plainly visible and understandable in normal sunlight and at night from a distance of one hundred feet to the rear but shall not project a glaring or dazzling light.

**3-3A-409 MANDATORY LIGHTING EQUIPMENT.** Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and the lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations.

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions.

2. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. Every new motor vehicle, other than a motorcycle or motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle.

**3-3A-415 REQUIRED USAGE OF LIGHTING DEVICES.** Whenever a motor vehicle is being operated on a roadway or shoulder during the times specified in section .384, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section .409, subsection 2, shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing; the driver shall use a distribution

of light permissible under this chapter other than the uppermost distribution of light specified in section .409, subsection 1.

3. The provisions of subsection 1 and 2 do not apply to motorcycles or motorized bicycles being operated between sunrise and sunset.

3-3A-419 NUMBER OF DRIVING LAMPS REQUIRED PERMITTED. At all times at least two lighted lamps, except where one only is permitted, shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

3-3A-420 NUMBER OF LAMPS LIGHTED. Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

3-3A-422 RED LIGHT IN FRONT. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or reflecting a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles or school buses.

No person shall display any color of light other than red on the rear of any vehicle, except that stop lights and directional signals may be red, yellow, or amber.

3-3A-423 FLASHING LIGHTS.

1. Definitions. As used in this section, unless the context otherwise requires:

A. "Fire Department" means a paid or volunteer organized Fire Department.

B. "Member" means a person who is a member in good standing of a Fire Department.

2. Prohibited lights. A flashing light on or in a motor vehicle is prohibited except as follows:

a. On an authorized emergency vehicle.

b. On a vehicle as a means of indicating a right or left turn, a mechanical failure, or an emergency stop or intent to stop.

c. On a motor vehicle used by a rural mail carrier when stopping or stopped on or near a highway in the process of delivering mail, if such a light is any shade of color between white and amber and if it is mounted as a dome light on the roof of the vehicle.

d. On a vehicle being operated under an excess size permit.

e. A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection 3 of this section.

3. Blue light. A blue light shall not be used on any vehicle except:

a. A vehicle owned or exclusively operated by a Fire Department; or

b. A vehicle authorized by the Director when:

(1) The vehicle is owned by a member of a Fire Department.

(2) The request for authorization is made by the member on forms provided by the Department.

(3) Necessity for authorization is demonstrated in the request.

(4) The Chief of the Fire Department certifies that the member is in good standing with the Fire Department and recommends that the authorization be granted.

4. Expiration of authority. The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the Fire Department or when the member has used the blue light beyond the scope of its authorized use.

5. When used. The certificate of authorization shall be carried at all times with the certificate of registration of the authorized vehicle and the operator of the vehicle shall not illuminate the blue light except:

a. When the member is en route to the scene of a fire or is responding to an emergency in the line of duty requiring the services of the member;

b. When the authorized vehicle is transporting a person requiring emergency care; or

c. When the authorized vehicle is at the scene of an emergency.

d. The use of a blue light in or on a private motor vehicle shall be for identification purposes only.

6. Amber flashing light. A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of twenty-five miles an hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light. The type, number, dimensions, and method of mounting of the lights shall

be determined by the Director. The Director, when approving the light, shall be guided as far as practicable by the standards of the American Society of Agricultural Engineers.

## **BRAKES, HITCHES, AND SWAY CONTROL**

### **3-3A-430 Brake, hitch,, and control requirements.**

1. Every motor vehicle, other than a motorcycle, or motorized bicycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle and motorized bicycle, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer or semitrailer of a gross weight of three thousand pounds or more, and every trailer coach or travel trailer of a gross weight of three thousand pounds or more intended for use for human habitation, when operated on the highways of this State, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, and so designed as to be applied by the driver of the towing motor vehicle from its cab, or with self-actuating brakes, and weight equalizing hitch with a sway control of a type approved by the Director of Transportation. Every semitrailer, travel trailer, or trailer coach of a gross weight of three thousand pounds or more shall be equipped with a separate, auxiliary means of applying the breaks on the semitrailer, travel trailer, or trailer coach from the cab of the towing vehicle. Trailers or semitrailers with a truck or truck tractor need only comply with the brake requirements.

4. Except as otherwise provided in this chapter, every new motor vehicle, trailer, or semitrailer hereafter sold in this State and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle with the following exceptions:

- a. Any motorcycle or motorized bicycle.
- b. Any trailer or semitrailer of less than three thousand pounds gross weight need not be equipped with brakes.

## **MISCELLANEOUS EQUIPMENT**

3-3A-432 **HORNS AND WARNING DEVICES.** Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with the horn but shall not otherwise use such horn when upon a highway.

3-3A-433 **SIRENS AND BELLS PROHIBITED.** No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound under normal conditions from a distance of not less than five hundred feet and of a type approved by the Department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

3-3A-434 **BICYCLE SIRENS OR WHISTLES.** No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

3-3A-436 **MUFFLERS, PREVENTION OF NOISE.** Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway.

3-3A-437 **MIRRORS.** Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Any motor vehicle so loaded, or towing another vehicle in such manner, as to obstruct the view in a rear view mirror located in the driver's compartment shall be equipped with a side mirror so located that the view to the rear will not be obstructed however when such vehicle is not loaded or towing another vehicle the side mirrors shall be retracted or removed. All van or van type motor vehicles shall be equipped with outside mirrors of unit magnification, each with not less than nineteen point five square inches of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

3-3A-438 **WINDSHIELD AND WINDOWS.**

1. A person shall not drive a motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision.

2. A person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver, or a sidewing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or sidewing. The Department shall adopt rules establishing a minimum measurable standard of transparency which shall apply to violation of this subsection.

3. Every motor vehicle except a motorcycle, or a vehicle included in the provisions of section 383.115 shall be equipped with a windshield in accordance with section 383.444.

3-3A-439 WINDSHIELD WIPERS. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

3-3A-440 RESTRICTIONS AS TO TIRE EQUIPMENT. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. Any pneumatic tire on a vehicle shall be considered unsafe if it has:

1. Any part of the ply or cord exposed;
2. Any bump, bulge or separation;
3. A tread design depth of less than one-sixteenth of an inch measured in any two or more adjacent tread grooves, exclusive of tie bars or, for those tires with tread wear indicators, worn to the level of the tread wear indicators in any two tread grooves;
4. A marking "not for highway use," "for racing purposes only," unsafe for highway use";
5. Tread or sidewall cracks, cuts or snags deep enough to expose the body cord;
6. Such other conditions as may be reasonably demonstrated to render it unsafe;
7. Been regrooved or recut below the original tread design depth, excepting special tires which have extra under tread rubber and are identified as such, or if a pneumatic tire was originally designed without grooves or tread, the safety standards therefor shall be established by the Director.

3-3A-441 METAL TIRES PROHIBITED. No person shall operate or move on a paved highway any motor vehicle, trailer, or semitrailer having any metal tire or metal track in contact with the roadway.

3-3A-442 PROJECTIONS ON WHEELS. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use:

1. Farm machinery with tires having protuberances which will not injure the highway.
2. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
3. Pneumatic tires with inserted ice grips or studs projecting not more than one-sixteenth inch beyond the tread of the traction surface of the tire upon any vehicle from November 1 of each year to April 1 of the following year, except that a school bus and Fire Department emergency apparatus may use such tires at any time.

### 3-3A-444 SAFETY GLASS.

1. No person shall sell any new motor vehicle nor shall any motor vehicle manufactured since July 1, 1935, be registered, or operated unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields. Replacements of glass in doors, windows, or windshields shall be of safety glass.

2. The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the Director.

3. The Director shall compile and publish a list of types of glass by name approved by the Director as meeting the requirements of subsection 2 and the Director shall not register any motor vehicle which is subject to the provisions of subsection 1 unless it is equipped with an approved type of safety glass, and the Director shall suspend the registration of any motor vehicle so subject to said section which the Director finds is not so equipped until it is made to conform to the requirements of said section.

### 3-3A-445 SAFETY BELTS AND SAFETY HARNESSES USE REQUIRED.

1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnesses of a type and installed in a manner approved by rules adopted by the Department pursuant to chapter 17A. The Department shall adopt rules regarding the types of safety belts and safety harnesses required to be installed. The rules shall conform with Federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. Sections 571.209-571.210 and with prior federal motor vehicle's model year. The Department may adopt rules which comply with changes in the applicable federal motor vehicle safety standards with regard to the type of safety belts and safety harnesses and their manner of installation.

2. The driver and front seat occupants of a type of motor vehicle which is subject to registration in Iowa, except a motorcycle or motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this State except that a child under six years of age shall be secured as required under section 321.466.

This subsection does not apply to:

a. The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses under rules adopted by the Department.

b. The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.



c. The driver of a motor vehicle while performing duties as rural letter carrier for the United States Postal Service. This exemption applies only between the first delivery point after leaving the Post Office and the last delivery point before returning to the Post Office.

d. Passengers on a bus.

e. A person possessing a written certification from a physician on a form provided by the Department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued.

f. Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However this exemption does not apply to the driver of the authorized emergency vehicle.

During the six-month period from July 1, 1986 through December 31, 1986, peace officers shall issue only warning citations for violations of this subsection, except this does not apply to drivers subject to the Federal motor carrier safety regulation 49 C.F.R. Section 392.16.

The Department, in cooperation with the Department of Public Safety and the Department of Education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

4.

a. The nonuse of a safety belt or safety harness by a person is not admissible or material as evidence in a civil action brought for damages in a cause of action arising prior to July 1, 1986.

b. In a cause of action arising on or after July 1, 1986, brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under section 668.3, subsection 1. However, except as provided in section 321.446, subsection 6, the failure to wear a safety belt or safety harness in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt or safety harness in violation of the section must first introduce substantial evidence that the failure to wear a safety belt or safety harness contributed to the injury or injuries claimed by the plaintiff.

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of plaintiff's recovery by an

amount not to exceed five percent of the damages awarded after any reductions for comparative fault.

5. The Department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by physically handicapped persons who use collapsible wheelchairs.

(Ord. 812, passed 5-3-93)

### 3-3A-446 CHILD RESTRAINT DEVICES.

1. A child under three years of age who is being transported in a motor vehicle subject to registration which has a gross weight of ten thousand pounds or less as specified by the manufacturer, except a school bus or motorcycle, shall be secured during transit by a child restraint system which meets Federal motor vehicle safety standards and the system shall be used in accordance with the manufacturer's instructions.

2. A child at least three years of age but under six years of age who is being transported in a motor vehicle subject to registration which has a gross weight of ten thousand pounds or less as specified by the manufacturer, except a school bus or motorcycle, shall be secured during transit by either a child restraint system that meets Federal motor vehicle safety standards and is used in accordance with the manufacturer's instructions, or by a safety belt or safety harness of a type approved under section 321.445.

3. This section does not apply to nonresidents of Iowa or to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles. This section does not apply to the transportation of a child who has been certified by a physician licensed under Chapter 148, 150, or 150A as having a medical, physical, or mental condition which prevents or makes inadvisable securing the child in a child restraint system, safety belt or safety harness.

4. The operator who violates subsection 1 or 2 is guilty of a misdemeanor and subject only to the penalty provisions of 805.8, subsection 2, paragraph "t".

5. A person who is first charged for a violation of subsection 1 and who has not purchased or otherwise acquired a child restraint system shall not be convicted if the person produces in court, within a reasonable time, proof that the person has purchased or otherwise acquired a child restraint system which meets Federal motor vehicle safety standards.

6. Failure to use a child restraint system, safety belts, or safety harnesses required by this section does not constitute negligence nor is the failure admissible as evidence in a civil action.

### SIZE, WEIGHT, AND LOAD

### 3-3A-466 INCREASED LOADING CAPACITY – REREGISTRATION.

1. An increased gross weight registration may be obtained for any vehicle by payment of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which it is registered.

2. During or after the seventh month of a current registration year, the owner of a motor truck, truck tractor, road tractor, semitrailer or trailer may, if the owner's operation has not resulted in a conviction or action pending under this section, increase the gross weight of the vehicle to a higher gross weight classification by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which it is registered, multiplied by the number of unexpired months of the registration year.

3. Upon conversion of a truck to a truck tractor or a truck tractor to a truck, an increased gross weight registration of the proper type may be obtained for the vehicle by payment, except as provided in section 321.106, of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the annual fee for the gross weight at which the vehicle is registered, multiplied by the number of unexpired months of the registration year from the date of the conversion.

4. The registered gross weight of any vehicle or combination of vehicles may also be increased by installing and using a properly registered auxiliary axle or axles, and the combined registered gross weight of such vehicle and auxiliary axle or axles shall determine the total registered gross weight thereof. No auxiliary axle may be used to convert a single axle to a tandem axle unless equipped with a device to equalize the load carried by the single axle and the said auxiliary axle when in tandem and when in motion or when standing, and the load transmitted to the highway by either the single axle or the auxiliary axle shall not exceed that permitted for any single axle, nor shall the load transmitted to the highway when in tandem and when in motion or when standing, exceed that permitted for any tandem axle.

5. It shall be unlawful for any person to operate a motor truck, trailer, truck tractor, road tractor, semitrailer or combination thereof, or any such vehicle equipped with a transferable auxiliary axle or axles, on the public highways with a gross weight exceeding that for which it is registered by more than five percent of the gross weight for which it is registered, provided, however, that any vehicle or vehicle combination referred to herein, while carrying a load of raw farm products, soil fertilizers, including ground limestone, raw dairy products or livestock, live poultry, eggs, may be operated with a gross weight of twenty-five percent in excess of the gross weight for which it is registered.

6. For the purposes of this section cracked or ground soy beans, sargo, corn, wheat, rye, oats or other grain shall be deemed to be raw farm products, provided that such products are being directly delivered to a farm, from the place where the whole grain had been delivered from a farm for the purpose of cracking or grinding and immediate delivery to the farm to which such cracked or ground products are being delivered.

7. The truck operator shall have in the truck operator's possession a receipt showing place of processing on the return trip.

## FAWN BROOK ESTATES ENFORCEMENT

3-3A-467 The vehicular traffic provisions and all other provisions of the Maquoketa Code of Ordinances shall be enforced within the Fawn Brook Estates by the law enforcement officials of the City of Maquoketa.

(Ord. 767, 9-3-91)

## 3-3A-468 WEIGHT RESTRICTIONS - CITY STREETS

1. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of six (6) tons at any time upon any street that is not named as part of the truck route set forth in Subsection 2 of this Section.

2. Every motor vehicle weighing six (6) tons or more, when loaded or empty, having no fixed terminal within the City or making nonscheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

a. Business Highway 61 (Main Street) from the South City Limits to the North end of the Maquoketa River Bridge where the street becomes the Old Hurstville Road or to the intersection of North Main and Pershing Street.

b. Pershing Street from North Main to Iowa Highway 62

c. Iowa Highway 64 (Platt Street) from the West City Limit to the East City Limits

d. East Summit Street from South Main Street to the intersection with Jacobsen Drive

e. Jacobsen Drive from Summit Street to Iowa Highway 64 (Platt Street)

f. Maple Street from Jacobsen Drive to Clark Street

g. Clark Street from Maple Street to Iowa Highway 64 (Platt Street)

h. North Dearborn Street from Iowa Highway 64 (Platt Street) to Quarry Street

i. Quarry Street from North Dearborn Street to North Main

j. U.S. Highway 61 from the South City Limits to the North City Limits

k. McKinsey Drive from West Platt Street to German Street.

(Ord. 795, passed 8-3-92)

3. Any motor vehicle weighing six (6) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in subsection 2 of this section

to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

4. It shall be a violation of this section for the owner or operator or lessor of any vehicle to operate or require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

5. This section 3-3A-468 shall not apply to anyone who operates a vehicle enroute to and from their place of residence or business.

(Ord. 769, 11-4-91)

**3-3A-469 LOAD RESTRICTION: MAQUOKETA RIVER BRIDGE.** No person shall operate any vehicle with a gross vehicle weight in excess of ten (10) tons at any time upon the City-County Bridge over the Maquoketa River.

(Ord. 840, 7-18-94)

**3-3A-470 LOUD AND EXCESSIVE NOISE.** No person shall drive a motor vehicle on any street or alley of this City in a manner to cause loud and excessive noise by squealing tires or racing the motor of a motor vehicle.

(Ord. 784, 5-18-92)

(Ord. 991, Passed April 19, 2004)

**3-3A-471 ENGINE BRAKES 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 of Maquoketa, Iowa any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any such vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, except in response to an imminent traffic accident.

2. The usage of an engine brake, compression 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. The scheduled fine for a violation of this Section shall be one hundred dollars (\$100.00).

(Ord. 979, Passed September 3, 2002)

## SUBCHAPTER 3B PARKING REGULATIONS

3-3B-1	MANNER OF PARKING	3-3B-16	SNOW ROUTE DESIGNATED
3-3B-2	THEATERS, HOTELS AND AUDITORIUMS	3-3B-17	SNOW REMOVAL EMERGENCY
3-3B-3	STREET CORNERS AND HYDRANTS	3-3B-18	PARKING RESTRICTIONS
3-3B-4	PARKING ON SIDEWALK	3-3B-19	LIMITATIONS
3-3B-5	ANGLE PARKING	3-3B-20	PENALTIES
3-3B-6	BLOCKING PRIVATE DRIVE	3-3B-21	RESTRICTED ZONES – STREETS
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3-3B-8	ABANDONED VEHICLES	3-3B-22A	RESTRICTED PARKING FOR FARMER'S MARKET
3-3B-9	RESERVED	3-3B-23	DUTY OF POLICE OFFICER
3-3B-10	NO PARKING SIGNS	3-3B-24	TRUCK, BOAT, AND TRAILER PARKING
3-3B-11	PRESUMPTION AS TO ILLEGAL PARKING	3-3B-25	PARKING VIOLATIONS – PENALTIES
3-3B-12	RESTRICTED PARKING		
3-3B-13	RESTRICTED PARKING		
3-3B-14	HANDICAPPED PARKING		
3-3B-15	RESERVED PARKING		

### 3-3B-1 MANNER OF PARKING.

1. It shall be unlawful to stop a motor vehicle on a street unless the right side wheels of the vehicle are parallel and within six inches (6") of the curb or edge of the roadway and vehicle headed in the direction of traffic, except when necessary in obedience to traffic signs, regulations, or signals, or unless signs or markings indicate that the vehicle shall be parked at an angle to the curb.

2. It shall be unlawful to park any motor vehicle upon any street or City parking lot where parking areas are marked or painted upon the surface on the street or parking lot unless such vehicle is parked within the marked or painted lines.

3. In places where stopping for the loading or unloading of merchandise or materials can be done with reasonable safety and without blocking traffic flow, vehicle may back into the curb to load or unload, but only for a time no longer than is necessary for the expeditious loading or unloading.

3-3B-2 THEATERS, HOTELS, AND AUDITORIUMS. A space of twenty-five feet (25') is hereby reserved at the side of the street in front of a theater, auditorium, or hotel having more than twenty-five (25) sleeping rooms, or other building where large assemblages of people are being held, within which space when clearly marked as such, no motor vehicle shall be left standing parked, or stopped, except in taking on or discharging passengers, or freight and then only for such length of time as is necessary for such purpose.

3-3B-3 STREET CORNERS AND HYDRANTS. No operator of any motor vehicle shall leave such vehicle standing upon any street within five feet (5') of the corner or within five feet (5') of any hydrant.

3-3B-4 PARKING ON SIDEWALK. It shall be unlawful for any vehicle to be parked across, upon or in any manner to restrict the use of the sidewalk.

3-3B-5 ANGLE PARKING. Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs, and the Chief of Police shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

3-3B-6 BLOCKING PRIVATE DRIVE. It shall be unlawful for any automobile or other vehicle to block a private drive.

3-3B-7 PROHIBITED PARKING. It shall hereafter be illegal for any person to park any vehicle in the following area:

1. On either side of South Main Street from Summit Street to the South Corporate line of the City.
2. On either side of Vermont Street from Summit Street to Washington Street.
3. On either side of Washington Street from Vermont Street to fifty feet (50') East of the exit of the High School Drive.
4. On either side of West Platt Street, West of Second Street.
5. On either side of U.S. Highway 61 By-pass from the intersection of the North line of the City limits and U.S. Highway 61 By-pass to the intersection of the South line of the City limits and U.S. Highway St By-pass.
6. On the West side of South Otto Street from East Platt Street to East Locust Street.
7. On the South side of Kathey Drive from the Northwest corner of Lot 214 of the Meadowdale First Addition.
8. On the North side of Kathey Drive from the Southwest corner of Lot 46 of the Meadowdale First Addition to the Southeast corner of Lot 44 of the Meadowdale First Addition.
9. On the East side of South Vermont Street from West Platt Street to West Summit Street.
10. On the north and south side of West Grove Street from Decker Street to North Fifth Street (Ord. No. 1070, 5/18/09)

11. On the West side of North Niagara Street from West Platt Street to a point 50 feet (50') North of the North right-of-way line on West Platt Street. (Ord. No 1077, 12-21-09)

12. On the North side of James Street from Second Street to North Niagara Street.

13. On the North side of East Maple Street from Main Street to Olive Street.

14. On the East side of Western Avenue from the Southwest corner of Lot 13 to the Southwest corner of Lot 21, Thomas Subdivision in the City.

15. On the East side of Arcade Street from West Platt Street to West Grove Street.

16. On the North side of East Summit Street for a distance of ninety feet (90') East of the intersection of said street with South Main Street (Ord. No. 1069, 5-4-09)

17. On the South side of West Summit for a distance of one hundred and forty-one feet (141') West of the intersection of West Summit Street with South Main Street.

18. On the North side of West Quarry Street from North Second Street to North Arcade Street. School Bus Vehicles that are boarding and delivering students to Briggs Elementary School shall be exempt from this subsection.

(Ord. 914, Passed February 15, 1999)

19. On the West side of South Otto Street from East Platt Street to East Pleasant Street. This Ordinance shall be in effect from 2:00 a.m. on the last Sunday in the month of April to 2:00 a.m. on the last Sunday in the month of October.

20. On the West side of Jacobsen Drive between East Summit Street and East Maple Street.

21. On the North side of Maple Street from Eliza Street to a point five hundred feet (500') East of the East line of Clark Street.

22. On the East side of South Clark Street from East Maple to East Pleasant Street.

23. On the West side of South Clark Street from East Maple to East Locust Street.

24. On the East side of North Vermont Street from West Platt Street to West Quarry Street.

25. On the South side of Emma Street.

26.

a. On the West side of South Otto Street from East Platt Street to East Locust.

b. On the East side of South Matteson Street from Platt Street to the alley between Platt Street and Pleasant Street.



27. On the West side of South Vermont Street between points as follows:

a. The Northeast corner of Lot 77, and the Southeast corner of Lot 75, Eddy's Second Addition to the City of Maquoketa, Jackson County, Iowa; and,

b. On the remainder of the West side of South Vermont Street between the hours of four o'clock (4:00) p.m. on Saturday through twelve o'clock (12:00) noon on Sunday.

28. For a period of time of more than fifteen (15) minutes on the East side of South Main Street in the two hundred (200) block in the two parking spaces so designed as restricted parking located in front of the Maquoketa Municipal Electric Office from the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

29. On the East and West sides of Western Avenue from West Platt Street to a point 267 feet South of the South right-of-way line on West Platt Street. (Ord. 703, 1-16-89)

30. On the East and West sides of Creslane from West Platt Street to a point 75 feet North of the North right-of-way line on West Platt Street. (Ord. 703, 1-16-89)

31. On the East side of South Fifth Street from West Pleasant Street to West Locust Street.

32. On the East side of Creslane from West Platt Street to a point 640 feet North of the North right-of-way line on West Platt Street.

33. On the South side of West Grove Street from a point 200 feet West of the visitor parking driveway of the Jackson County Public Hospital.

34. On the North side of West Grove from a point 130 feet East of Beautiful Savior Lutheran Church driveway, West to a point on the East side of the driveway of the Beautiful Savior Lutheran Church.

(Ord. 780, 3-2-92)

35. On the North side of West Judson between South Second Street and South Fifth Street.  
(Ord. 878, 7-15-96)

36. On the east side of Jacobson Drive from Platt Street (US HWY 64) south 350 feet  
(Ord 964, 4-1-02)

37. On the east and west side of Myatt Drive from Summit Street south to the City Limits  
(Ord 970, 5-6-02)

38. On the north and south side of 17th Street from South Main to 211th Avenue

39. On the north and south side of 13th Street from 211th Avenue east to City Limits

40. On both sides of 211th Avenue from 17th Street south to City Limits.  
(Ord. No. 1050, 10-01-07)  
(Ord. 1071, 5-18-09)

41. On the west side of Western Avenue from Wesley Drive south 100 feet

42. On the west side of Western Avenue from Wesley Drive north 96 feet

43. On the south side of Wesley Drive from Western Avenue west 82 feet

44. On the north side of Wesley Drive from Western Avenue west 66 feet  
(Ord. No. 1055, 04-21-08)

45. On the South side of East Summit from South Main Street to Matteson Street  
(Ord. 1069, 5-4-09)

46. There shall be no parking on the West side of Eddy Place from Eddy Street 85 feet South  
from 8:00 a.m. – 5:00 p.m. Monday-Friday  
(Ord. 1112, 7-1-13)

47. There shall be no parking on the North side of Eddy Street 140 feet from Jones Avenue  
running East from 8:00 a.m.-5:00 p.m. Monday-Friday  
(Ord. 1112, 7-1-13)

48. No parking on the 122 feet of the street running south from Kathey Drive to Burlingame  
Field.  
(Ord. 1114, 9-16-13)

49. No parking on the North side of East Judson from Clark Street west 97 feet.  
(Ord. 1115, 9-16-13)

3-3B-8 ABANDONED VEHICLES. The operator of a vehicle shall not park, abandon, leave,  
or store the vehicle in or along any of the streets, alleys, public parking lot or lots or areas privately  
owned by the City for a continuous period of time longer than twenty-four (24) hours.  
(Ord. 991, Passed April 19, 2004)

#### 3-3B-9 RESERVED

1. It shall hereafter be illegal for any person to park any vehicle on the following streets on  
Monday-Friday between the hours of two o'clock (2:00) a.m. to five o'clock (5:00) a.m.

a. On Main Street from Maple Street to Quarry Street

b. On Platt Street from Second Street to Olive Street

c. On Second Street from Maple Street to Quarry Street

d. On Olive Street from Maple Street to Quarry Street

e. On Maple Street from Second Street to Main Street

f. On Pleasant Street from Second Street to Olive Street

(Ord. 1134, Passed November 21, 2016)

2. It shall hereafter be illegal for any person to park any vehicle for more than two (2) hours on the South side of Maple Street from Otto Street to a point three hundred feet (300') East of the East line of Clark Street on Monday through Saturday between the hours of seven o'clock (7:00) a.m. and six o'clock (6:00) p.m.

3. It shall be hereafter be illegal for any person to park any vehicle for more than two (2) hours on the West side of South Clark Street from East Maple Street to East Pleasant Street.

4. It shall be hereafter illegal for any person to park any vehicle for more than two (2) hours on the North and South side of the 100 block of East Quarry on Monday through Friday between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m.

(Ord. 1085, passed 9-20-10)

3-3B-10 NO PARKING SIGNS. Where because of restrictions of visibility or where standing or parking vehicles would be a hazard or obstruction to traffic, the Chief of Police as traffic conditions require, may cause curbs to be painted with a yellow color or cause no parking or no standing signs to be erected prohibiting parking or standing, and it shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or where such a sign is posted.

3-33-11 PRESUMPTION AS TO ILLEGAL PARKING. The fact that a vehicle which is charged with being illegally parked or standing is registered in the name of a person shall be considered prima facie proof that such person parked or placed such vehicle where the violation occurred.

3-3B-12 RESTRICTED PARKING. It shall be unlawful to park any vehicle:

1. For a period of time of more than fifteen minutes in front of 102 North Otto Street.

(Ord No 962 – 1-30-02)

(Amended during 2019 codification)

3-3B-13 RESTRICTED PARKING. It shall hereafter be illegal to park any vehicle on the North side of West Summit Street between South Main Street and South Second Street, Mondays through Fridays between the hours of nine o'clock (9:00) a.m. to four o'clock (4:00) p.m.

3-3B-14 HANDICAPPED PARKING. It shall hereafter be illegal to park any vehicle not displaying special identification issued to handicapped persons by the Iowa Department of Transportation in parking spaces designated as reserved spaces by signs bearing the international symbol of accessibility.

3-3B-15 RESERVED PARKING: The City Manager is hereby authorized to designate parking spaces in Penrose Parking Lot, Library Parking Lot and the Southern portion of the City Parking Lot in the middle of South Olive Street as reserved parking spaces. These spaces shall be leased as reserved parking spaces for nine dollars (\$9.00) per month. Each space shall be numbered and a reserved parking tag number shall be issued to the lessee. This tag will be displayed hanging from the rear-view mirror of the vehicle being parked in the reserved space. If the tag is not displayed the vehicle will be ticketed. It shall hereafter be illegal to park any vehicle in the Library Lot, Penrose Lot or the Southern portion of the lot in the middle of South Olive without first leasing such parking space.

(Ord. 689, passed 3-4-96)

3-3B-16 SNOW ROUTE DESIGNATED. The following public streets within the City are hereby designated official snow routes, and shall be so identified by signs conforming to Iowa State Department of Transportation guidelines:

1. Main Street from the South City limits to Maple Street.
2. Main Street from Quarry Street to Pershing Road.
3. Platt Street from the West City limits to Second Street.
4. Platt Street from Olive Street to the East City limits.
5. Summit Street from West City limits to Jacobsen Drive.
6. Jacobsen Drive.
7. West Maple Street from Main Street to East City limits.
8. North Arcade from Platt Street to West Grove Street.
9. Niagara Street from West Grove Street to West Monroe.
10. Matteson Street from East Apple Street to East Summit.
11. Grove Street from North Arcade to North Walnut.
12. Pershing Road from Main Street to East Corporate limits.
13. Walnut Street from Platt Street to Pershing Road.
14. Quarry Street from North Arcade to North Walnut.

3-3B-17 SNOW REMOVAL EMERGENCY. A snow removal emergency shall be deemed to exist after an accumulation of three inches (3") or more of snow, or after declaration of a snow

removal emergency by a public radio announcement, and shall be deemed to continue for a period of twenty-four (24) hours thereafter unless such period of time shall be shortened or extended by declaration of the Director of Public Works or City Manager through a public radio announcement.

### 3-3B-18 PARKING RESTRICTIONS.

1. It shall be unlawful for any person to park or leave unattended or unoccupied any vehicle upon a designated snow route within the City, during the existence of a snow removal emergency.

2. On streets of the City, it shall be unlawful for any person to park or leave unattended or unoccupied any vehicle in a parking place that has not been cleared of snow.

(Ord. 827, 3-21-94)

(Ord. 1102, 1-3-12)

3-3B-19 LIMITATIONS: The parking restrictions in Section 3-3B-18 above, shall be inapplicable to vehicles parked upon a street within a City block in any designated snow route that has been cleared of snow from curb to curb, for the entire length of the block.

3-3B-20 PENALTIES. Any vehicle parked or left unattended upon a designated snow route in violation of this subchapter may be towed or removed at its owner's expense through police authorization, and the owner of any vehicle parked or left unattended in violation of this subchapter shall be subject to fine for illegal parking.

3-3B-21 RESTRICTED ZONES - STREETS. It shall be unlawful to park any vehicle in a parking space for more than two consecutive hours between the hours of nine o'clock (9:00) a.m. and five o'clock (5:00) p.m. except on Sundays, and the first day of January, the last Monday in May, the fourth day of July, the first Monday in September, the fourth Thursday in November, and the twenty-fifth day of December, in the following areas:

1. Main Street, from Maple Street to Quarry Street.
2. Platt Street, from Olive Street to Second Street.
3. Pleasant Street, from Olive Street to Second Street.
4. Second Street, from James Street to Pleasant Street.
5. Olive Street, from Pleasant Street to Quarry Street.
6. The South side of James Street, from North Main Street to North Second Street.
7. The East side of South Olive Street in the 200 Block from the North boundary line of Lot 1 to the South boundary line of Lot 4 of Block 9 in the Original Town Addition.
8. The South side of East Pleasant Street in the 200 Block along the North boundary line of Lot 1 of Block of the Original Town Addition.

9. North Fifth Street from Quarry Street to Decker Street.

(Ord. 911, Passed November 16, 1998)

a. North and South side of East Quarry from North Main to North Olive

(Ord. 992, Passed May 17, 2004)

(Ord. 1086, Passed Oct 4, 2010)

3-3B-22 RESTRICTED ZONES - PARKING LOTS. It shall be unlawful to park any vehicle in a parking space for more than three consecutive hours between the hours of nine o'clock (9:00) a.m. and seven o'clock (7:00) p.m., except Sundays, and the first day of January, the last Monday in May, the fourth day of July, the first Monday in September, the fourth Thursday in November, and the twenty-fifth day of December, in the following areas:

(Ord. 917, 5-17-99)

1. Parking Lot No. 3, at the Southeast corner of Platt Street and Second Street.

2. Parking Lot No. 4, between the public alley and Olive Street in the block bounded by Main Street, Platt Street, Olive Street and Pleasant Street.

3. Parking Lot No. 5, located in the center of the block bounded by Platt Street, Second Street, James Street and Main Street.

3-3B-22A RESTRICTED PARKING FOR FARMER'S MARKET. It shall be unlawful to park any vehicle in the Ohnward Fine Arts Center Parking Lot at 1215 E. Platt St, on Tuesdays between the hours of 4:00 o'clock p.m. and 6:30 o'clock p.m. during the period from May 14th until October 15<sup>th</sup> each year. This shall not apply to any vehicle from which goods are sold in the farmer's market.

(Ord. No. 1014, 10-17-05)

3-3B-23 DUTY OF POLICE OFFICER. A Police Officer or other person acting under the direction of the Chief of Police shall affix to any vehicle parked in violation of this Ordinance, a notice stating that the owner or operator may within fourteen (14) days after the time that such notice was given, pay the Chief of Police in full satisfaction of such violation, the sum of seven dollars and 50 cents (\$7.50).

After a period of fourteen (14) days has been expired from the date of the violation, and the sum of seven dollars and 50 cents (\$7.50) has not been paid to the Chief of Police, then the Chief of Police shall file a complaint for the violation with the Clerk of Court.

(Ord. No. 1012, 10-3-05)

3-3B-24 TRUCK, BOAT, AND TRAILER PARKING. It shall be unlawful to park a truck of over three-quarter (3/4) ton, manufacturer's rated capacity, or to park any converted bus, truck-tractor, trailer or semitrailer, or boat, on any street or public alley in the City; provided, that this section does not apply to trucks, semitrailer, or trailer being used for the purpose of delivering or collecting goods, wares, merchandise for longer than is necessary for the expeditious delivery or

collection thereof, and in no event for a period of time to exceed three (3) hours, nor does it apply to trucks, semitrailers or trailers being used in construction; and provided further that no trucks of three-quarter ton or less, manufacturer's rated capacity, carrying livestock shall park at any time on the following streets:

1. Second Street from Pleasant Street to Olive Street.
2. Main Street from Maple Street to Quarry Street.
3. Platt Street from Second Street to Eliza Street,
4. Pleasant Street from Niagara Street to Eliza Street.
5. Olive Street from Pleasant Street to Quarry Street.  
(Ord. 631, 9-6-83)  
(Ord. 806, 3-1-93)

#### 3-3B-25 PARKING VIOLATIONS – PENALTIES.

(Ord. 847, 11-7-94)  
(Ord. No. 948, 2-23-01)  
Repealed by the provisions of Ord. 956.

#### 3-3C-1 Repealed - Refer to 3-3A-285

(Ord. 763, 8-19-91)

## SUBCHAPTER 3D ONE-WAY STREETS AND ALLEYS

- |        |   |        |   |
|--------|---|--------|---|
| 3-3D-1 | One Way Street - James                    | 3-3D-4 | One Way Alley - Block 18  |
| 3-3D-2 | One Way Alley - Block 3 Original<br>Town  |        | Original Town   |
| 3-3D-3 | One Way Alley - Block 10<br>Original Town | 3-3D-5 | Between Olive & Eliza going from<br>East Platt to East Pleasant |

3-3D-1 ONE WAY STREET. James Street is hereby designated as a one-way street and all vehicles shall proceed East thereon from Second Street to Main Street.  
(Ord. 438, 2-7-72)

3-3D-2 ONE WAY ALLEY: BLOCK 3: That portion of Shaw's Alley running North from Pleasant Street to Truax's Alley as shown on the plat recorded in Book P, Page 423, Office of Recorder, Jackson County, Iowa, is hereby designated as a one-way alley and all vehicles shall proceed North from Pleasant Street to Truax's Alley.

(Ord. 590; 7-20-81)

3-3D-3 (Deleted in its entirety, Ord. 905, passed 8-3-98)

3-3D-4 ONE WAY ALLEY: BLOCK 18: That portion of the South 300 feet of the alley between Main and Olive Street going from East Platt Street to East Quarry Street identified as located in Block 18 of the Original Town in the City of Maquoketa is hereby designated as a one-way alley and all vehicles shall proceed South from that portion of the alley to East Platt.

(Ord. 749; 3-18-91)

3-3D-5 BETWEEN OLIVE & ELIZA. The portion of the South 230 feet of the alley between Olive and Eliza going from East Platt to East Pleasant Street is hereby designated as a one-way alley and all vehicles shall proceed North from Pleasant Street to that portion of the alley 230 feet north.

(Ord. No. 1083, 3-1-10)



## SUSCHAPTER 3E ARTERIAL STREETS

### 3-3E-1 ARTERIAL STREETS DESIGNATED.

3-3E-1 ARTERIAL STREETS DESIGNATED. All of Main Street; all of Platt Street; Pleasant Street from Prospect Street to Matteson Avenue; West Summit Street from Main Street to and including Western Avenue; Quarry Street from Vermont Street to and including Dearborn Street; Maple Street from and including Fourth Street to Niagara Street; Maple Street from Niagara Street to Main Street; Maple Street from Olive Street to Matteson Avenue; Maple Street from Matteson Avenue to and including Clark Street; Locust Street from Main Street to Vermont Street; Matteson Avenue from Platt Street to East Judson Street; Olive Street from Pleasant Street to Locust Street; Niagara Street from Pleasant Street to Locust Street; are hereby designated as arterial highways and all vehicles shall stop or yield before entering such streets from intersecting streets, private drives, and alleys.

(C. 223, 2-23-59)

## SUBCHAPTER 3F SCHOOL ZONES

### 3-3F-1 LEGISLATIVE DIRECTION

### 3-3F-2 CONTROL DEVICES

3-3F-1 LEGISLATIVE DIRECTION. Subject to the legislative direction of the Council, the Chief of Police is hereby empowered to designate by appropriate devices, markings or lines upon the surface of the roadway, or crosswalks at intersections, such zones, and to place appropriate traffic control devices to regulate traffic.

3-3F-2 CONTROL DEVICES. All traffic control devices shall comply with standards established by the Manual of Uniform Control Devices for Streets and Highways.

## SUBCHAPTER 3G STOP AND YIELD INTERSECTIONS

### 3-3G-1 STOP INTERSECTIONS

### 3-3G-2 YIELD INTERSECTIONS

3-3G-1 STOP INTERSECTIONS. The stop intersections listed in this Section are hereby authorized and all vehicles shall come to a full stop before entering such streets from intersecting streets or private drives.

1. Stop at Walnut Street on Grove Street going East.
2. Stop at Walnut Street on Grove Street going West.
3. Stop at Quarry Street on Fifth Street going North.
4. Stop at Quarry Street on Fifth Street going South.
5. Stop at Niagara Street on Pleasant Street going East.
6. Stop at Niagara Street on Pleasant Street going West.
7. Stop at Pleasant Street on Olive Street going North.
8. Stop on Pleasant Street on Olive Street going South.
9. Stop at Clark Street on Pleasant Street going East.
10. Stop at Grove Street on Niagara Street going North.
11. Stop at Quarry Street on Walnut Street going North.
12. Stop at Quarry Street on Walnut Street going South.
13. Stop at Vermont Street on Dunham Court going West.
14. Stop at Locust Street on Niagara Street going North.
15. Stop at Locust Street on Niagara Street going South.
16. Stop at Fifth Street on Washington Street going West.
17. Stop at Fifth Street on Washington going East.
18. Stop at Summit Street on Fifth going North.
19. Stop at Summit Street on Vermont going North.

20. Stop at Washington Street on Vermont going South.
21. Stop at intersection of Washington Street and Vermont Street on Unnamed Street going East.
22. Stop at Washington Street and East exit on High School Drive.
23. Stop at Summit Street on Fifth Street going South.
24. Stop at Vermont Street on Locust Street going West.
25. Stop at Vermont Street on Quarry Street going West.
26. Stop at Vermont Street on Quarry Street going East.
27. Stop at Maple Street on Matteson Street going North.
28. Stop at Maple Street on Matteson Street going South.
29. Stop at Grove Street on Fifth Street going North.
30. Stop at Second Street on James Street going East.
31. Stop at Judson Street on Eliza Street going South.
32. Stop at Niagara Street on James Street going West.
33. Stop at Niagara Street on James Street going East.
34. Stop at Quarry Street on Niagara Street going North.
35. Stop at Quarry Street on Niagara Street going South.
36. Stop at Quarry Street on Second Street going North.
37. Stop at Quarry Street on Second Street going South.
38. Stop at Quarry Street on Olive Street going North.
39. Stop at Quarry Street on Olive Street going South.
40. Stop at Quarry Street on Matteson Street going North.
41. Stop at Quarry Street on Matteson Street going South.
42. Stop at Pleasant Street on Second Street going North.

43. Stop at Pleasant Street on Second Street going South.
44. Stop at Matteson Street on Pleasant Street going East.
45. Stop at Matteson Street on Pleasant Street going West.
46. Stop at Maple Street on Second Street going North.
47. Stop at Maple Street on Second Street going South.
48. Stop at Maple Street on Eliza Street going North.
49. Stop at Maple Street on Eliza Street going South.
50. Stop at Maple Street on Otto Street going North.
51. Stop at Maple Street on Otto Street going South.
52. Stop at Maple Street on Clark Street going North.
53. Stop at Maple Street on Clark Street going South,
54. Stop at Summit Street on Niagara Street going North.
55. Stop at Summit Street on Niagara Street going South.
56. Stop at Locust Street on Prospect Street going North.
57. Stop at Locust Street on Prospect Street going South.
58. Stop at Summit Street on Western Avenue going South.
59. Stop at Niagara Street on Maple Street going East.
60. Stop at Niagara Street on Maple Street going West.
61. Stop at Quarry Street on Decker Street going North.
62. Stop at Quarry Street on Dearborn Street going North.
63. Stop at Quarry Street on Dearborn Street going South.
64. Stop at Olive Street on Maple Street going East.
65. Stop at Olive Street on Maple Street going West.

66. Stop at Eliza Street on Locust Street going East.
67. Stop at Eliza Street on Locust Street going West.
68. Stop at Judson Street on Eliza Street going North.
69. Stop at Arcade Street on Quarry Street going West.
70. Stop at Monroe Street on Second Street going South.
71. Stop at Apple Street on Olive Street going South.
72. Stop at Apple Street on Olive Street going North.
73. Stop at Otto Street on Apple Street going East.
74. Stop at Otto Street on Apple Street going West.
75. Stop at Quarry Street on Otto Street going South.
76. Stop at Quarry Street on Otto Street going North.
77. Stop at Quarry Street on Eliza Street going North.
78. Stop at Quarry Street on Eliza Street going South.
79. 4-Way stop at the intersection of Fifth Street and Quarry Street.
80. 4-Way stop at the intersection of Pleasant Street and Olive Street.
81. Stop at Summit Street on Melrose Street going North.
82. Stop at Apple Street on Eliza Street going North.
83. Stop at Apple Street on Eliza Street going South.
84. Stop at Pershing Road on County Road Street going South.
85. Stop at Summit Street on Jones Avenue going South.
86. Stop at Locust Street on Olive Street going South.
87. Stop at Eddy Street on Vermont Street going North, East and South, whenever the school crossing stop sign is in place.
88. Stop at Summit Street on Vermont Street going South.

89. Stop at Decker Street on West Quarry Street going East and West, whenever the school crossing stop sign is in place.

90. Stop at extension on Washington Street on Vermont Street going South.

91. Stop at South Fifth Street on Extension of Washington Street going East.

92. Stop at Pleasant Street on Eliza going North or South.

93. Stop at Niagara Street on Apple Street going East or West.

94. Stop at Jacobsen Dr. on Maple Street going East or West.

95. Stop at Niagara Street on Washington going East or West.

96. Stop at Olive Street on Locust Street going East or West.

97. Stop at Pershing Road on Dearborn Street going North.

98. Stop at Maple Street on Clark Street going North or South.

99. Stop at Main Street on Monroe Street going East or West.

100. Stop at Main Street on Jefferson Street going West.

101. Stop at Main Street on Summit Street going East or West.

102. Stop at Main Street on Judson Street going West.

103. Stop at Main Street on Locust Street going East or West.

104. Stop at Main Street on Maple Street going East or West.

105. Stop at Main Street on James Street going East.

106. Stop at Main Street on Apple Street going East or West.

107. Stop at Main Street on Grove Street going East or West.

108. Stop at Main Street on North Street going West.

109. Stop at South Fifth Street going West on West Monroe Street.

110. Stop at Pershing Road going North on Cardinal Drive.

111. Stop at Fourth Street on Washington Street going West.

112. Stop at Fourth Street on Washington Street going East.
113. Stop at German Street on McKinsey Drive going North.
114. Stop at Second Street on Jefferson Street going East.
115. Stop at West Summit Street on Rosemere Lane going South.
116. Stop at Myatt Drive on Country Club Drive going East.
117. Stop at Fifth Street on Jefferson Street going West.
118. Stop at Niagara Street on Jefferson Street going West.
119. Stop at Monroe Street on Fourth Street going South.
120. Stop at Washington Street on Fourth Street going South.
121. Stop at Fifth Street on Maple Street going West.
122. Stop at Pleasant Street on Fifth Street going North.
123. Stop at Apple Street on Decker Street going South.
124. Stop at German Street on Maquoketa Park Apartments Road going South.
125. Stop at Summit Street on Second Street going North.
126. Stop at Summit Street on Second Street going South.
127. Stop at Second Street on Apple Street going East.
128. Stop at Second Street on Apple Street going West.
129. Stop at North Matteson Street on North Clark Street going West.
130. Stop at James Street on North Second Street going North.
131. Stop at Main Street on North Street going West.
132. Stop at Otto Street on North Street going East.
133. Stop at Grove Street on Otto Street going North.
134. Stop at Grove Street on Otto Street going South.
135. Stop at Eddy Street on South Vermont Street going North.



136. Stop at Eddy Street on South Vermont Street going South.
137. Stop at James Street on North Second Street going North.
138. Stop at South Vermont Street on Eddy Street going East.
139. Stop at Apple Street on North Decker going North.
140. Stop at Grove Street on North Fifth going South.
141. Stop at Prospect on Dunham Court going East. (Ord 879, 8-5-96)
142. Four-way stop at the intersection of North Niagara and West Quarry Street.
143. Stop at Farmland on Access Lane going East and going West.  
(Ord. 918, 5-17-99)
144. Stop at U. S. Highway 61 on Summit Street going West.
145. Stop at U.S. Highway 61 on Summit Street going East.
146. Four-way stop at the intersection of U.S. Highway 61 and State Highway 64.
147. Stop at U.S. Highway 61 on German Street going West.
148. Repealed  
(Ord. No. 1078, 2-15-10)
149. Stop at West Platt Street on North James going South.
150. Stop at West Platt Street on Jones Avenue going North.
151. Stop at West Platt Street on Arcade Street going South.
152. Stop at West Platt Street on South Prospect going North.
153. Stop at West Platt Street on North Fifth going South.
154. Stop at West Platt Street on North Decker going South.
155. Stop at West Platt Street on North Second going South.
156. Stop at West Platt Street on South Second going North.
157. Stop at East Platt Street on North Eliza Street going South.

158. Stop at East Platt Street on South Eliza Street going North.
159. Stop at East Platt Street on North Otto going South.
160. Stop at East Platt Street on South Otto Street going North.
161. Stop at East Platt Street on North Matteson Street going South.
162. Stop at East Platt Street on South Matteson Street going North.
163. Stop at East Platt Street on South Clark Street going North.
164. Stop at East Platt Street on North Dearborn Street going South.
165. Stop at East Platt Street on South Dearborn Street going North.
166. Stop at East Platt Street on North Walnut Street going South.
167. Stop at East Platt Street on North Edna Street going South.
168. Stop at East Platt Street on North Anderson Street going South.
169. Stop at State Highway 64 on State Highway 62 going South.
170. Stop at State Highway 62 on State Highway 64 going West.
171. Stop at State Highway 64 on Jacobson Drive going North.
172. Stop at State Highway 62 on Iowa State University Avenue going West.
173. Stop at State Highway 62 on Ross River Road going South.
174. Stop at Dearborn Street on Apple Street going East.
175. Stop at Dearborn Street on Apple Street going West.
176. Stop at Locust Street on Fourth Street going South.
177. Stop at Locust Street on Fourth Street going North.  
(Ord 752, 5-6-91)
178. Stop at German Street on Creslane going North. (Ord. 796, 9-21-92)
179. Stop at Walnut Street on Quarry going East (Ord. 1005, 7-18-05)
180. Stop at Walnut Street on Quarry going West (Ord. 1005, 7-18-05)

- 181. Stop at North Fifth Street on Apple Street going West.  
(Ord. 890, 8-4-97)
- 182. Stop at Myatt Drive on Moore Drive going West.  
(Ord 891, 12-01-97)
- 183. Stop at East End of Moore Drive connecting to Frontage Road.  
(Ord 892, 4-6-98)
- 184. Stop at Grove Street on Olive Street going North. (Ord. 896, 5-18-98)
- 185. Stop at Grove Street on Olive Street going South. (Ord. 896, 5-18-98)
- 186. Stop at Grove Street on Eliza Street going North. (Ord. 896, 5-18-98)
- 187. Stop at Grove Street on Eliza Street going South. (Ord. 896, 5-18-98)
- 188. Stop at Grove Street on Dearborn Street going North.  
(Ord. 896, 5-18-98)
- 189. Stop at Grove Street on Dearborn Street going South,  
(Ord, 896, 5-18-98)
- 190. Stop at Grove Street on Clark Street going North. (Ord. 896, 5-18-98)

Stop at Main Street on Pershing Road going West (Ord. 921, 11-1-99)

Stop at West Grove at Arcade going West (Ord 924, 11-15-99)

Stop at Arcade at West Grove going South (Ord 924, 11-15-99)

Stop at Arcade on West Grove going North (Ord 924, 11-15-99)

Stop at Highway 64 on Ehlers Lane Going South (Ord 930, 2-7-00)

Repealed (Ord. 963, 3-13-02) (Ord. No. 1078, 2-15-10)

- 197. Stop at Washington Street on Fifth Street going North (Ord. 1005, 7-18-05)
- 198. Stop at Washington Street on Fifth Street going South (Ord. 1005, 7-18-05)
- 199. Stop at Nairn Drive at David Street going West (Ord. 1007, 9-6-05)
- 200. Stop at Highway 61 on David Street going East (Ord. 1007, 9-6-05)
- 201. Stop at Highway 61 on Carlisle going East (Ord. 1007, 9-6-05)

- 202. Stop at Platt Street on Olive Street going North (Ord. 1010, 10-3-05)
- 203. Stop at Platt Street on Olive Street going South (Ord. 1010, 10-3-05)
- 204. Four-way stop at intersection of North Main Street and West Quarry  
(Ord. No. 1029, 09-05-06)
- 205. Stop at 200th Avenue on 17th Street going West (Ord. 1038, 11-20-06)
- 206. Stop at 17th Street on Timber Drive going South (Ord. 1038, 11-20-06)
- 207. Stop at Maple Street on Austin Avenue going South (Ord. 1058, 7-21-08)
- 208. Stop on East Pleasant Street at Clark going West (Ord. No. 1080, 2-15-10)
- 209. Stop at Washington Street on Niagara going South (Ord. No. 1093, 4-18-11)
- 210. Stop at Washington Street on Niagara going North (Ord. No. 1093, 4-18-11)
- 211. Stop at Monroe on 5th Street going North (Ord. No. 1097, 9-19-11)
- 212. Stop at Monroe on 5th Street going South (Ord. No. 1097, 9-19-11)
- 213. Stop at 5th Street on Monroe going West (Ord. No. 1097, 9-19-11)
- 214. Stop at Main on Pleasant going East (Ord. No. 1101, 12-19-11)
- 215. Stop at Main on Pleasant going West (Ord. No. 1101, 12-19-11)
- 216. Stop at Pleasant on Main going North (Ord. No. 1101, 12-19-11)
- 217. Stop at Pleasant on Main going South (Ord. No. 1101, 12-19-11)
- 218. Stop at Eliza on Quarry going East (Ord. No. 1116, 11-18-13)
- 219. Stop at Eliza on Quarry going West (Ord. No. 1116, 11-18-13)

3-3G-2 YIELD INTERSECTIONS. The yield intersections listed in the following sections are hereby authorized and all vehicles shall yield the right-of-way before entering such intersections.

- 1. Yield at Jefferson Street on Fourth Street going South.
- 2. Yield at Grove Street on Decker Street going North.
- 3. Yield at Grove Street on Second Street going North.
- 4. Yield at 2nd Street on Judson going East.

(Ord. 1134, Passed October 3, 2016)

5. Repealed (Ord. 895, 5-18-98)
6. Repealed (Ord. 895, 5-18-98)
7. Yield at Monroe Street on Niagara Street going South.
8. Yield at Jones Avenue on Thomas Avenue going East at both intersections of Jones Avenue and Thomas Avenue.
9. Yield at Walnut Street on Apple Street going East.
10. Yield at Quarry Street on Prospect Street going South.
11. Yield at Vermont Street on Emma Court going West.
12. Yield at Matteson Street on Locust Street going West.
13. Yield at Matteson Street on Locust Street going East.
14. Yield at Judson Street on Clark Street going South  
(Ordinance No. 1000, Passed 1-3-05)
15. Yield at Vermont Street on Erie Street going East.
16. Repealed (Ord. 895, 5-18-98)
17. Repealed (Ord. 895, 5-18-98)
18. Repealed (Ord. 895, 5-18-98)
19. Yield at Fifth Street on Apple Street going West.
20. Yield at Fifth Street on Short Street going East.
21. Yield at Prospect Street on Pleasant Street going West.
22. Yield at Quarry Street on Edna Street going North.
23. Yield at Quarry Street on Anderson Street going North.
24. Yield at Jefferson Street on Fourth Street going North.
25. Yield at Cynthia Drive going South on Cardinal Drive.
26. Yield at Pleasant Street on Otto Street going South.

27. Yield at Pleasant Street on Otto Street going North.
28. Yield at Cardinal Drive going North on East Grove Street.
29. Yield at Locust Street on Fifth Street going North.
30. Yield at Locust Street on Fifth Street going South.
31. Yield at Cardinal Drive going East on Lisa Drive.
32. Yield at Niagara Street on Judson Street going East.
33. Yield at Niagara Street on Judson Street going West.
34. Yield at Lisa Drive going North on Cynthia Drive.
35. Yield at Matteson Street on Judson Street going East.
36. Yield at Matteson Street on Judson Street going West.
37. Yield at Summit Street on Fourth Street going South.
38. Yield at Summit Street on Prospect Street going South.
39. Yield at Summit Street on Eliza Street going South.
40. Yield at Summit Street on Allen Street going North.
41. Yield at Pershing Road on Butternut Street going North.
42. Yield at Pershing Road on Walnut Street going North.
43. Yield at Pershing Road on Otto Street going North.
44. Repealed. (Ord. 895, 5-18-98)
45. Yield at East Grove going South on Cynthia Drive.
46. Yield at Summit Street on Matteson Street going South.
47. Repealed. (Ord 929, 12-20-99)
48. Repealed (Ord 929, 12-20-99)
49. Yield at South Niagara Street on West Jefferson Street going West.

50. Yield at South Niagara Street on West Jefferson Street going East.
51. Yield at Grove Street on Butternut Street going South.
52. Yield at Grove Street on Kathey Drive going North.
53. Yield at Fourth Street on Judson Street going East or West.
54. Yield at Butternut Street going West on Lisa Drive.
55. Yield at Country Club Drive on Okeeta Drive going West.
56. Yield at Swagosa Drive on Country Club Drive going South.
57. Yield at Myatt Drive on Swagosa Drive going East.
58. Yield at Okeeta Drive on Country Club Drive going South.
59. Yield at Access Lane on Farmland Drive going North. (Ord. 918, 5-17-99)
60. Yield at Fifth Street on Judson Street going West.
61. Yield at Apple Street on Matteson Street going North.
62. Yield at Fifth Street on Circle Drive going West.
63. Yield at Arcade on German Street going East (Ord. 932, 3-20-00)
64. Yield at Jones on German Street going West (Ord. 932, 3-20-00)
65. Yield at Clark on Locust going East (Ord. 932, 3-20-00)
66. Yield at 5th Street on Emma Court going East (Ord. 932, 3-20-00)
67. Yield on Clark Street at Apple Street going South (Ord. 932, 3-20-00)
68. Yield on North Street Entering North Otto Street (Ord. 1027, 8-7-06)
69. Yield on North Eliza Street Entering North Street (Ord. 1027, 8-7-06)
70. Yield on North Olive Street Entering North Street (Ord. 1027, 8-7-06)
71. Yield at Pleasant Street on South Dearborn going South (Ord. 1081, 2/15/10)
72. Yield at Allen Street on Jefferson going East (Ord. 1108, 5/20/13)

## SNOWMOBILES

**3-3G-3 REGISTRATION AND NUMBERING REQUIRED – COMPETITION REGISTRATION.** Every snowmobile used on public streets, highways, land or ice of this State shall be currently registered and numbered. No person shall operate, maintain, or give permission for the operation or maintenance of any such snowmobile on such land or ice unless the snowmobile is numbered in accordance with this chapter, or in accordance with applicable Federal laws, or in accordance with an approved numbering system of another state, and unless the identifying number set forth in the registration is displayed on each side of the forward half of such snowmobile.

A registration number shall be assigned, without payment of fee, to snowmobiles owned by the State of Iowa or its political subdivisions upon application therefor, and the assigned registration number shall be displayed on the snowmobile as required under section 321G.5.

Upon proper application and payment of the registration fee provided in section 321G.6, the Commission shall issue a competition registration for a snowmobile. A competition registration authorizes the operation of the snowmobile only in special events in which the Commission has authorized their operation. The fees collected for the competition registration shall be deposited in the special conservation fund.

**3-3G-4 REGISTRATION WITH COUNTY RECORDER – FEE.** The owner of each snowmobile required to be numbered shall register it every two years with the County Recorder of the County in which the owner resides or, if the owner is a nonresident, the owner shall register it in the County in which such snowmobile is principally used. The Commission shall have supervisory responsibility over the registration of all snowmobiles and shall provide each County Recorder with registration forms and certificates and shall allocate identification numbers to each County.

The owner of the snowmobile shall file an application for registration with the appropriate County Recorder on forms provided by the Commission. The application shall be completed and signed by the owner of the snowmobile and shall be accompanied by a fee of twelve dollars and a writing fee. Proof of payment of Iowa sales or use tax must accompany all applications for registration. Upon receipt of the application in approved form accompanied by the required fees, the County Recorder shall enter the same upon the records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the Commission, and one copy to be retained on file by the County Recorder. The registration certificate shall bear the number awarded to the snowmobile and the name and address of the owner. The registration certificate shall be carried either in the snowmobile or on the person of the operator of the machine when in use. The operator of a snowmobile shall exhibit the registration certificate to a peace officer upon request or to the owner or operator of another snowmobile or the owner of personal or real property when the snowmobile is involved in a collision or accident of any nature with another snowmobile or the property of another person.

If a snowmobile is placed in storage, the owner shall return the current registration certificate to the County Recorder with an affidavit stating that the snowmobile is placed in storage and the effective date of storage. The County Recorder shall notify the Commission of each snowmobile



placed in storage. When the owner of a stored snowmobile desires to renew the registration, the owner shall make application to the County Recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored snowmobile.

**3-3G-5 DISPLAY OF IDENTIFICATION NUMBERS.** A plate or decal containing the identification numbers or letters shall be furnished by the Conservation Commission.

The owner shall cause the identification number to be attached to each side of the forward half of the snowmobile in such manner as may be prescribed by the rules and regulations of the Commission and shall be maintained in legible condition at all times.

The owner of any snowmobile which is used as a watercraft and is required to be numbered as a watercraft may display the watercraft number on the forward half of the snowmobile in lieu of the snowmobile identification number, but the current snowmobile registration decal shall also be affixed aft of the current watercraft registration decal.

**3-3G-6 REGISTRATION – RENEWAL – TRANSFER.** Every registration certificate and number issued shall expire at midnight December 31, and every two years thereafter unless sooner terminated or discontinued in accordance with the provisions of this chapter. After the first day of September each even-numbered year, any unregistered snowmobile and renewals of registration may be so registered for the subsequent biennium beginning January 1. Any snowmobile registered between January 1 and September 1 of even-numbered years shall be registered for a fee of six dollars for the remainder of the registration period.

After the first day of September in even-numbered years an unregistered snowmobile may be registered for the remainder of the current registration period and for the subsequent registration period in one transaction. The fee shall be three dollars for the remainder of the current period, in addition to the registration fee of twelve dollars for the subsequent biennium beginning January 1, and a writing fee. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The snowmobile registration fee is in lieu of personal property tax for each year of the registration.

If the application for registration for the subsequent biennium is not made before January 1 of each odd-numbered year, the applicant shall be charged a penalty of two dollars for each six months' delinquency, or any portion of six months.

Whenever any person, after registering a snowmobile, moves from the address shown on the registration certificate, the person shall, within ten days, notify the County Recorder in writing of such fact.

Upon the transfer of ownership of a snowmobile, the owner shall complete the form on the back of a current registration certificate and shall deliver it to the purchaser or transferee at the time of delivering the snowmobile. The purchaser or transferee shall, within five days, file a new application form with the County Recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration.

All registrations must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer.

Duplicate registrations may be issued upon application therefor and the payment of the same fees collected for the transfer of registrations.

**3-3G-8 EXEMPT VEHICLES.** No registration shall be required for the following described snowmobiles:

1. Snowmobiles owned and used by the United States, another state, or a political subdivision thereof.
2. Snowmobiles registered in a country other than the United States temporarily used within this state.
3. Snowmobiles covered by a valid license of another state and which have not been within this State for more than twenty consecutive days.
4. Snowmobiles not registered or licensed in another state or country being used in this State while engaged in a special event and not remaining in the State for a period of more than ten days.

**3-3G-9 OPERATION ON ROADWAYS AND HIGHWAYS.** No person shall operate a snowmobile upon roadways or highways, as defined in section .1, except as provided in this chapter.

1. A snowmobile shall not be operated at any time within the right-of-way of any interstate highway or freeway within this State.
2. A snowmobile may make a direct crossing of a street or highway provided:
  - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
  - b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
  - c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
  - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
3. A registered snowmobile shall not be operated on public highways:
  - a. On the roadway portion of a highway and adjacent shoulder, or at least five feet on either side of the roadway, except as provided in subsection 4 of this section; and

- b. On limited access highways and approaches; and
  - c. For racing any moving object; and
  - d. Abreast with one or more other snowmobiles on a City highway.
4. A registered snowmobile may be operated under the following conditions:
- a. Upon City highways which have not been plowed during the snow season or on such highways as designated by the governing body of a municipality.
  - b. On that portion of County roadways that have not been plowed during the snow season or not maintained or utilized for the operation of conventional two-wheel drive motor vehicles.
  - c. On highways in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
  - d. On the roadways of that portion of County highways designated by the County Board of Supervisors for such use during a specified period. The County Board of Supervisors shall evaluate the traffic conditions on all County highways and designate roadways on which snowmobiles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of snowmobiles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for such operation.
  - e. On the roadway or shoulder when necessary to cross a bridge or culvert, or avoid an obstruction which makes it impossible to travel on the portion of the highway not intended for motor vehicles, if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to any approaching vehicle on the roadway.
5. The headlight and taillight shall be lighted during the operation on a public highway at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet or rain provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
6. A snowmobile shall not be operated on or across a public highway by a person under sixteen years of age who does not have in the person's possession a safety certificate issued to the person pursuant to this chapter.

Any person twelve to fifteen years of age and possessing a valid safety certificate must be accompanied by and under the direct supervision of a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid operator's or chauffeur's license, instruction permit, restricted license or temporary permit issued under chapter 321 or a safety certificate issued under this chapter.

7. A snowmobile shall not be operated within the right-of-way of any primary highway between the hours of sunset and sunrise except on the right-hand side of such right-of-way and in the same direction as the motor vehicular traffic on the nearest lane of traveled portion of such right-of-way.

**3-3G-11 MUFFLERS REQUIRED.** A snowmobile shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the “A” scale at a distance of fifty feet; and a snowmobile, manufactured after July 1, 1973, which is sold, offered for sale or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than eighty-two decibels as measured on the “A” scale at a distance of fifty feet.

The Commission may adopt rules with respect to the inspection of snowmobiles and the testing of snowmobile mufflers.

A separate placard shall be affixed, permanently and conspicuously, to any new snowmobile sold or offered for sale in this state that does not meet the muffler requirements as stated above. The placard shall designate each snowmobile which does not meet the muffler requirements.

A snowmobile manufactured after July 1, 1975, which is sold, offered for sale or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than seventy-eight decibels as measured on the “A” scale at a distance of fifty feet.

**3-3G-12 LAMPS REQUIRED.** Every snowmobile shall be equipped with at least one head lamp and one tail lamp, and with brakes which conform to standards prescribed by the Director of Transportation.

**3-3G-13 UNLAWFUL OPERATION.** It shall be unlawful for any person to drive or operate any snowmobile:

1. At a rate of speed greater than reasonable or proper under all existing circumstances.
2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
4. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. On any public land, ice, or snow, in violation of official signs of the Commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the Commission may post an official sign in an emergency for the protection of persons, property, or the environment.

7. In or on any park or fish and game areas except on designated snowmobile trails.

8. Upon an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, where necessary, use the improved portion of such established crossing after yielding to all oncoming traffic. The provisions of this subsection shall not apply to any law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties.

9. On any public road or street without a bright colored pennant or flag displayed at least sixty inches above the ground. Said pennant or flag shall be a minimum of six inches by nine inches, shall be orange and shall provide a fluorescent effect.

10. On public land without a measurable snow cover.

11. No person shall operate or ride in any snowmobile with any firearm in the person's possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

3-3G-14 PENALTY. Any person who shall violate any provision of this chapter or any regulation of the Commission or Director of Transportation shall be guilty of a simple misdemeanor.

Chapter 232 shall have no application in the prosecution of offenses which are committed in violation of this chapter, and which constitute simple misdemeanors.

3-3G-15 OPERATION PENDING REGISTRATION. The State Conservation Commission shall furnish snowmobile dealers with pasteboard cards bearing the words "registration applied for". Any unregistered snowmobile sold by a dealer shall bear one of these cards which shall entitle the purchaser to operate it for ten days immediately following the purchase. The purchaser of a registered snowmobile shall be entitled to operate it for ten days immediately following the purchase, without having completed a transfer of registration. Any person who purchases a snowmobile from a dealer shall, within five days of the purchase, apply for a snowmobile registration or transfer of registration.

3-3G-16 SPECIAL EVENTS. The Commission may authorize the holding of organized special events as defined in this chapter within this State. The Commission shall adopt and may amend rules and regulations relating to the conduct of special events held under Commission permits and designating the equipment and facilities necessary for safe operation of snowmobiles or for the safety of operators, participants, and observers in the special events. At least thirty days before the scheduled date of a special event in this State, an application shall be filed with the Commission for authorization to conduct the special event. The application shall set forth the date, time and location of the proposed special event and any other information as the Commission may require. The special event shall not be conducted without written authorization of the Commission. Copies of such rules shall be furnished by the Commission to any person making an application therefor.

3-3G-17 VIOLATION OF "STOP" SIGN. It shall be unlawful for any person, after having received a visual or audible signal from any officer to come to a stop, to operate a snowmobile in

willful or wanton disregard of such signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

3-3G-18 NEGLIGENCE. The owner and operator of any snowmobile shall be liable for any injury or damage occasioned by the negligent operation of such snowmobile.

#### 3-3G-19 RENTED SNOWMOBILES.

1. The owner of any rented snowmobile shall keep a record of the name and address of each person renting the snowmobile, its identification number, the departure date and time, and the expected time of return. The records shall be preserved for six months.

2. The owner of a snowmobile operated for hire shall not permit the use or operation of a rented snowmobile unless it shall have been provided with all equipment required by this chapter or rules of the Commission or the Director of Transportation, properly installed and in good working order.

3-3G-20 MINORS UNDER TWELVE. No owner or operator of any snowmobile shall permit any person under twelve years of age to operate nor shall any person less than twelve years of age operate, the snowmobile except when accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid operator's or chauffeur's license, instruction permit, restricted license, or temporary permit issued under chapter 321 or a safety certificate issued under this chapter.

## TITLE III COMMUNITY PROTECTION

### SUBCHAPTER 3H TRAFFIC CODE - LOCAL REGULATIONS

3-3H-1	APPROACHING OR ENTERING AN INTERSECTION	3-3H-6	POLICE TO DIRECT MOVEMENT
3-3H-2	MAIN AND PLATT STREET INTERSECTION	3-3H-7	VEHICLES FOR SALE UNLAWFUL TO DISPLAY ON STREET
3-3H-3	FIRE DEPARTMENTS	3-3H-8	ANGLE PARKING
3-3H-4	INJURY TO PAVEMENT	3-3H-9	SPEED - RECKLESS DRIVING
3-3H-5	CHIEF OF POLICE POWER		

3-3H-1 APPROACHING OR ENTERING INTERSECTIONS. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

When two (2) vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

3-3H-2 MAIN AND PLATT STREET INTERSECTION. Traffic movement through Main Street and Platt Street intersection shall be as follows:

Right-hand lane for all through traffic and for all right turns, center lane for all left turns. Signs indicating the direction of traffic movement shall be placed at such intersections, and it shall be unlawful for any person to operate any vehicle in violation of such sign placed in accordance with this Section.

(Ord. No. 1023, 03-6-06)

3-3H-3 FIRE DEPARTMENTS. Vehicles driven or propelled by the Fire Department shall, in case of fire, have absolute right-of-way upon the highways and streets of the City; and upon due alarm given by vehicles driven by the Fire Department all persons operating vehicles on the street or highway traveled by the Fire Department shall stop and park on the right side of the road.

3-3H-4 INJURY TO PAVEMENT. Nothing that will cut, injure or destroy any roadway or pavement shall be dragged over the same.

3-3H-5 CHIEF OF POLICE; POWER. Subject to the legislative direction of the Council, the Chief of Police is hereby empowered to make and enforce regulations necessary to make effective the provisions of this Code, regulating traffic and the parking and stopping of vehicles upon the streets and alleys and when such regulations are placed in force, the Chief shall, by appropriate signs, call attention thereto; provided however, that no signs shall be required whenever any emergency regulation is being enforced by an officer present to direct and warn traffic.

3-3H-6 POLICE TO DIRECT MOVEMENT. Motor vehicles, at theaters, and public gatherings, or under unusual circumstances, shall stand, or move as directed by the Police.

3-3H-7 VEHICLES FOR SALE: UNLAWFUL TO DISPLAY ON STREET. It shall be unlawful for any person to place upon any street any vehicle displayed for sale.

3-3H-8 ANGLE PARKING. Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs, and the Chief of Police shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

3-3H-9 SPEED, RECKLESS DRIVING. The maximum speed of any vehicle shall be the same as now or may hereafter be provided by State law. Any person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving. Every person convicted of reckless driving shall be punished as herein set out in Title 1, Chapter 3 of this Code.

3-3H-10 U-TURNS. It shall be unlawful for the driver of any vehicle westbound on Highway 64 (East Platt Street) to make a U-Turn at the intersection of Highway 62 and Highway 64.  
(Ord. 980, 12-2-02)

3-3H-11 ALL TERRAIN VEHICLES. The following City streets may be used for the operation of registered all-terrain vehicles during special events approved by the City Council:

1. Main Street from 17th Street to the north City limits.
2. 17th Street within the City limits.
3. 211th Avenue within the City limits.

The all-terrain vehicles shall be operated by a licensed driver and shall obey all speed limits and traffic laws

(Ord. 1104, 6-18-12)



## TITLE III COMMUNITY PROTECTION

### SUBCHAPTER 3I VEHICLE IMPOUNDMENT

3-3I-1	PURPOSE	3-3I-9	PRIMA FACIE
3-3I-2	DEFINITIONS		RESPONSIBILITY
3-3I-3	ENFORCEMENT	3-3I-10	IMPOUNDING
3-3I-4	PENALTIES	3-3I-11	IMPOUNDING FEES
3-3I-5	EXCEPTIONS	3-3I-12	NOTICE
3-3I-6	NUISANCE		
3-3I-7	VIOLATION		
3-3I-8	EXCEPTION FOR LICENSED SALVAGE YARDS OR JUNK YARDS		

3-3I-1 PURPOSE. The purpose of this Chapter is to protect the health and welfare of the citizens of Maquoketa by prohibiting the parking of junk vehicles on private and public property and to provide penalties and a procedure for the removal of junk vehicles from private property.

3-3I-2 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. "Junk Vehicle" shall mean:

- a. Any vehicle with a shattered or broken out windshield, or rear window.
- b. Any vehicle that has missing from it visible current registration plate, an axle, a tire, an engine, a bumper, door, windshield or rear window or steering wheel.
- c. Any vehicle which has become habitat of rats, mice or snakes or any other vermin or insects.
- d. Any other vehicle which because of its defective or obsolete condition is in any other way a threat to the public health or safety or contains gasoline or other flammable fluids.

2. "Abandoned Motor Vehicle" shall mean:

- a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours or lacks current registration plate or two or more wheels or other parts which renders the vehicle inoperable.
- b. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.

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 (24) hours.

d. Any vehicle parked on the highway, determined by a police authority, to create a hazard to other vehicular traffic.

However, a vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the police authority and requests assistance in the removal of the vehicle.

(Ord. 991, Passed April 19, 2004)

**3-3I-3 ENFORCEMENT.** A law enforcement official who observes an abandoned or junk vehicle or parts of a junk vehicle on private property shall follow this procedure:

1. The law enforcement official shall verbally warn the owner of the junk vehicle or vehicle parts to remove the junk vehicle or parts from the premises or to store the junk motor vehicle or parts in an enclosed building so that the junk vehicle or parts are hidden from the public view.

2. In the event that the junk motor vehicle or parts are still within public view in the City of Maquoketa after the elapse of 48 hours from the verbal warning, then the law enforcement official shall serve an abatement notice upon the property owner. The abatement notice shall clearly inform the owner of the premises or person in control of the premises or the owner of the car to remove the motor vehicle from the premises within five (5) days from the delivery of the notice.

3. In the event that the junk vehicle or parts of a vehicle remain on the premises 5 days after the serving of the notice of abatement, a law enforcement official may have the junk vehicle or parts of the vehicle towed to the City impound lot.

If a law enforcement official observes an abandoned vehicle or junk vehicle on the public streets or public property, the law enforcement official shall follow the following procedure:

1. He shall place on the windshield a Notice stating that the vehicle shall be impounded by the City police if not removed within forty-eight (48) hours.

2. If the vehicle remains on the public streets or the public place after the expiration of the forty-eight (48) hours, then the officer shall have the vehicle removed to the City impound lot.

3. The officer shall follow the notification procedure set forth in 321.89, Paragraph 3A, within twenty (20) days of the impounding of the vehicle.

**3-3I-4 PENALTIES.** It shall be a municipal infraction for a person for any person to park a junk vehicle on the City street or to park a junk vehicle or parts of a vehicle on private property; and,

(Ord. 1142, Passed June 2, 2018)

It is hereby declared to be a nuisance to park a junk vehicle or parts of a vehicle on private or public property; and, this nuisance may be abated under the Municipal Infractions Ordinance or the Nuisance Abatement Ordinance of the City of Maquoketa.

(Ord. 991, Passed April 19, 2004)

**3-3I-5 EXCEPTIONS.** It shall not be a violation of this Ordinance for a property owner to store a junk vehicle or parts of a junk vehicle in an enclosed building which covers the junk vehicle or parts of vehicle from public view.

It shall not be a violation of this Ordinance if the owner of a junk vehicle has been issued a permit by a law enforcement official to park a junk vehicle on his premises for a period of time not to exceed 30 days; and,

A law enforcement official may grant a permit for an owner to park a junk vehicle on his premises for not to exceed 30 days if the owner is making efforts to have the vehicle repaired for lawful operation on the public highways.

It shall not be a violation of this Ordinance if the owner of a body shop, in a zone of the City zoned commercial, shall retain one or more vehicles, that by this Ordinance would be classified as junk vehicles; provided however, that the junk vehicles on the premises of the body shop shall be contained in an area that is completely separated from public view by a site barrier such as a fence or equivalent site barrier.

**3-3I-6 NUISANCE.** It is hereby declared that the storage of abandoned motor vehicles or junk vehicles within the corporate limits of the City, with the exceptions in Section 3-3I-5 and 3-3I-81, is dangerous to the health and welfare of the citizens of the City and is a nuisance under the provisions of Section 657.1 of the 1993 Code of Iowa as amended from time to time.

**3-3I-7 VIOLATION.** Any property owner or person in possession of property within the corporate limits of the City with the exceptions of Section 3-3I-5 and 3-3I-8 of this Subchapter who shall allow the storage of obsolete motor vehicles or junk vehicles upon his property in his possession shall be guilty of a municipal infraction.

(Ord. 1142, Passed June 2, 2018)

**3-3I-8 EXCEPTION FOR LICENSED SALVAGE YARDS OR JUNK YARDS.** The provisions of this Chapter shall not apply to auto salvage yards or junk yards that are duly licensed by the City.

**3-3I-9 PRIMA FACIE RESPONSIBILITY.** If any obsolete motor vehicle is stored upon property in violation of this Subchapter the owner of said property shall be prima facie responsible for said violation.

**3-3I-10 IMPOUNDING.** If any abandoned or junk motor vehicle is stored upon property in violation of the provisions of this Subchapter or is found upon the streets and highways, parking lots, or public places reasonably appearing to be abandoned, it may be removed under the direction

of the Police Chief or any police officer and may be impounded. Impoundment shall be in any City owned garage or area or in any privately owned public garage designated by the Council.

Within twenty (20) days after the impoundment of a vehicle the City shall cause a Notice that complies with Section 12 of this Ordinance to be sent by Certified Mail to everyone entitled to Notice under Section 12.

3-3I-11 IMPOUND FEES. Within twenty-one (21) days after the impoundment of any such motor vehicle the owner thereof may appear and claim the same on payment of an impoundment fee of \$20.00 for the first day of impound plus \$5.00 per day thereafter, plus towing charges if stored by the City, or upon payment of the towing charges and storage fees, if stored in a public garage, whereupon said vehicle shall be released.

(Ord. No 1013, 11-7-05)

3-3I-12 NOTICE. Notice to be sent by Certified Mail within twenty (20) days of taking vehicle into custody.

1. Last known name and address of registered owner (Here state the last known name and address of vehicle owner)

2. Lien Holders of Record  
(Here state the name and address)

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

3. Anyone else who may claim the vehicle or personal property in it.  
(Here state the name and address)

a. \_\_\_\_\_

b. \_\_\_\_\_

You are hereby NOTIFIED that on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the following vehicle was taken into custody.

Vehicle Make: \_\_\_\_\_

Model Year: \_\_\_\_\_

Vehicle ID No.: \_\_\_\_\_

Personal Property in Vehicle: \_\_\_\_\_  
\_\_\_\_\_

The vehicle is being held at the following location:

\_\_\_\_\_

You are hereby NOTIFIED that you have the right to reclaim the vehicle and the personal property within twenty-one (21) days from the mailing of this Notice upon payment of the following:

- a. Towing Charges: \$ \_\_\_\_\_
- b. Preservation and Storage Charges: \$ \_\_\_\_\_
- c. The cost of this Notice: \$ \_\_\_\_\_

You are further NOTIFIED that your failure to reclaim the vehicle or personal property within the allowed time shall be deemed a waiver of your right title, claim and interest in the vehicle and the property.

You are further NOTIFIED that your failure to reclaim the vehicle or property shall be deemed a consent to the sale of the vehicle and property at public auction or the disposal of the vehicle by a demolisher.

You have the right to dispute the amount of the charges stated above and you may ask for an Evidentiary hearing on these charges by delivering to the office of the City Clerk at City Hall a written request for a hearing on the charges. The written request must contain your name, address and telephone number.

If you fail to reclaim or ask for a hearing within twenty-one (21) days after the date of the mailing of this Notice as shown by the postmark, you shall no longer have any right, title, claim or interest in or to the vehicle or the property.

You are further NOTIFIED that after twenty-one (21) days from the date of the mailing of this Notice, if no one has reclaimed the vehicle or property or asked for a hearing within the time allowed, the vehicle and property will be sold at public auction unless the vehicle lacks an engine or two or more wheels or is otherwise totally inoperable. If the vehicle lacks an engine or two or more wheels or is otherwise totally inoperable, the vehicle will be disposed of to a demolisher with or without a public auction.

(Ord 833, 5-16-94)

TITLE III COMMUNITY PROTECTION  
SUBCHAPTER 3K BICYCLES AND SKATEBOARDS

3-3K-1	DEFINITIONS	3-3K-16	SPEED
3-3K-2	LICENSE REQUIRED	3-3K-17	IMPOUNDMENT OF
3-3K-3	LICENSE TRANSFER		BICYCLES
3-3K-4	LOST LICENSE PLATE	3-3K-18	DEFINITION
3-3K-5	ALTERATION UNLAWFUL	3-3K-19	OPERATING SKATING
3-3K-6	LIGHTS REQUIRED		DEVICES ON SIDEWALKS
3-3K-7	WARNING DEVICES	3-3K-20	RIGHTS OF PEDESTRIANS
3-3K-8	PARKING BICYCLES	3-3K-21	IMPROPER OPERATION OF
3-3K-9	RIDING ON SIDEWALKS		SKATING DEVICES
3-3K-10	RIGHT OF PEDESTRIANS		FORBIDDEN
3-3K-11	SINGLE FILE RIDING	3-3K-22	OPERATING SKATING
3-3K-12	OBSERVANCE OF TRAFFIC RULES		DEVICES ON PUBLIC
3-3K-13	TOWING UNLAWFUL	3-3K-23	STREETS
3-3K-14	CARRYING EXTRA PASSENGERS		OBSERVANCE OF TRAFFIC
3-3K-15	IMPROPER RIDING FORBIDDEN	3-3K-24	RULES
			IMPOUNDMENT OF
			SKATING DEVICES

3-3K-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. “Bicycles” shall mean either of the following:

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)

(ECIA Model Code Amended in 2008)

3-3K-2 LICENSE REQUIRED. Every person operating a bicycle within the City shall cause the ownership thereof to be registered at the office of the Police Department. Upon such registration and passage of an examination as to knowledge of the laws regulating the operation of bicycles in the City, and passage of a riding test, and payment of a fee in the amount of one dollar (\$1.00), the Police Department will issue a license tag, which thereafter shall be kept attached to the bicycle. All persons using the same bicycle must take a test.

3-3K-3 LICENSE TRANSFER. In the event a licensed bicycle be sold or transferred, the license tag shall pass to the new owner or transferee and the sale or transfer of the bicycle shall be reported to the Police Department by the former owner within five (5) days after the sale or the transfer of such bicycle and the Police Department shall make a record of the sale or transfer together with the name of the new owner or transferee of the bicycle.

3-3K-4 LOST LICENSE PLATE. In the event that an owner shall lose his license tag or same should be destroyed or stolen, he shall report same immediately to the Police Department, which shall then issue to such owner a new license tag for a fee in the amount of fifty cents (50 cents).

3-3K-5 ALTERATION UNLAWFUL. It shall be unlawful for any person to alter or counterfeit any license tags issued in conformity with this Chapter.

3-3K-6 LIGHTS REQUIRED. All bicycles used within the City limits shall during the hours from one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, display a headlight on the forward part of the bicycle visible from a distance of at least three hundred feet (300'), the headlight to be stationary and with an illuminating power equal to that produced by a one and twenty-five hundredths (1.25) volt electric bulb and battery. There shall also be displayed on the rear part of the bicycle a suitable light or red reflector not to be smaller than one and one-half inches (1- 1/2") in diameter.

3-3K-7 WARNING DEVICES. All bicycles shall be equipped with either a suitable horn or bell. The use of sirens on bicycles shall be unlawful.

3-3K-8 PARKING BICYCLES. Bicycles shall be parked in such a manner as to not block or interfere with the free movement of pedestrians upon any City sidewalk, or interfere or block any entrance to any commercial or public place. Bicycles shall be parked at a special parking place or rack when approved and provided, in a safe and suitable place, by the Police Department.

3-3K-9 RIDING ON SIDEWALKS. Bicycles may be operated upon the sidewalks in the Residential District, but not in the Business District or upon the sidewalks adjoining any School Premises.

3-3K-10 RIGHT OF PEDESTRIANS. Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating bicycles upon any sidewalks not herein prohibited, and any person using or operating a bicycle upon any sidewalk shall turn off the sidewalk at all times when meeting or passing pedestrians.

3-3K-11 SINGLE FILE RIDING. Bicycles shall be ridden single file in Business Districts and upon sidewalks in Residential Districts but may be ridden not over two (2) abreast on any other City Street. The bicycles shall be operated as near the right curb as possible at all times.

3-3K-12 OBSERVANCE OF TRAFFIC RULES. All persons using or operating bicycles upon any street or sidewalk within the City shall observe all traffic rules as to traffic lights and highway stop signs and shall signal any change of direction or course of travel in the same manner as such

signals are required under the law governing the use of motor vehicles upon streets and highways, and shall not turn left in traffic except at regular intersections of streets or alleys.

3-3K-13 TOWING UNLAWFUL. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City. It shall also be unlawful for any person riding a bicycle to follow a fire truck or other fire equipment at any time.

3-3K-14 CARRYING EXTRA PASSENGERS. Extra passengers shall not be carried upon a bicycle at any time, except for bicycles that are manufactured as bicycles built for two (2), or bicycles equipped with a child safety seat manufactured and properly installed and the bicycle is operated by a person sixteen (16) years of age or older.

3-3K-15 IMPROPER RIDING FORBIDDEN. It shall be unlawful for any person riding a bicycle within the Corporate Limits to ride in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise riding with disregard for either the operator's safety or the safety of others.

3-3K-16 SPEED. It shall be unlawful to ride a bicycle on any sidewalk in the Residential Section of the City faster than five miles per hour (5 m.p.h.) or faster than twenty-five miles per hour (25 m.p.h.) on the streets and highways in any part of the City.

3-3K-17 IMPOUNDMENT OF BICYCLES. The Police Department may impound any bicycle used in any violation of the provisions of this Chapter. No such impoundment shall exceed 30 days.

3-3K-18 DEFINITION. For the remainder of this Ordinance, skating devices include: skateboards, roller skates, inline skates and/or roller blades.

3-3K-19 OPERATING SKATING DEVICES ON SIDEWALKS. Skating devices may be operated upon the sidewalks in the Residential District, but not in the Business District or upon any sidewalk adjoining any school premises during regular school hours or any extra curricular school activities hours.

3-3K-20 RIGHTS OF PEDESTRIANS. Pedestrians upon the sidewalks shall have the right-of-way at all times over persons using skating devices upon the sidewalks not herein prohibited, and any person using or operating a skating device upon any sidewalk shall stop and remove the skating device from the sidewalk in order to give this right-of-way.

3-3K-21 IMPROPER OPERATION OF SKATING DEVICES FORBIDDEN. It shall be unlawful for any person operating a skating device to ride in any irregular or reckless manner such as zigzagging, stunting, or otherwise riding with disregard for either the operator's safety or the safety of others.

3-3K-22 OPERATING SKATING DEVICES ON PUBLIC STREETS. Skating devices may be operated on public streets in the Residential District but not in the Business District or upon North or South Main Streets, or West Platt Streets at any time.



3-3K-23 OBSERVANCE OF TRAFFIC RULES. All persons using or operating skating devices on any street or sidewalk within the City shall observe all traffic rules, as to traffic lights and stop signs and shall stop before entering a street from any sidewalk. All persons operating a skating device on a public street shall operate as near the right curb as possible at all times.

3-3K-24 IMPOUNDMENT OF SKATING DEVICES. The Police Department may impound any skating device used in violation of the provisions of this chapter. No such impoundment shall exceed 30 days.

(Ord. 873, passed 3-18-96)

## SUBCHAPTER 3L PRIMARY ROAD NUMBER 61

3-3L-1	DEFINITION	3-3L-3	ESTABLISHMENT
3-3L-2	UNLAWFUL USE OF CONTROLLED-ACCESS FACILITIES	3-3L-4	SPEED LIMITS
		3-3L-5	INGRESS OR EGRESS
		3-3L-6	POINTS OF ACCESS

3-3L-1 DEFINITION. 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. “A Controlled-Access Facility” shall mean a controlled right-of-easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason.

3-3L-2 UNLAWFUL USE OF CONTROLLED-ACCESS FACILITIES. It shall be unlawful for any person to:

1. Drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on such controlled-access facilities.

2. Make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line.

4. Drive any vehicle into the controlled-access facility from a local service road except through an opening provided for that purpose in the dividing section or dividing line which separates such service road from the controlled-access facility property.

3-3L-3 ESTABLISHMENT. There are hereby fixed and established controlled-access facilities on the Primary Road System extension improvements, Project No. F N 21 Primary Road No. U.S. 61 within the City, described as follows:

1. South Main Street (U.S. 61) from South Summit Street to the South corporation line (station 79x36.0 to station 105x84.9) regulating access to and from abutting properties along the (Highway) all in accordance with the plans for such improvement identified as Project No. F N 21 on file in the Office of the Clerk.

3-3L-4 repealed refer to 3-3A-285 Ord. 763, 8-19-91

3-3L-5 INGRESS OR EGRESS. No person shall have any right to ingress or egress to, from or across the Controlled-Access facility except on such points as may be permitted by the Iowa State Highway Commission and designated by the provisions of this Code.

3-3L-6 POINTS OF ACCESS. The points of access shall consist of access ways from abutting property to the adjacent traffic lane or roadway and their location shall be expressed in terms of stations, such representing a distance of one hundred feet (100') measured along the centerline of the Controlled-Access facility from the points of reference stated in this Chapter and identified as Project Number F N 21.

Points of access are hereby permitted as follows:

Address	Station	Side	Width	Description
Belle Reynolds	82x80	Lt.	20	Agricultural
Old R.R. ROW	85x96	Lt.	30	Commercial
Old R.R. ROW	86x05	Rt.	44	Commercial
Motel	87x06	Rt.	30	Commercial
Motel	88x03	Rt.	24	Commercial
Monroe St.	88x30	Rt.		City Street
Ranger Station	88x56	Rt.	38	Commercial
Monroe St.	88x75	Lt.		City Street
Ranger Station	89x46	Rt.	87	Commercial
818 S. Main St.	89x82	Lt.	12	Residential
816 S. Main St.	90x73	Lt.	12	Residential
817 S. Main St.	90x48	Rt.	12	Residential
814 S. Main St.	91x16	Lt.	12	Residential
811 S. Main St.	91x60	Rt.	12	Residential
810 S. Main St.	92x11	Lt.	14	Residential
809 S. Main St.	92x21	Rt.	13	Residential
80 S. Main St.	92x82	Rt.	12	Residential
806 S. Main St.	93x50	Lt.	10	Residential
802 S. Main St.	93x88	Lt.	11	Residential
Jefferson St..	94x35	Rt.		City Street
719 S. Main St.	96x43	Rt.	16	Residential
717 S. Main St.	97x39	Rt.	16	Residential
Dairy from	98x26			
Queen to	99x84	Rt.	Open	Commercial
708 S. Main St.	99x23	Lt.	13	Residential
706 S. Main St.	100x01	Lt.	11	Residential
Zephyr from	99x84			
Station to	100x86	Rt.	Open	Commercial
702 S. Main St.	100x74	Lt.	16	Residential
A & W from	100x86			
to 102x00 Rt.	Open			Commercial
Dr. Hepker Clinic	101x86	Lt.	27	Commercial
Vet's Clinic	102x23	Rt.	21	Commercial
620 S. Main St.	103x16	Lt.	15	Residential

613 S. Main St.	103x22	Rt.	13	Residential
611 S. Main St.	103x41	Rt.	15	Residential
610 S. Main St.	103x51	Lt.	12	Residential
607 S. Main St.	104x70	Rt.	20	Residential
Standard from Station to 105x86	105x13	Rt.	Open	Commercial

(Ord. 357, 11-27-61)

## SUBCHAPTER 3M PRIMARY ROAD NUMBER 62

3-3M-1	DEFINITION	3-3M-4	PARKING
3-3M-2	UNLAWFUL USE OF CONTROLLED-ACCESS FACILITIES	3-3M-5	SPEED LIMITS
3-3M-3	ESTABLISHMENT	3-3M-6	INGRESS OR EGRESS
		3-3M-7	POINTS OF ACCESS

3-3M-1 DEFINITION. 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. “A Controlled-Access Facility” shall mean a controlled right-of-easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason.

3-3M-2 UNLAWFUL USE OF CONTROLLED-ACCESS FACILITIES. It shall be unlawful for any person to:

1. Drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on such controlled-access facilities.

2. Make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line.

4. Drive any vehicle into the controlled-access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled-access facility property.

3-3M-3 ESTABLISHMENT. There are hereby fixed and established controlled-access facilities on the Primary Road System extension improvement, Project No. F-991 Primary Road Iowa #62 within the City, described as follows:

1. On Iowa #62 from Iowa #64 to Station 16x25.5.

2. On Iowa #64 from Station 993x00 to Station 2x24.

3. Regulating access to and from (Iowa #64 to Station 16x25.5) abutting properties along the highway all in accordance with the plans for such improvement identified as Project No. E-991 on file in the Office of the Clerk.

3-3M-4 PARKING. It shall hereafter be illegal to park on Iowa #62 from Iowa #64 to Station 16x25.5 and on Iowa #64 from Station 993x00 to Station 2x24.

3- 3M-5 SPEED LIMITS: The following speed limits are hereafter established:

1. Northbound of Iowa #62 from Iowa #64 to Station 16x25.5; 55 M.P.H.
2. Southbound on Iowa #62 from Station 16x25.5 to Iowa #64; 45 M.P.H.
3. East or Westbound on Iowa #64 (East Platt Street) from Station 993x00 to Station 2x24; 45 M.P.H

(C.335, 12-28-59)

3-3M-6 INGRESS OR EGRESS. No person shall have any right to ingress or egress to, from or across the Controlled-Access facility except at such points as may be permitted by the Iowa State Highway Commission and designated by the provisions of this Code.

3-3M-7 POINTS OF ACCESS. The points of access shall consist of access ways from abutting property to the adjacent traffic lane or roadway and their location shall be expressed in terms of stations, each representing a distance of one hundred feet (100') measured along the centerline of the Controlled-Access facility from the points of reference stated in this Chapter and identified as Project Number F-991.

Points of access are hereby permitted as follows:

Station	Side	Width	Description
996x14	Lt.	35	Commercial-Fair Ground
11x52	Lt.	43	Commercial-Fair Ground
2x24	Rt.	31	Side Road

(Ord. 358, 11-27-61)

## SUBCHAPTER 3N PRIMARY ROAD NUMBER 64

3-3N-1	PURPOSE	3-3N-4	ESTABLISHMENT
3-3N-2	DEFINITION	3-3N-5	POINTS OF ACCESS
3-3N-3	UNLAWFUL USE OF CONTROLLED-ACCESS FACILITIES	3-3N-6	SPEED LIMITS

3-3N-1 PURPOSE. This Subchapter shall be deemed an exercise of the police power of the City under Chapter 321, Code of Iowa, 1979, for the preservation of the public peace, health, safety, and the promotion of the general welfare.

3-3N-2 DEFINITION. 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. “A Controlled-Access Facility” shall mean a “controlled right-of-easement of access, light, air or view” by reason of the fact that their property abuts upon such controlled-access facility or for any other reason.

3-3N-3 UNLAWFUL USE OF CONTROLLED-ACCESS FACILITIES. It shall be unlawful for any person to:

1. Drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on such controlled access facilities.

2. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. Drive any vehicle except in the proper lane provide for that purpose and in the proper direction and to the right of the central dividing curb, separating section or line.

4. Drive any vehicle into the controlled-access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled-access facility property.

3-3N-4 ESTABLISHMENT. There are hereby fixed and established controlled-access facilities on the Primary Road System extension improvements, Project #FN-64-9, Primary Road #Iowa 64 within the City described as follows:

1. Beginning at Sta. 631+18 (end of tapers for US #61 intersection) thence easterly to Sta. 648+10 (Vermont Street).

2. Regulating access to and from abutting properties along said highway, all in accordance with the plans for such improvement identified as Project #FN-64-9 on file in the Office of the Clerk.

3-3N-5 POINTS OF ACCESS. The points of access shall consist of access ways from abutting property to the adjacent traffic lane or roadway and their location shall be expressed in terms of stations, each representing a distance of one hundred feet (100') measured along the centerline of the controlled-access facility from the points of reference stated in Section 3-3N-4 hereof.

Station	Side	Width	Use
631+47	Rt.	24'	Residential
631+93	Lt.	95'	Commercial
633+55	Rt.	36'	Western Avenue
636+00	Lt.	24'	Residential
636+48	Lt.	35'	Commercial
637+33	Lt.	35'	Commercial
637+55	Lt.	35'	Commercial
637+88	Lt.	35'	Commercial
638+50	Lt.	35'	Commercial
639+41	Lt.	36'	Jones Avenue (North)
640+60	Lt.	35'	Commercial
635+68	Rt.	35'	Commercial
636+73	Rt.	30'	Residential
637+46	Rt.	35'	Commercial
639+41	Rt.	45'	Commercial
639+97	Rt.	45'	Commercial
640+45	Rt.	35'	Commercial
641+33	Rt.	35'	Commercial
641+76	Rt.	33'	Jones Avenue
642+10	Rt.	35'	Commercial
641+60	Lt.	24'	Residential
641+76	Lt.	24'	Residential
643+00	Rt.	45'	Commercial
643+15	Lt.	35'	Commercial
644+17	Lt.	32'	Arcade Street
644+30	Rt.	22'	Residential
644+52	Rt.	22'	Residential
645+29	Rt.	22'	Residential
645+66	Lt.	55'	Commercial
646+00	Rt.	22'	Residential
646+59	Rt.	22'	Residential
646+59	Lt.	22'	Residential
646+76	Lt.	22'	Residential

3-3N-6 Repealed refer to 3-3A-285 (Ord. 763; 8-19-91)



## TITLE III COMMUNITY PROTECTION

### CHAPTER 4 FIREWORKS

#### 3-4-1 DEFINITION

#### 3-4-4 EXCEPTIONS

#### 3-4-2 FIREWORKS USE REGULATIONS

#### 3-4-5 PENALTIES

#### 3-4-3 FIREWORKS SALE REGULATIONS

3-4-1 DEFINITION. 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. "Fireworks" includes any item or class of items as defined in Iowa Code Sec. 727.2(1).

3-4-2 FIREWORKS USE REGULATIONS. It is unlawful for any person to use or explode any fireworks as defined herein, except for on the following dates:

1. June 24th – July 8th; from 9:00 a.m. until 10:30 p.m.  
Exception: Discharge hours are extended to 11 p.m. on July 4th only.

2. December 31st at 6:00 p.m. through January 1st at 12:30 a.m.  
(Ord. 1147, Passed December 17, 2018)

3. All remaining limitations and exceptions stated in Senate File 489, including but not limited to Iowa Code §§ 100.19 and 727.2(3)-(5), shall remain in full force and effect.

4. With respect to "display fireworks" as defined in Iowa Code § 727.2(1)(b) the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- a. Personal Injury:..... \$250,000 per person.
- b. Property Damage:..... \$50,000
- c. Total Exposure:..... \$1,000,000  
(Code of Iowa, Sections 727.2; 364.2(6))

### 3-4-3 FIREWORKS SALE REGULATIONS.

1. The City hereby adopts all standards, rules, regulations, and the like promulgated or that will be promulgated by the State Fire Marshall regarding the sale of fireworks pursuant to Iowa Code §§ 100.1; 100.19; 727.2. The City specifically adopts National Fire Protection Association standard 1124 with respect to the requirements for the handling, storage, transportation, display, and retail sale of fireworks.

2. All other provisions of the City Code of Ordinances not in conflict with this Section or with the laws of the State of Iowa remain valid and enforceable.

(Code of Iowa, Sections 727.2; 364.2(6))

3-4-4 EXCEPTIONS. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

3-4-5 PENALTIES. Any person who violates the provisions of the fireworks ordinance shall be guilty of a scheduled simple misdemeanor violation punishable by a \$500 fine in addition to established court costs. Persons who cause injury as a result of reckless discharging of fireworks shall be guilty of a serious misdemeanor charge with appearance before a magistrate required.

(Code of Iowa, Sections 100.19; 727.2)

(Ord. 1138, Passed June 5, 2017)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 5 FIRE PROTECTION

3-5-1	ESTABLISHMENT AND PURPOSE	3-5-5	LIABILITY INSURANCE
3-5-2	VOLUNTEER FIREFIGHTERS	3-5-6	FIRES OUTSIDE CITY LIMITS
3-5-3	FIREFIGHTER'S DUTIES	3-5-7	COMPENSATION
3-5-4	WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE	3-5-8	KEY LOCK BOXES

3-5-1 ESTABLISHMENT AND PURPOSE. The City shall, by whatever means possible within its budgetary capabilities, provide fire protection services, to include rescue emergency medical services (EMS), to the citizens of the City of Maquoketa. As part and parcel of that duty, a volunteer Fire Department is hereby established to prevent and extinguish fires, to protect lives and property against fires, to promote fire prevention and fire safety, to respond to rescue incidents, to provide non-transport EMS, and to answer all emergency calls for which there is no other established agency.

3-5-2 VOLUNTEER FIREFIGHTERS. Up to 40 qualified residents of Maquoketa, Iowa, or the immediate vicinity shall be appointed to serve as volunteer firefighters and/or emergency medical care providers. Prior to appointment as a volunteer firefighter and at least every four (4) years thereafter a volunteer firefighter must pass a medical examination. The Chief or Chief's designee should provide the Fire Department physician a copy of any applicable job description or job performance requirements in advance of a medical evaluation.

3-5-3 FIREFIGHTER'S DUTIES. When an emergency incident exists or when called or summoned to duty by the Chief or the Chief's designee, all available firefighters and/or emergency medical providers shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey the lawful commands of any other firefighter who has been appointed by the Chief to be in command temporarily. The Department shall provide training to its members necessary to perform applicable job performance requirements. Firefighters and emergency medical providers shall report for training as ordered by the Chief. Firefighters shall comply with the minimum training standard under Iowa Administrative Code 661—251.101(100B) (2018). Certified emergency medical providers shall comply with minimum training requirements set forth by the Iowa Bureau of EMS. The Chief may set forth additional duties or job performance requirements of members in job descriptions.

3-5-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The 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 firefighters and emergency medical providers injured in the performance of their duties as firefighters and emergency medical providers. All volunteer firefighters and emergency medical providers shall be covered by the contract.

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

3-5-6    **FIRES OUTSIDE CITY LIMITS.** The Department may answer calls to fires and other emergencies, including rescue incidents and emergency medical incidents outside the City limits in townships or other municipalities with whom the City has signed a fire protection contract or other emergency services contract as permitted under 28E of the Iowa Code, or if the Fire Chief determines that such emergency exists and that such action will not pose an unreasonable risk to persons and property within the City limits.

3-5-7    **COMPENSATION.** Compensation shall be established by resolution.

3-5-8    **KEY LOCK BOXES.**

1. This section shall apply to property owners of any:
  - a. Commercial structures constructed after the effective date of this ordinance.
  - b. Apartment buildings which have a common area (or areas) that are locked to the general public, constructed after the effective date of this ordinance.
  - c. An existing structure converted to commercial use after the effective date of this ordinance.
  - d. An existing structure converted to an apartment building which has a common area (or areas) that is locked to the general public, after the effective date of this ordinance.
2. For the purposes of this section, “Fire Official” shall mean the Maquoketa Fire Chief or designee.
3. The owners of any type of property designated in section 3-5-8 (1) shall install a key lock box system. This system shall be of a type approved by the Fire Official and shall be installed in a location and in a manner approved by the Fire Official. Such approval by the Fire Official must be received before a certificate of occupancy can be issued for any applicable structure. This requirement for a key lock box system may be waived by the Fire Official if, in the opinion of the Fire Official, the size of the building or other unusual circumstances render the lock box ineffective for its intended purpose.
4. The owners of commercial properties and/or apartment buildings that were in existence before the effective date of this section may voluntarily participate in the key lock box system. Upon notice to the Fire Official of the intent to participate in this system, participating owners shall install a key lock box upon the Fire Official’s approval of the key lock box’s type, location, and manner of installation.

5. Any owner that participates, whether required or voluntarily, in the Maquoketa Fire Department's key lock box program shall at all times provide a key for each locked point of entry or exit, whether on the interior or exterior of the structure; for each locked mechanical room; for each locked elevator room; for each fire alarm or sprinkler system control room; and for any other areas as directed by the Fire Official. Each key shall be labeled in a way that will enable the Fire Official to determine which lock it operates.

6. Any owner that participates, whether required or voluntarily, in the Maquoketa Fire Department's key lock box program shall immediately notify the Fire Official and provide a replacement key for the key lock box if, for any reason, the condition of the lock requires that its key be replaced.

7. Key lock boxes must be mounted near the main entry door to the building. The box must be mounted within three feet of the main entry at a height of four to six feet. Unusual buildings may allow other mounting standards, at the discretion of the Fire Official.

(Ord. No. 1044, 03-19-07)

(Ord. 1145, Passed December 14, 2018)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 6 PARK REGULATIONS

3-6-1	PURPOSE	3-6-6	SWIMMING OR WADING
3-6-2	PARKING	3-6-7	MOTORIZED BOAT
3-6-3	USE OF DRIVES REQUIRED	3-6-8	CAMPING TIME LIMIT
3-6-4	FIRES	3-6-9	HOURS
3-6-5	LITTERING		

3-6-1 PURPOSE. The purpose of this Chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

3-6-2 PARKING. All vehicles shall be parked in designated parking areas.

3-6-3 USE OF DRIVES REQUIRED. No person shall drive any car, cycle, or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

3-6-4 FIRES. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

3-6-5 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

3-6-6 SWIMMING OR WADING: No persons shall be permitted to swim or wade in the pond at Horseshoe Pond Park or at the City Boat Ramp at the end of North Fifth Street.  
(Ord. 756, 6-17-91)

3-6-7 MOTORIZED BOAT. No person shall operate any type of motorized boat and watercraft at Horseshoe Pond Park.

3-6-8 CAMPING TIME LIMIT. No person shall park a camper or recreational vehicle at any City Park for more than fourteen (14) consecutive calendar days.  
(Ord. 665, 6-16-86)

3-6-9 HOURS. All City Parks are closed to the public from 11:00 p.m. until 6:00 a.m. the following morning.

Anyone present in a public park during the hours that the park is closed shall be removed and may be prosecuted for criminal trespass.

(Ord. 790, 8-3-92)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 7 LICENSING AND REGULATING PEDDLERS

3-7-1	DEFINITIONS	3-7-8	DENIAL OR REVOCATION
3-7-2	LICENSE REQUIRED		OF LICENSE
3-7-3	EXEMPTIONS	3-7-9	EXPIRATION OF LICENSE
3-7-4	APPLICATION FOR LICENSE	3-7-10	CONSUMER PROTECTION
3-7-5	ISSUANCE OF LICENSE		LAW
3-7-6	FEES	3-7-11	SALES REGULATIONS
3-7-7	DISPLAY OF LICENSE	3-7-12	PENALTY

3-7-1 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. “Peddler” shall mean any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.

2. “Solicitor” shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.

3. “Transient Merchant” shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

3-7-2 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this City without first obtaining a license as herein provided shall be in violation of the Chapter.

3-7-3 EXEMPTIONS. Persons engaged in the following described activities are exempt from obtaining a peddler, solicitor or transient merchant license:

1. Persons selling at wholesale to merchants.
2. Persons selling or distributing newspapers.

3. Persons who are selling insurance or real estate who are licensed by the State of Iowa, when engaged in selling insurance and real estate.

4. Persons selling or distributing fresh fruit or vegetables cultivated by such persons.

5. Persons selling tangible personal property at a garage, basement or yard sale held at one of the persons' premises.

6. Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved and such sales are made on the premises where the event is to be conducted.

7. Religious, charitable, and non-profit organizations, which meet the requirements for exempt status under the Internal Revenue Code.

8. Salespersons who have been invited by the buyer shall be exempt from the provisions of this Chapter.

9. Persons selling merchandise at the Jackson County Fair.

3-7-4 APPLICATION FOR LICENSE. An application for a peddler, solicitor or a transient merchant license shall give the following information:

1. The name or names of the persons or person having the management or supervision of applicant's business during the time that it is proposed it will be carried on in the City; the local address or addresses of such person or persons while engaged in such business.

2. The permanent address or addresses of such person or persons; whether such person will act as proprietor, agent, consignee, or employee, and the credentials establishing such relationship; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what states the same is incorporated.

3. The place or places in the City where it is proposed to carry on applicant's business and the length of time during which it is proposed that said business shall be conducted.

4. A statement of the nature and character of the tangible personal property or service to be sold or offered for sale by the applicant in the City' whether the goods are new, damaged or rejects; whether the same are proposed to be sold from stock in possession or by sample, or at auction by direct sale or by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

5. Whether or not the person having management or supervision of the applicant's business has been convicted of a felony within the five years immediately preceding the date of said application or of the violation of any law or ordinance relating to the same or similar business to be conducted by applicant, the nature of such offense and the punishment therefor.



6. Whether the applicant has ever applied for a license under this Ordinance, which has been denied.

7. Whether the applicant has ever held a license under this Ordinance, which has been revoked.

8. Five references of previous cites where goods have been sold.

9. Make, model, year and color of vehicle used along with copy of drivers' license.

(Ord. 1111, Passed 05-22-13)

3-7-5 ISSUANCE OF LICENSE. If the application contains a complete statement of the information required and all material required to be submitted therewith is filed with the City Manager, the Manager, subject to the provisions of this Chapter shall issue within five (5) working days a license and charge a fee therefor determined by Section 6 of this Ordinance. The license issued shall not be transferable. There shall be no refund of the license fee.

3-7-6 FEES. Before a license shall be issued, each applicant shall pay a fee of \$50 for a thirty-day license.

(Ord. 853, Passed 4-17-95) (Ord. 1111, Passed 05-22-13)

3-7-7 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this City keep in his possession the license provided for in Section 3-7-5 of this Chapter, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this Chapter. Each transient merchant shall display publicly his license in his place of business.

3-7-8. DENIAL OR REVOCATION OF LICENSE.

1. Denial of License – The City Manager may deny within five (5) working days a license to any applicant who has:

a. Held a license under this Ordinance that has been revoked within two years of the date of the present application.

b. Failed to make a complete application.

c. During the past two years has made fraudulent applications for similar licenses or has been convicted of a felony.

2. Revocation of License – The City Manager may revoke any license issued under the provisions of this Ordinance by sending a Notice of Revocation by certified mail to the license

holder at his last known address, return receipt requested, or by personal service on the license holder or its officers for any of the following causes.

- a. Information showing that the license was erroneously issued initially.
- b. For any violation of the provisions of this Ordinance.
- c. For any violation of any City or State law regulating the sales activities of the license holder.

3. The license shall stand denied or revoked unless within five days after denial or receipt of the Notice of Revocation from the City Manager the license applicant or holder files a written request for a public hearing on the City Manager's action. Public hearing shall be conducted before the Public Safety's Committee of the City Council, who shall forward to the full City Council a recommendation on whether a license should be denied, reinstated or revoked, as the case may be. The City Council may order the license issued or reinstated either conditionally or unconditionally, or revoke the license.

Ten (10) days' notice of the time and place of the public hearing shall be given to the license holder, who shall have an opportunity to appear before the Committee and present any evidence or arguments he may have why the action taken by the City Manager should not be approved by the City Council.

3-7-9 EXPIRATION OF LICENSE. All licenses granted under this Ordinance shall expire at 6:00 p.m. of the last day for which the license is issued.

3-7-10 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law requiring a notice of cancellation be given in duplicate, properly filled out, to each buyer to which he sells a product or service, and, comply with the other requirements of the law.

3-7-11 SALES REGULATIONS.

1. No person shall engage in activities regulated under this Ordinance on public property without first procuring special authorization from the City Council.

2. No person licensed under this Chapter shall shout or use any sound device upon any of the public places of the City or upon any private premises in said City where sound or sufficient volume is emitted or produced therefrom to be capable of being plainly heard from the public places, for the purpose of attracting attention to many goods, wares, merchandise or services which such person proposes to sell.

3. No person shall engage in business as a transient merchant in defiance of any notice exhibited at a residence or business indicating that peddlers or solicitors are not welcome or not invited.

4. No person shall engage in the activities regulated under this Ordinance from door to door prior to 9:00 a.m. or after 6:00 p.m. of any weekday or Saturday, or at any time on a Sunday or on a State or national holiday.

(Ord. 620, 05-21-83)

3-7-12 PENALTY. Any peddler, solicitor or transient merchant who fails to obtain a license under this Chapter shall be guilty of a municipal infraction.

(Ord. 1111, Passed 5-22-13)

(Ord. 1142, Passed June 2, 2018)

## TITLE III COMMUNITY PROTECTION

### SUBCHAPTER 7A PAWNSHOPS

3-7A-1	DEFINITIONS	3-7A-4	PURCHASES, SECURITY AND CONSIGNMENT TRANSACTIONS
3-7A-2	REQUIRED RECORDS		
3-7A-3	PURCHASES FROM MINORS RESTRICTED	3-7A-5	INSPECTION FOR STOLEN PROPERTY

3-7A-1 DEFINITION. 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. "Pawnbroker" shall mean any person who makes loans or advancements upon pawn, pledge or deposit of personal property, or who receives actual possession of personal property as security for a loan, with or without a mortgage or bill of sale, or otherwise hold themselves out as a pawnbroker.

#### 3-7A-2 REQUIRED RECORDS.

1. When goods or materials described in section 4 are received by purchase, as security or on consignment, it shall be the duty of the person or organization receiving the goods or materials to permanently record in the English language on serially numbered, triplicate forms approved by the Chief of Police. All forms printed whether used or voided shall be accounted for by the licensee. The forms shall contain the following information:

a. Name and address of the person from whom it was received with the means of identification used, i.e., driver's license, birth certificate, etc.;

b. Date, time and place of the transaction;

c. A detailed and accurate description of each article received including serial numbers or identifying marks. In the case of junk, a general description of the composition of aggregate purchase is sufficient;

d. A record of whether the transaction was a purchase, a security or consignment transaction;

e. A record of monies paid or loaned and which may be maintained separately but which must be available for inspection in the course of examination of individual transaction;

f. A record of name, address and how an article was disposed of, if not redeemed. This subsection does not apply to disposition of junk.

g. All forms, whether used or not, shall be maintained in numerical sequence.

2. All receipts and records pertaining to the receipt of goods and materials as described in this article shall be open to inspection during regular business hours by any Police Officer acting in the course of official duty and under the direction of the Chief of Police or the Chief Investigating Officer of the Police Department.

3. Failure to keep such records, or making false entries therein, or refusal to produce the same when requested by the persons entitled to inspect the same shall be a municipal infraction.

(Ord. 991, Passed April 19, 2004)

(Ord. 1142, Passed June 2, 2018)

4. Every pawnbroker shall make available all such records immediately upon demand of any Maquoketa Police Officer.

3-7A-3 PURCHASES FROM MINORS RESTRICTED. No pawnbroker, and no clerk, agent or employee thereof shall purchase or receive property from any person under the age of eighteen (18) years without first obtaining and receiving the written consent of the parent or guardian of such person. Such written consent shall be made a part of the required records and subject to all provisions of Section 2.

#### 3-7A-4 PURCHASES, SECURITY AND CONSIGNMENT TRANSACTIONS.

1. The purchase, receipt as security, or on consignment of the following listed goods or materials shall be governed by this article:

Household appliances	Sporting goods
Household furniture	Bicycles
Glassware	Untitled motor vehicles
Jewelry	Electronic equipment
Precious & semiprecious stones	Motor vehicle parts & equipment
Silver/silverware	Photographic/video parts and equipment
Precious metals and coins	Lawn and garden tools equipment and furnishings
Stereo equipment	Rare books
Radio equipment	Works of art
Television equipment	Junk
Tools	

2. Antique, used or scrap jewelry and precious metals shall be retained in the local place of business and it shall be unlawful to change the form of said items by melting, remounting, cutting up or otherwise changing the form of said items for a period of one hundred twenty (120) hours from the time of said transaction.

3. The following listed items shall be exempt from the provisions of this article: Beverage containers and scrap paper.

3-7A-5 INSPECTION FOR STOLEN PROPERTY. Whenever any Police Officer shall have reason to believe that any pawnbroker has in his/her possession or on his/her premises any stolen property, the Police Officer shall have the right and duty to enter and inspect the pawnbroker's premises for the purpose of recovering stolen property.

(Ord. 791, passed 7-20-92)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 8 CIGARETTE LICENSE

Repealed by State law and omitted from ECIA Model Code in 2009

TITLE III COMMUNITY PROTECTION  
CHAPTER 9 ALCHOHOLIC BEVERAGES

3-9-1	PURPOSE	3-9-3	ACTION BY COUNCIL
3-9-2	REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.	3-9-4	TRANSFERS.
		3-9-5	OPEN CONTAINERS

3-9-1 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)

3-9-2 REQUIRED OBEDIENCE. TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses – Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender – Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation



14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Notifications – Exoneration
16. 123.47 Persons Under Legal Age – Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles – Drivers
27. 321.284A Open Containers in Motor Vehicles – Passengers

3-9-3 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))

(Ord. 991, Passed April 19, 2004)

3-9-4 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)

3-9-5 Open Containers. The provisions of this Code shall not apply to open containers of bottled and canned beer and wine coolers upon a premise covered by a Liquor Control License or a rental agreement for the following designated locations:

1. First Ward Park Pavilion
2. Fifth Ward Park North and South Pavilions
3. Two Horseshoe Pond Park Pavilions
4. Horseshoe Pond Park camper pads, but not including tent camping areas  
(Ord. 1113, 06-17-13)

TITLE III COMMUNITY PROTECTION  
CHAPTER 10 JUNK DEALER LICENSE

3-10-1	DEFINITIONS	3-10-8	APPEAL
3-10-2	LICENSE REQUIRED	3-10-9	EFFECT OF REVOCATION
3-10-3	APPLICATON FOR LICENSE	3-10-10	REBATES
3-10-4	FEE PAYMENT	3-10-11	TRANSFER OF LICENSE
3-10-5	ISSUANCE OF A LICENSE		PROHIBITED
3-10-6	FEES AND DURATION OF LICENSE	3-10-12	DISPLAY OF LICENSE
3-10-7	REVOCATION OF A LICENSE	3-10-13	EXEMPTIONS
		3-10-14	SPECIAL REQUIREMENTS

3-10-1 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. “Junk Dealer” shall mean any person engaged in collecting, storing, buying or selling junk.

2. “Junk” means articles or materials that, because of age, deterioration or use, have lost their original utility or desirability but that by alteration, restoration or salvage may furnish an item or items of value.

3-10-2 LICENSE REQUIRED. It shall be unlawful for any person to engage in any activity, vocation, or profession regulated by this Ordinance without a valid license from the City of Maquoketa, Iowa.

3-10-3 APPLICATION FOR LICENSE. Application for any license under this Ordinance shall be made in writing on forms furnished by the City Clerk. One application shall be filed with the City Clerk and shall include:

1. The applicant's full name and address, the address of his/her local business establishment, and the nature of his/her business.

2. If the applicant is not the owner of the place which the business is to be conducted, the name and address of the owner.

3. If the applicant is a corporation or other association, it shall also list the names and addresses of its principal officers.

4. The attachment of a receipt from the City, showing payment of all fees.

3-10-4 FEE PAYMENT. All fees required by this Ordinance shall be paid to the City Clerk, who shall give the applicant a written receipt showing the sum received and the date of receipt.

3-10-5 ISSUANCE OF A LICENSE. If the City Clerk finds that all of the prescribed conditions for the issuance of a license have been satisfied, that no grounds for revocation under 3-10-7 of this Ordinance exists, and that the special requirements of 3-10-14 of this Ordinance have been complied with, the license shall issue immediately to the applicant. The Clerk must make a determination where to issue the license within ten (10) days from the date a completed application is submitted. If the Clerk refuses to act within this ten (10) day period, the applicant shall have a right to a hearing before the Council at its next regular meeting on whether the license should be issued.

#### 3-10-6 FEES AND DURATION OF LICENSE.

1. An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date on which it is issued. The daily license shall be valid for only one twenty-four (24) hour period, but the applicant may apply for and receive 7 daily licenses at one time. However, no daily license shall be issued more than 3 days before the date for which the license is valid.

2. The fees for licenses shall be:

a. Junk Dealers

(1) For one day - \$5.00

(2) For one week - \$10.00

(3) For up to six months - \$15.00

(4) For one year or major part thereof - \$25.00

3-10-7 REVOCATION OF A LICENSE. After giving a licensee 7 days notice and after a hearing, the Clerk may revoke any license issued under this Ordinance for the following reasons:

1. The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

2. The licensee has violated this Ordinance or has otherwise conducted his/her business in an unlawful manner.

3. The licensee has conducted his/her business in such manner as to endanger the public welfare, health, safety, order or morals.

The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

3-10-8 APPEAL. If the City Clerk revokes or refuses to issue a license, he/she shall endorse his/her reasons upon the application. The applicant shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the City Clerk by a majority vote of the Council members present, if a quorum, and the City Clerk shall carry out the Council's decision.

3-10-9 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this Ordinance for a period of 3 months from the date of revocation.

3-10-10 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he/she has paid if he/she surrenders his/her license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least one dollar of the original fee shall be retained by the City to cover administrative costs.

3-10-11 TRANSFER OF LICENSE PROHIBITED. In no case shall a license issued under this Ordinance be transferred to another person or be used for a purpose other than that for which it was issued.

3-10-12 DISPLAY OF LICENSE. Every person who is issued a license under the provisions of this Ordinance shall display the license in a conspicuous place on the premises on which the business is being conducted.

3-10-13 EXEMPTIONS. This Ordinance shall not be construed to require a license of each employee or agent of one engaged in a licensed occupation. Only the owner, manager or agent of such an occupation need possess a license.

3-10-14 SPECIAL REQUIREMENTS. Every person who is granted a license under the terms of this Ordinance shall comply with the following regulations that apply in his/her case:

1. Junk dealers.

- a. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.

- b. Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period no item shall be disposed of or altered in any manner.

- c. A junk dealer shall not purchase or receive junk from a minor unless he/she first receives the written consent of the minor's parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

d. The County Health Officer 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.

e. All junkyards shall be enclosed within a solid fence at least eight (8) feet in height, which hides the contents of the yard from the public view. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and equal height.

## TITLE III COMMUNITY PROTECTION

### CHAPTER 10A PERMITS FOR MOVING BUILDINGS OR STRUCTURES

3-10A-1 PERMIT REQUIRED.	3-10A-8 EXCEPTIONS TO
3-10A-2 APPLICATION FOR PERMIT	REQUIREMENT OF A PERMIT
3-10A-3 FEE PAYMENT	3-10A-9 EQUIPMENT
3-10A-4 PRE-MOVING CONFERENCE	3-10A-10 REIMBURSEMENT OF
3-10A-5 DENIAL OF PERMIT	CITY COSTS
3-10A-6 INSURANCE REQUIREMENTS	3-10A-11 EXPIRATION OF PERMIT
3-10A-7 ISSUANCE OF PERMIT	

3-10A-1 PERMIT REQUIRED. It shall be unlawful for any person to engage in any activity regulated by this Chapter without obtaining a valid permit in advance in accordance with the procedures of this Chapter.

3-10A-2 APPLICATION FOR PERMIT. An application for a permit pursuant to this Chapter shall be made in writing on forms furnished by the City Clerk. The application shall include:

1. The applicant's full name, address and telephone number; the name, address and telephone number of the applicant's business, and the nature of the applicant's business.
2. A proposed date and time for the proposed move.
3. The address the building or structure will be moved from.
4. The address and legal description of the parcel the building or structure will be moved to.
5. A map showing the proposed route of the move, including all affected public or private utilities and businesses.
6. A diagram or drawing showing the dimensions of the parcel to which the building or structure will be moved and the location of the building or structure on that parcel.
7. The dimensions and height of the building or structure to be moved.
8. The name and address of all utilities, businesses or other entities that will be affected by the proposed move.
9. The name and address of the applicant's insurance agent.
10. The name and address of the applicant's insurance company or companies that will provide insurance coverage as required by this Chapter.

11. The application shall be accompanied by a photograph of the building or structure to be moved, sufficient to demonstrate its length, width and height.

12. The application shall be accompanied by proof of insurance as required by Section 3-10A-6 of this Chapter.

3-10A-3 FEE PAYMENT. The applicant shall pay a fee in the sum of \$25.00 to the City Clerk at the time the application is submitted. No application shall be processed until this fee shall be paid in full by the applicant. The fee shall be non refundable.

3-10A-4 PRE-MOVING CONFERENCE. Before issuance of a permit, and unless waived by the City Manager, a pre-moving conference shall be held. The pre-moving conference may include, but not be limited to, the Maquoketa Public Safety Committee, the City Manager, the Public Works Director, a representative from Maquoketa Police Department, and any of these invited parties: a representative from each affected utility, a representative from each affected business, and any interested State or County representatives. All such representatives shall submit in writing, at or prior to the pre-moving conference, the conditions and requirements of their agencies. A general strategy for the move shall be planned and a date for the move shall be finalized at or following the pre-moving conference.

(Ord. 1127, February 2, 2016)

3-10A-5 DENIAL OF A PERMIT. No permit shall be issued to move a building to a lot or parcel located within the city if any of the following apply:

1. The land to which the building or structure is proposed to be moved is not a legal lot of record.

2. The building or structure proposed to be moved to a lot will not comply with the City of Maquoketa Zoning Ordinance when placed on the lot at its proposed location.

3. The proposed use of the building or structure is prohibited by the City of Maquoketa Zoning Ordinance.

4. The building or structure constitutes a nuisance pursuant to local or state law at the time of the proposed move.

5. The building or structure does not comply with the city's property maintenance ordinance or is a dangerous building as defined by local or state law at the time of the proposed move.

6. The building or structure will not be connected to city services, including, but not limited to, water and sewer, within a reasonable period of time following the move.

7. The building or structure is too large to move without endangering persons or property, whether public or private, including damage deemed unacceptable by the city to trees, or requiring the undue relocation of utility lines, street signs or other public improvements.



8. The building or structure is in such a state of deterioration or disrepair, is otherwise so structurally unsafe, or is otherwise of such size, that it cannot be moved without endangering persons or property, whether public or private.

9. The applicant's equipment, or the applicant's plan for the proposed move, is unsafe so that persons or property, whether public or private, are endangered.

**3-10A-6 INSURANCE REQUIREMENTS.** The applicant shall provide proof of workers compensation insurance covering his or her employees in compliance with Iowa law, and also public liability insurance issued in an amount and by a company or companies satisfactory to city covering personal injury, death or property damage suffered by anyone other than his or her employees during the course of the activities covered by the permit. The applicant shall furnish the city with a certificate or certificates of insurance of the insurance company or companies issuing the above-specified policy or policies of insurance at the time of the pre-moving conference and again on the date of the scheduled move, certifying that the applicant has such insurance in force.

**3-10A-7 ISSUANCE OF PERMIT.** The City Clerk shall grant a permit following the pre-moving conference if all of the following conditions are met:

1. A proper application has been filed containing all information required by this Chapter.
2. The applicant has filed proof of insurance as required by Section 3-10A-6.
3. The City Clerk has made a finding that the permit is not prohibited by any the provisions of Section 3-10A-5.

**3-10A-8 EXCEPTIONS TO REQUIREMENT OF PERMIT.** No permit shall be required for:

1. The moving of a building or structure not more than ten (10) feet wide, not more than sixteen (16) feet long, and which is not more than fifteen (15) feet in height when situated on a truck or moving carriage.

2. The moving of a building or structure by the city.

**3-10A-9 EQUIPMENT.** The applicant shall use only dollies with rubber-tired wheels in moving a building or structure. The weight of the building shall be supported on the dollies so that the wheel load will not exceed the pavement design as established by the city engineer, or properly designed planking, approved by the city engineer, shall be used so as not to overload or damage pavement or underground utilities within the public streets. Properly designed planking, approved by the city engineer, shall also be required over all sidewalks and curbs over which a building is moved.

**3-10A-10 REIMBURSEMENT OF CITY COSTS.** An applicant to whom a permit is granted shall reimburse the city for all costs and expenses for materials and labor related to moving the

building or structure that are incurred by the city. This obligation to reimburse shall include, but not be limited to, the cost of city staff and labor billed at an hourly rate, the cost of the city engineer incurred in connection with the project, any relocation costs incurred by the city, and the costs of labor and material to repair or replace any damaged public property or public improvements. The city may require the applicant to post a bond or letter of credit in a sum sufficient to cover these anticipated expenses.

3-10A-11 EXPIRATION OF PERMIT. A permit under this Chapter shall expire six (6) months following the date of issuance.

(Ord. No. 1046, 06-04-07)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 11 MESSAGE ESTABLISHMENTS; MESSAGE SERVICES

3-11-1	DEFINITIONS	3-11-9	MESSAGE THERAPIST INTERN LICENSE
3-11-2	COMPLIANCE REQUIRED		
3-11-3	EXEMPTIONS	3-11-10	THERAPY CONDUCTED OFF MESSAGE ESTABLISHMENT PREMISES
3-11-4	LICENSES FOR MASSAGE ESTABLISHMENTS	3-11-11	HOME MASSAGE TREATMENT
3-11-5	LICENSES FOR CORPORATE MESSAGE ESTABLISHMENTS	3-11-12	HEALTH STANDARDS
3-11-6	SUSPENSION OR REVOCATION OF LICENSE	3-11-13	UNLAWFUL ACTS
3-11-7	MESSAGE THERAPIST LICENSE	3-11-14	INSPECTION REQUIRED
3-11-8	SUSPENSION OR REVOCATION OF MASSAGE THERAPIST LICENSE		

3-11-1 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. "City Manager" means the City Manager of the City of Maquoketa or the City Manager's duly authorized representative.

2. "Corporate Massage" means a massage which is administered to the neck, shoulders, back, arms, hands, and fingers of the client who is clothed and seated, and without the use of oils, creams, lotions, or other preparations and is performed at the client's workplace.

3. "Corporate Massage Establishment" means an established place of business within the corporate limits of the City of Maquoketa which is not located in a structure used or occupied as a residence or living quarters and the sole purpose of the business will be to conduct business for "Corporate Massages" or services provided in "Therapy Conducted Off Massage Establishment Premises" as provided in this Chapter.

4. "Massage Establishment" means any place of business wherein any of the treatments, techniques, or method of treatment referred to in the definition of "massage or massage service" are administered, practiced, used, given or applied.

5. "Massage or Massage Service" means any method of pressure on or friction against, or rubbing, stroking, kneading, tapping, pounding or vibrating the external parts of the body with the hand or any other body parts, or by any mechanical or electrical instrument, under such circumstances that it is reasonably expected that the individual to whom the treatment is provided

or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

6. “Massage Patron” means any individual who receives, or pays to receive, a massage or massage service from a massage therapist for value.

7. “Massage Therapist” means any individual who engages in the business of performing massage or massage services on or for other individuals by use of any or all of the treatments, techniques, or methods of treatment referred to in the definition of “massage or massage service.”

8. “Person” means any individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

9. “Person of Good Moral Character” shall mean any person who meets all of the following requirements:

a. The person has such financial standing and good reputation as will satisfy the issuing authority that the person will comply with this Chapter and with all laws, ordinances, and regulations applicable to the person’s operations under this Chapter.

b. Said person has not held a license under this Chapter which has been revoked during the year last preceding the date of application.

c. Said person has not been convicted of a felony involving moral turpitude. However, if this conviction of a felony occurred more than five years before the date of the application for a license under this Chapter, and if said person’s rights of citizenship have been restored by the Governor, the issuing authority may determine that the person is of good moral character notwithstanding such conviction.

10. “Recognized School” The term recognized school means any school or educational institution licensed by the appropriate public authorities to do business as a school or educational institution in the State in which it is located, or recognized by or approved by or affiliated with the American Massage Therapy Association Incorporated, and which it has for its purpose the teaching of the theory, method, profession, or work of massage, provided such schools require an in-classroom course of training of not less than 500 hours before the student shall be furnished a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, except persons qualifying with lesser hours as provided in Section hereafter.

11. “Sporting Event” A pre-scheduled organized event where supervised sporting activities are performed under the jurisdiction of a sponsor which is open to the public.

12. “Workplace” An established place maintained by an employer where employees regularly report to work each working day designed for the principle purpose of performing scheduled work activities for the employer for compensation.

3-11-2 COMPLIANCE REQUIRED. No person shall provide, engage in, operate, own, conduct, carry on or permit to be provided, engaged in, operated, owned, conducted or carried on any massage or massage service of any type or kind including, but not limited to, massage establishment, corporate massage establishment, massage parlor, massage service business or any massage business or service offered in conjunction with or as part of any health club, health spa, resort or health resort, gymnasium, athletic club, or any other business, without compliance with the provisions of this Chapter. No person shall perform the services, duties or work of a massage therapist except in compliance with the provisions of this Chapter.

3-11-3 EXEMPTIONS. The following persons and institutions are excluded from the operation of this Chapter.

1. Persons licensed by the State of Iowa under the provisions of Chapters 148, 148B, 150, 150A, 151, 152, 157 and 158 of the Iowa Code, when performing massage therapy or massage services as a part of the profession or trade for which licensed.

2. Persons performing massage therapy or massage services under the direct supervision of a person licensed as described in paragraph A above.

3. Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician.

4. Nurses' aides, technicians, and attendants at any hospital or health care facility licensed pursuant to Chapters 135B, 135C or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in paragraph A above.

5. An athletic coach or trainer:

- a. In any accredited public or private school, or

- b. Employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer.

3-11-4 LICENSES FOR MASSAGE ESTABLISHMENTS.

1. No person shall provide, engage in, operate, own, conduct, carry on or permit to be provided, engaged in, operated, owned, conducted or carried on any massage business in the City unless the premises at which said massage business is located meet the minimum standards set forth in Section 3-11-12 of this Chapter and unless a license to operate a massage establishment is obtained from the City in compliance with the provisions of this Chapter.

2. Any person seeking a license to operate a massage establishment shall make application therefor to the City Clerk. The Clerk shall cause an investigation of such application and of the background of the applicant to be made by the Police Department. The results of such investigation shall be reported to the City Council. The Clerk shall also cause an investigation to be made by

the Fire Department and City Inspector to determine that all requirements of this Chapter have been satisfied and that the applicant has fully complied with all applicable ordinances and regulations to buildings, zoning, fire and health.

3. The application shall contain the following:

a. The full name, address and social security number of the applicant, as well as any aliases by which the applicant has been or is currently known.

b. The full name of the business, the address of the premises for which the application is being made, and all telephone numbers where the business is to be conducted.

c. The criminal record of the applicant, if any.

d. A statement that the applicant is of good moral character.

e. A sworn statement that the contents of the application are true.

f. Proof that the applicant is an adult.

g. The type of business entity such as sole proprietorship, partnership or corporation and, in the case of a corporation, the names and residence addresses of all officers and directors of the corporation and of each stockholder holding ten percent or more of the stock of said corporation; in the case of a partnership, the names and residence addresses of all partners including limited partners of the partnership.

h. All information required herein of any applicant shall also be required of every person who, directly or indirectly, has any right to participate in the management or control of the business to be conducted at the premises of the proposed massage establishment.

i. The name and address of the owner of the building where such massage establishment will be located.

j. Certified copies of any lease or rental agreement governing the applicant's right in said building.

k. The signature of the applicant or applicants or, if the application is in the name of a corporation, the signature of each officer of the corporation; if the application is in the name of a partnership, the signature of each partner, including limited partners, of the partnership.

4. Fees shall be charged for massage establishment licenses in conformity with a schedule of fees adopted by resolution of the City Council.

5. The Building, Fire and Police Departments shall make written reports of their investigations and shall submit such reports to the City Clerk within 45 days of the application. The City Clerk shall then place the matter before the City Council. If the City Council finds that

the applicant has fully complied with all requirements of this Chapter and with all applicable ordinances and codes regulating fire, buildings, health and zoning and that the applicant is of good moral character, the City Council shall authorize the issuance of a license to conduct a massage business at the location designated in the application. Such license shall expire one year from the date of issuance.

6. Each massage establishment shall have a separate license for each place of business, which shall be valid only for the business conducted at that location.

7. Each massage establishment shall display its license conspicuously in the lobby or waiting room area where such license may be readily observed by all persons entering such premises.

8. No massage establishment license shall be sold or transferred. The purchaser or purchasers of any massage establishment or of the majority of the stock of any corporation operating a massage business shall obtain a new license before operating such business at the location for which the license has been issued or at any other location.

### 3-11-5 LICENSES FOR CORPORATE MASSAGE ESTABLISHMENTS.

1. Any person seeking a license to operate a corporate massage establishment shall make application therefor to the City Clerk. The Clerk shall cause an investigation of such application and of the background of the applicant to be made by the Police Department. The results of such investigation shall be reported to the City Council. The Clerk shall also cause an investigation to be made by the City Inspector to determine that all requirements of this Chapter have been satisfied and that the applicant has fully complied with all applicable ordinances and regulations relating to buildings and zoning.

2. The application shall contain the following:

a. The full name, address and social security number of the applicant, as well as any aliases by which the applicant has been or is currently known.

b. The full name of the business, the address of the premises for which the application is being made, and all telephone numbers where the business is to be conducted.

c. The criminal record of the applicant, if any.

d. A statement that the applicant is of good moral character.

e. A sworn statement that the contents of the application are true.

f. Proof that the applicant is an adult.

g. The type of business entity such as sole proprietorship, partnership or corporation and, in the case of a corporation, the names and residence addresses of all officers and directors of

the corporation and of each stockholder holding 10 percent or more of the stock of said corporation; in the case of a partnership, the names and residence addresses of all partners including limited partners of the partnership.

h. All information required herein of any applicant shall also be required of every person who, directly or indirectly, has any right to participate in the management or control of the business to be conducted at the premises of the proposed corporate massage establishment.

i. The name and address of the owner of the building where such corporate massage establishment will be located.

j. Certified copies of any lease or rental agreement governing the applicant's right in said building.

k. The signature of the applicant or applicants or, if the application is in the name of a corporation, the signature of each officer of the corporation; if the application is in the name of a partnership, the signature of each partner, including limited partners, of the partnership.

3. Fees shall be charged for corporate massage establishment licenses in conformity with a schedule of fees adopted by resolution of the City Council.

4. The City Inspector shall make a written report of their investigations and shall submit such reports to the City Clerk within 45 days of the application. The City Clerk shall then place the matter before the City Council. If the City Council finds that the applicant has fully complied with all requirements of this Chapter and with all applicable ordinances and codes regulating fire, buildings, health and zoning and that the applicant is of good moral character, the City Council shall authorize the issuance of a license to conduct a corporate massage business at the location designated in the application. Such license shall expire one year from the date of issuance.

5. Each corporate massage establishment shall have a separate license for each place of business, which shall be valid only for the business conducted at that location.

7. Each corporate massage establishment shall display its license conspicuously in the lobby or waiting room area where such license may be readily observed by all persons entering such premises.

8. No corporate massage establishment license shall be sold or transferred. The purchasers of any corporate massage establishment or of the majority of the stock of any corporation operating a massage business shall obtain a new license before operating such business at the location for which the license has been issued or at any other location.

### 3-11-6 SUSPENSION OR REVOCATION OF LICENSE

1. The massage establishment license or corporate massage establishment license of any licensee may be suspended or revoked for violation of any of the provisions of this Chapter, or for failure to comply



with applicable fire regulations, building regulation, or health ordinances, or statutes, or for permitting massage therapists, who are either employed by the licensee or who are allowed by the licensee to perform the services or work of a massage therapist upon the premises of the licensee, to violate the provisions of this Chapter.

2. In the event the City Manager is apprised of information indicating that grounds for suspension or revocation of a massage establishment license or a corporate massage establishment license may exist, the Commissioner shall cause an investigation of such grounds to be made by the appropriate City department or departments and shall advise the City Council in writing of the results of the investigation. If the City Council determines that the report reveals the probable existence of grounds for suspension or revocation, it shall direct written notice by ordinary mail to the licensee named on the application at the massage establishment address informing such person of its intention to hold a public hearing on the question of whether such license should be suspended or revoked and the grounds therefor, stating the date and time of said hearing. Upon said hearing, if the City Council shall determine that such cause does exist:

a. If the determination is the first such for that licensee, it may suspend the license for up to one month, and thereupon such licensee shall cease massage business at that location and at any other location for the period of suspension;

b. If the determination is the second or subsequent such for that licensee, it may revoke the license at that location, and no massage establishment license or corporate massage establishment license shall be issued nor shall such businesses be conducted at that location for a period of one year, nor shall the licensee be permitted to conduct such business in the City at any location for that period.

3. Nothing herein shall be deemed to deny to any licensee claiming to be aggrieved by suspension or revocation of a license issued hereunder any applicable judicial remedies provided for by the laws of the State of Iowa.

### 3-11-7 MESSAGE THERAPIST LICENSE

1. No individual shall perform the services, duties or work of a massage therapist without first receiving a massage therapist license from the City Clerk. Such license shall not be required for the owner of a licensed massage establishment who performs the services, duties or work of a massage therapist in his or her own establishment provided such individual provides the information required in subsection C5 and C7 hereof on the application for massage establishment license, and states that such owner will be a massage therapist at such establishment. Each massage therapist who on the effective date of this Chapter is performing massage and massage service within the City must comply with the application and licensing provisions of this Chapter within thirty (30) days of such effective date. Failure to so comply shall place such massage therapist in violation of the Section.

2. Any individual seeking a massage therapist license shall make application therefor to the City Clerk. The City Clerk shall cause an investigation into the background of such applicant to

be made by the Police Department. The results of said investigation shall be reported to the City Council.

3. The application shall contain the following information:

- a. The full name, address, age and social security number of the applicant, as well as any aliases by which the applicant is currently or has been known.
- b. The criminal record of the applicant, if any.
- c. A statement that the applicant is of good moral character.
- d. Proof that the applicant is an adult.
- e. A list of all training in massage that the applicant has received.
- f. A sworn statement that the contents of the application are true.
- g. A certificate issued by a licensed physician certifying the applicant is in good health as may be required by the Police Department in its investigation.
- h. The name and location of the licensed massage establishment and/or corporate massage establishment where the applicant will be employed.
- i. The name and address of the recognized school attended, the dates attended, a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than 500 hours of in classroom instruction. The 500 hour requirement does not apply to persons licensed by the City of Maquoketa prior to January 20, 1986, provided such persons completed the required number of hours of in-classroom instruction in effect before the 500 hour requirement was enacted.

4. The Police Department shall make a written report of its investigation to the City Clerk within thirty (30) days of the application. Upon receipt of the police report and all of the information required to be included in the application, the City Clerk shall place the matter before the City Council. If the City Council finds that the applicant has fully complied with all requirements of this Chapter, and that the applicant is a person of good moral character, the City Council shall authorize the issuance of a massage therapist license to the applicant. The license shall expire one year from the date of issuance.

5. The massage therapist license, when issued, shall be valid only for the massage establishment and/or corporate massage establishment listed on the application. A massage therapist changing place of employment shall have his or her license amended by the City Clerk to show that the establishment proposing such employment holds a valid massage establishment license before commencing work for a new employer. The City Clerk shall notify the Police Department immediately of the amendment of any massage therapist license.

6. All massage therapists who have licenses issued pursuant to this Chapter shall keep said licenses at their place of employment as massage therapists except in the case of providing the service of a corporate massage, a home massage treatment, or at a sporting event. The massage therapist shall be able to, upon request of the client or City employees exhibit the license as evidence of compliance with all requirements of this Chapter.

7. The fee for a massage therapist license and for amendment of massage therapist's license shall be as established by resolution of the City Council.

### 3-11-8 SUSPENSION OR REVOCATION OF MASSAGE THERAPIST LICENSES.

1. The massage therapist license of any massage therapist may be suspended or revoked for any violation of this Chapter, or any State or local laws or ordinances or regulations.

2. The City Manager may, upon receipt of information alleging that grounds exist to suspend or revoke the massage therapist license of any license holder under this Chapter, report the circumstances to the City Council, which shall in such case cause a notice to be sent by ordinary mail to the licensee which notice shall state that a suspension or revocation hearing has been set before the City Council, the grounds for the proposed suspension or revocation, the date and time of the hearing and the place where the hearing will be conducted. Upon said hearing, if the City Council shall determine that such grounds do exist, it may suspend or revoke the license. In the event such license is revoked, no massage therapist license shall be issued to that licensee for a period of one year.

3. Nothing herein shall be deemed to deny to any massage therapist license holder claiming to be aggrieved by suspension or revocation of a massage therapist license any applicable judicial remedies provided for by the laws of the State of Iowa, including right to appeal to District Court.

### 3-11-9 MASSAGE THERAPIST INTERN LICENSE.

1. Any individual seeking a massage therapist intern license shall be currently enrolled in a recognized school and shall make application therefor to the City Clerk. The City Clerk shall cause an investigation into the background of such applicant to be made by the Police Department. The results of said investigation shall be reported to the City Council.

2. The application shall contain the following information:

a. The full name, address, age and social security number of the applicant, as well as any aliases by which the applicant is currently or has been known.

b. The criminal record of the applicant, if any.

c. A statement that the applicant is of good moral character.

d. Proof that the applicant is an adult.

- e. A list of all training in massage that the applicant has received.
  - f. A sworn statement that the contents of the application are true.
  - g. A certificate issued by a licensed physician certifying the applicant is in good health as may be required by the Police Department in its investigation.
  - h. The name and location of the recognized school where the applicant is enrolled and the date enrolled.
  - i. A sworn statement or a certificate of completion from the recognized school that the applicant has satisfactorily completed not less than 250 hours of in-classroom instruction.
3. The Police Department shall make a written report of its investigation to the City Clerk within thirty (30) days of the application. Upon receipt of the Police report and all of the information required to be included in the application, the City Clerk shall place the matter before the City Council. If the City Council finds that the applicant has fully complied with all requirements of this Chapter, and that the applicant is a person of good moral character, the City Council shall authorize the issuance of a massage therapist intern license to the applicant. The license shall expire 120 days from the date of issuance.
4. All massage therapist interns who have licenses issued pursuant to this Chapter shall be able to, upon request of the client or City employees, exhibit the license or evidence of compliance with all requirements of this Chapter.
5. No licensed massage therapist intern shall receive compensation of any kind for providing a massage service other than for credit to be applied to the completion of the requirements for graduation from the recognized school in which they are enrolled.
6. The recognized school in which the licensed massage therapist intern is enrolled shall maintain a record of where and when an intern provides a massage service. Said record shall be made available for review upon request of the City Manager or the Chief of Police.
7. The fee for a massage therapist intern license shall be as established by resolution of the City Council.

### 3-11-10 THERAPY CONDUCTED OFF MASSAGE ESTABLISHMENT PREMISES.

1. Massages may be administered in the client's home, at the client's work place, or at a sporting event, by any massage therapist having a license issued in accordance with this Chapter, and provided the massage therapist complies with all the requirements of this Chapter, except those specifically relating to the requirements of a massage establishment.
2. No massage therapist shall administer any massage services at a location which does not conform to or comply with the standards set forth in Section 3-11-12 of this Code, except when a corporate massage, a home massage treatment, or a massage service at a sporting event is administered.

3. When a corporate massage is administered, or a massage service is provided at a sporting event, the massage therapist shall wash his or her hands using soap or disinfectant before and after administering a massage to each client.

4. All corporate massages and massage services at sporting events shall meet and comply with all of the applicable health regulations of State and local regulatory bodies.

5. No corporate massage shall be administered between the hours of 10:00 p.m. and 7:00 a.m.

3-11-11 HOME MASSAGE TREATMENT. Massages may be administered in the client's home by any massage therapist having a license issued in accordance with this Chapter.

3-11-12 HEALTH STANDARDS. Every massage establishment and massage therapist shall comply with the following health standards:

1. No massage establishment shall be established, maintained or operated in the City that does not conform to or comply with the following standards:

a. Each room or enclosure where massage services are performed on patrons shall be provided with a minimum of four foot candles of light as measured four feet above the floor.

b. The premises shall have adequate equipment for disinfecting and cleaning non-disposable instruments and materials used in administering massage services. Such materials and instruments shall be cleaned after each use.

c. Hot and cold running water shall be available at all times.

d. Closed cabinets shall be provided and used for the storage of all equipment, supplies and clean linens. All used disposable materials and soiled linens and towels shall be kept in covered containers or cabinets, which containers or cabinets shall be kept separate from clean storage cabinets.

e. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

f. All massage tables, bathtubs, shower stalls, sauna baths, steam or bath areas and all floors shall have surfaces which may be readily cleaned.

g. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean containers or cabinets.

h. Adequate bathing, dressing, locker and toilet facilities shall be provided for all patrons served at any given time. All patrons' lockers shall be lockable. In the event male and

female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet and massage room facilities shall be provided.

i. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use.

j. Each massage therapist shall wash his or her hands in hot running water using soap or disinfectant before and after administering a massage to each patron.

k. The premises shall be equipped with a service sink for custodial services which sink shall be located in a janitorial room or custodial room separate from massage service rooms.

l. No person shall consume food or beverages in massage work areas.

m. Animals, except for seeing-eye dogs, shall not be permitted in massage establishments.

n. All massage establishments shall continuously comply with all applicable building, fire or health ordinances and regulations.

2. No massage therapist shall administer a massage:

a. If said massage therapist believes, knows or should know that he or she is not free of any contagious or communicable disease or infection.

b. To any massage patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption; provided, however, that a physician duly licensed to practice in the State of Iowa may certify that such a person may be safely massaged prescribing the conditions therefor.

c. To any person who is not free of communicable disease or infection or whom the massage therapist believes or has reason to believe is not free of communicable disease or infection.

3-11-13 UNLAWFUL ACTS. It shall be unlawful for any person to do any of the acts hereinafter stated:

1. No massage patron receiving a massage shall caress or fondle the massage therapist administering the massage.

2. No massage therapist shall masturbate or fondle the genital areas of a massage patron.

3. No massage therapist shall administer a massage to a massage patron unless such therapist's sexual and genital body parts are completely covered by opaque clothing.

4. No massages shall be administered to massage patrons of different sexes in the same room or enclosure at the same time.

5. No massage therapist shall administer any massage services, and no massage patron shall receive a massage from a massage therapist, at any place other than a massage establishment licensed in accordance with this Chapter, except in accordance with the provisions made in this Chapter for home massage treatment, a corporate massage, or a massage service at a sporting event.

6. No massage establishment licensee shall allow or knowingly permit massage therapists in his or her employ to administer massage services to a massage patron at any location other than a massage establishment covered by a license issued in accordance with this Chapter, except in accordance with the rules and regulations that relate to corporate massage and home massage treatment or a massage service at a sporting event.

7. No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage establishment as massage therapist, employee, or patron, unless such person is on the premises on lawful business.

8. No person shall sell, give, dispense, provide, keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverages or beer in any massage establishment except on licensed premises holding a liquor license or beer permit as provided by the laws of Iowa.

9. No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 7:00 a.m.

3-11-14 INSPECTION REQUIRED. The Chief of Police or his or her authorized representatives shall be authorized to make inspections of each massage establishment and corporate massage establishment for the purposes of determining that the provisions of this Chapter are fully complied with.

1. Penalty. Any person, firm or corporation violating any provision, section or paragraph of this Ordinance shall be guilty of a municipal infraction. Each day a violation occurs shall constitute a separate offense.

(Ord. 991, Passed April 19, 2004)

(Ord. 1142, Passed June 2, 2018)

2. Separability of Provisions. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

3. That the changes as provided in this Ordinance shall be made a part of the replacement pages of the City Code, City of Maquoketa, Iowa, and made a part of said Code as provided by law.

(Ord. 740, passed 1-21-91)

TITLE III COMMUNITY PROTECTION  
CHAPTER 12 MOBILE HOME REGULATION

3-12-1	DEFINITIONS	3-12-11	APPLICATION TO ENLARGE EXISTING MANUFACTURED HOME PARKS
3-12-2	HOMES RESTRICTED	3-12-12	INSPECTION OF MANUFACTURED HOME PARKS
3-12-3	EXISTING MANUFACTURED HOME PARKS	3-12-13	ENFORCEMENT
3-12-4	USES	3-12-14	VARIANCES
3-12-5	GRANDFATHER CLAUSE	3-12-15	FEES
3-12-6	PURPOSE	3-12-16	AMENDMENTS
3-12-7	PERMITTED USES	3-12-17	BUILDING PERMIT
3-12-8	CONDITIONAL USES		
3-12-9	STANDARDS AND CRITERIA		
3-12-10	PROCEDURE FOR REVIEW AND APPROVAL OF A RMH PLAN		

3-12-1 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. "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" and "manufactured home".

(Code of Iowa, Sec. 103A.3(8)  
(ECIA Model Code Amended in 2010)

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)  
(ECIA Model Code Amended in 2010)

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.

(Ord. 991, Passed April 19, 2004)  
(Code of Iowa, Sec. 435.1(7))  
(ECIA Model Code Amended in 2010)

3-12-2 HOMES RESTRICTED. From the 1st day of July, 1996, a manufactured home defined in 3-12-1B shall not be located outside of a mobile home park except upon the following conditions:

1. The home shall be located in a R-1 or R-2 district of the City of Maquoketa.
2. The home shall comply in all respects with the zoning regulations applicable to the R-1 zone.
3. The home shall have a permanent foundation system, in all respects the same as the foundation required of a site-built home.
4. The home shall meet minimum square footage requirement of a site built home which is nine hundred and sixty square feet. The home shall be assessed and taxed as a site-built dwelling on the lot.

3-12-3 EXISTING MOBILE HOME PARKS. The City of Maquoketa hereby designates as a lawful residential mobile home park any premises within the City limits that meets all of the requirements of the definition set forth at 3-12-1D: Mobile Home Park; provided, that the premises met the requirements of the definition of a mobile home park on or before July 1, 1996. Mobile home parks are classified as residential mobile home parks and as recreational mobile home parks. The location of a recreational mobile home park within a residential mobile home park is prohibited; and, the storage or location of a recreational mobile home on the premises of a mobile home park is prohibited.

3-12-4 USES. A home located in a mobile home park may be used for any use allowed in the R-1 districts of the City of Maquoketa.

3-12-5 GRANDFATHER CLAUSE. A home located outside of a mobile home park prior to the 1st day of July, 1996, which does not comply with the requirements of 3-12-2 may continue to exist on the lot that it was located on July 1, 1996, subject to the following:

1. No home located outside of a mobile home park that does not comply with the requirements of 3-12-2 may be replaced or partially replaced or partially rebuilt or increased in square footage unless and until the home on the lot has been brought into compliance with all of the requirements of 3-12-2.

a. If a residential mobile home park as defined at 3-12-1D existed on or before July 1, 1996, the owner of the park may continue to use each home lot for home purposes and the requirements governing mobile home parks set forth in this Ordinance shall not be enforced against the owner of the park with the following exceptions:

b. A home or a lot in a mobile home park that does not comply with the terms of this Ordinance shall not be replaced or partially replaced or rebuilt or partially rebuilt unless or until the replacement or the rebuilt home or lot on which it is located complies with all of the terms of this Ordinance.

c. A mobile home park that does not comply with the terms of this Ordinance shall not be expanded, the number of homes shall not be increased, and the area of the park shall not be increased unless or until the park is brought into compliance with all of the terms of this Ordinance.

3-12-6 PURPOSE. Standards and regulations governing mobile home parks are hereby established. The purpose of this section is to establish standards for the development and operation of residential mobile home parks. The standards are intended to provide for diverse housing opportunities while promoting neighborhood enhancement and minimizing conflicts with other zoning districts. A residential mobile home park may provide sites (herein defined as manufactured lots) available for lease or rent only.

3-12-7 PERMITTED USES. In a Mobile Home Park, no building, land, or premises shall be used, and no building shall be erected, constructed, reconstructed, located, relocated, or altered except in conformance with an approved final development plan and except for one or more of the following uses:

1. All permitted uses in District R-1, except that not more than two permanent dwelling units will be allowed in each mobile home park.
2. Manufactured and mobile homes for single-family residential purposes only.
3. Recreational uses for exclusive use of the occupants of the mobile home park.
4. Accessory uses customarily incident to the above uses.

3-12-8 CONDITIONAL USES. The following uses shall be permitted in District RMH only after the issuance of a conditional use permit pursuant to the provisions contained herein:

1. All uses listed as Conditional Uses in District R-1.

3-12-9 STANDARDS AND CRITERIA. The following standards and criteria shall apply to all RMH developments:

1. Height Regulations: Lot area, frontage, and yard requirements. Such regulations as specified in Section 3-18.

2. Yards:

a. All manufactured home lots shall be set back at least 25 feet from all perimeter property lines of the Mobile Home Park. The setback is intended to be a landscaped open area. Parking, streets, drives, accessory vehicles, and accessory uses shall not be allowed within the twenty-five (25) foot setback area. A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed twelve (12) feet in height, shall be required around the perimeter of the site, except where the site is adjacent to a public street right-of-way. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. In the event a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this Chapter.

b. Each manufactured home shall be set back at least twenty (20) feet from any public street right-of-way or private drive within the Mobile Home Park. Parking may be allowed within the twenty (20) foot setback.

c. Each manufactured home shall be set back at least 18 to 20 feet from all (manufactured home lot) lot lines which are not abutting a public street right-of-way or private drive. This setback shall not apply to parking areas, carports, and other accessory buildings which are located on lots which do not border the perimeter of the Mobile Home Park.

d. A private outdoor living area, such as a patio or deck, of at least forty (40) square feet shall be provided on each manufactured home lot adjoining the manufactured home.

3. Stormwater Management. A stormwater management system shall be designed to minimize the possibility of soil erosion and flood damage on site and downstream.

4. Lot Area. Each manufactured home lot shall be at least four thousand fifty (4,050) square feet.

5. Lot Width. Each manufactured home lot shall be at least forty-five (45) feet in width.

6. Streets and Drives. Interior access may be provided by public streets or private drives. Public streets shall be built to City standards. When private drives are used, the following criteria shall apply:

a. The private drives shall be constructed of Portland Cement Concrete or asphaltic concrete and shall be designed with adequate strength to accommodate design loadings and shall include curb and gutter.

b. When off-street guest parking is not provided, private drives shall be at least twenty-eight (28) feet in width.

c. When off-street guest parking is provided below, private drives shall be at least twenty-four (24) feet in width.

d. Cul-de-sac private drives shall not exceed seven hundred fifty (750) feet in length and shall be provided with an outside roadway diameter of not less than seventy-six (76) feet.

e. Intersecting private drives shall have centerlines as nearly straight as possible. Jogs with centerline effects of more than five (5) feet shall not be permitted.

f. Intersections of private drives at angles less than sixty (60) degrees shall not be permitted.

g. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve at a radius acceptable to the City Engineer.

h. Grades:

(1) Maximum – Ten (10) percent.

(2) Minimum – Five-tenths (.5) of a percent.

i. All private drives entering a public street must meet at a right angle and be perpendicular to the public street for a minimum distance of fifty (50) feet without intersection of private drives. The intersecting private drive right-of-way with the public street right-of-way shall be rounded with radii of not less than thirty (30) feet.

j. On the corner lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the edges of the private drives.

k. Street or drive connections to adjacent properties may be required when deemed appropriate by the City Manager; however, under normal circumstances, Mobile Home Parks shall have their only access on perimeter streets.

7. Access. At least one access point onto a public street shall be provided for each one hundred (100) manufactured home lots.

8. Parking. Paved parking shall be provided on each manufactured home lot at a rate of two (2) parking spaces per manufactured home. In addition, paved guest parking lots shall be provided throughout the Mobile Home Park containing parking spaces at the rate of one (1) parking space per manufactured home within the Mobile Home Park. The guest parking will not be required when public streets or private drives serving the interior of the development are constructed at least twenty-eight (28) feet in width. Parking shall not be allowed on private drives

less than twenty-eight (28) feet in width. Parking shall be allowed on one side only of private drives which are at least twenty-eight (28) feet in width. Parking shall be allowed on both sides of private drives which are at least thirty-two (32) feet in width.

9. Stands and Tie-Downs for Manufactured Homes:

a. A stand shall be provided for each manufactured home. Said stand shall be placed on or in the ground in such manner as to provide support and leveling for such manufactured home, and shall be designed in accordance with the building code.

b. Anchorage and tie-down shall be provided on each manufactured home lot to prevent overturning or uplift of the manufactured home. The anchorage and tie-down shall be adequate to withstand wind forces and uplift as required in the building code.

10. Skirting. All manufactured homes shall be skirted. The skirting shall be done so that it is compatible with the manufactured home unit's materials and it shall be of a finished nature. Composition building board and raw wood shall not be used as skirting unless finished with a weatherproof and termite proof material.

11. Miscellaneous Standards for Mobile Home Parks:

a. A map of the layout of the mobile home park, of a scale not greater than 1:50, showing the location of individual manufactured home spaces by number, shall be displayed on the park office building, or on the identification sign at the entrance to the manufactured home park.

b. Each space for a manufactured home shall be provided with a sewer outlet not less than four (4) inches in diameter, connected to the main sewer system.

c. Lighting shall be provided for all private streets, walkways, buildings, and other facilities subject to nighttime use in accordance with City requirements for residential streets and walkways.

d. The mobile home park shall provide storage areas, in addition to automobile parking requirements, for accessory vehicles such as trucks and boats. The minimum area required for such storage shall be one parking space for each ten (10) manufactured homes.

e. Storage facilities for tenants may be provided on the manufactured home lot or in compounds placed near the manufactured home lots. Storage facilities shall be constructed of suitable weather resistant materials.

f. All yards and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.

g. Any enclosed structure attached to a manufactured home shall be made out of compatible or similar exterior materials and in conformance with City Building Codes. No

structure shall be constructed within 10 feet from the lot line of any lot which borders the perimeter of the RMH District.

### 3-12-10 PROCEDURE FOR REVIEW AND APPROVAL OF A MOBILE HOME PARK

1. The first step in the approval process is a concept review to discuss the proposal. The concept review is an informal discussion and review between the Zoning Officer and the Developer to discuss land use and development concepts, applicable regulations, and other concerns that may be raised.

2. The applicant shall prepare and submit a preliminary Mobile Home Park plan to the Planning and Zoning Commission for its review. The Commission shall then hold a public hearing.

3. The preliminary development plan shall show the following:

- a. The name of the mobile home park.
- b. A north arrow, scale, and the size of the site to the nearest acre.
- c. The name of the record owners of the land.
- d. Existing zoning of the tract and the zoning of all adjacent property.
- e. The existing topography of the site with contour intervals no greater than five (5) feet.
- f. The approximate location and arrangement of proposed manufactured home lots and other buildings on the site.
- g. The total number of manufactured homes proposed and the density of development.
- h. The proposed location of parking areas, an estimated parking ratio, and the general arrangement of spaces and drives on the site.
- i. The approximate location of any existing or proposed right-of-way.
- j. The approximate location of existing sanitary sewers and water mains within or adjacent to the site.
- k. Natural and modified drainage ways, proposed culverts, and detention areas, if applicable, on the site.
- l. Existing waterways and/or wooded areas, and the approximate location of the one hundred-year floodplain, if applicable.
- m. A general description of proposed landscaped areas on the site.

- n. The stages of development, if applicable.
- o. Signatures blocks for Commission and Council approvals.
- p. The following items shall be submitted along with the plan:
  - (1) A fee to cover advertising costs.
  - (2) A legal description of the property.
- 3. The names and addresses of all property owners within one hundred eighty-five (185) feet of the property.
- 4. After the public hearing, the Commission shall forward the preliminary development plan to the Council with its recommendation.
- 5. The Council, after a public hearing, may approve, approve conditionally, or deny the preliminary development plan. Approval of the preliminary development plan shall place RMH zoning on the site.
- 6. After Council approval of the preliminary development plan, the applicant shall submit a final RMH development plan for review and approval by the Commission. After review, the Commission shall forward the final development plan to the Council with its recommendation.
- 7. The final development plan submittal shall include the following:
  - a. The name of the RMH development.
  - b. A North arrow, scale, small location map, and the size of the site to the nearest one-tenth of an acre.
  - c. A survey of the land prepared under the supervision of a registered land surveyor
  - d. The name and address of the record owners of the land.
  - e. Name of adjacent property owners of unsubdivided land and the names of the adjacent subdivisions.
  - f. The location of the boundary lines of the site in relation to any section line or quarter-section line and any corporate boundaries immediately adjacent.
  - g. The existing topography of the site with contour intervals no greater than five (5) feet, and the specific location of the one hundred-year floodplain, if applicable.
  - h. The location of all manufactured home lots, manufactured homes, and other proposed buildings on the site.

- i. The location and number of parking spaces, drives, and the parking ratio.
  - j. The location and width of existing street rights-of-way, alleys, roads, railroad rights-of-way, and recorded easements; and the proposed location, width, name, and grade of any new streets, private drives, and sidewalks.
  - k. The approximate location of proposed sanitary sewers, water mains, and storm sewers.
  - l. Signature blocks for Commission and Council approvals on all exhibits considered part of the final development plan.
  - m. A stormwater management plan.
  - n. A landscaping plan including design, location, size, and type of materials.
8. Approval of the final development plan shall be deemed as satisfying the requirements of the subdivision regulations for a preliminary plat, provided all those requirements have been met.
9. No permits shall be issued until a final plat of the RMH site is approved by the Council.
10. From and after two (2) years following the date of approval, of a final RMH development plan by the Council, the Council may, by a majority vote, withdraw approval of such final development plan, provided development has not commenced.
11. Minor adjustments to an approved final RMH development plan may be authorized by the Director of Planning and Development.
12. Changes, other than those considered minor by the Director of Planning and Development, shall be submitted to the Commission for its review. If the change is considered to be in substantial compliance with the preliminary development plan, the Commission may approve a revision to the final development plan. If the change is a substantial deviation from the intent of the approved preliminary development plan, a revised preliminary development plan shall be required and shall be reviewed as a new proposal.

**3-12-11 APPLICATION TO ENLARGE EXISTING MANUFACTURED HOME PARKS.** Application to enlarge mobile home parks existing on the effective date of this section shall be subject to all provisions of this section relating to requirements for new parks. Such applications shall be accompanied by plans (preliminary and then final) showing both the proposed enlargement and its relationship to the existing RMH development. When a final development plan is approved for an extension of a manufactured home park existing on the effective date of this section, the screening requirements of Section 29-11(D)(3) shall apply to the entire manufactured home park.

**3-12-12 INSPECTION OF MANUFACTURED HOME PARKS.** The Zoning Officer and Health Officer of the City shall have the power to enter at reasonable times upon any private or



public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. It shall be the duty of the mobile home park management to give the Health Officer or Zoning Officer free access to all lots for the purpose of inspection.

3-12-13 ENFORCEMENT. The City Manager or his/her appointee shall have authority to enforce this Ordinance.

1. The owner of a mobile home park shall notify the City Manager prior to the placement or replacement of any home in the park.

2. A violation of this ordinance shall be a municipal infraction and shall subject the owner of the park and the owner of a home to the remedies set forth in that Ordinance.

3-12-14 VARIANCES. Large Scale Developments. The standards and requirements of these regulations may be modified by the City Council in case of a plan or program for a complete community or neighborhood unit. Such modification shall not be made until after written recommendation of the Planning and Zoning Commission, which recommendation may be given when, in the judgment of the Planning and Zoning Commission, the specific plan or program presented provides adequate public space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

1. Variances, General. The City Council hereby reserves the authority to vary the strict application of the provisions herein contained, but such variances shall be exercised only upon written recommendation of the Planning and Zoning Commission and only after a written findings of fact is made by the Planning and Zoning Commission that:

a. The purpose of the variations not base exclusively upon a desire for financial gain; and

b. The conditions creating the need for a variance are unique and are not applicable generally to other property and have not been created by any person having an interest in the property; and

c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to; and

d. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the area in which the property is located.

3-12-15 FEES.

1. An application for a variance to these subdivision regulations shall be

accompanied by a filing fee of fifty dollars (\$50.00). The fee shall be deposited in the General Fund of the City. Denial of the requested change shall not cause the fee to be refunded to the petitioner.

3-12-16 AMENDMENTS. Additions or amendments to this Ordinance may be made by the City Council upon recommendation of the City Planning and Zoning Commission and when so adopted are incorporated in this Ordinance by addenda.

3-12-17 BUILDING PERMIT. No building permit shall be issued by any governing official for the planning of any home or improvement to the land or any lot within a manufactured home park as defined herein, until all requirements of this Ordinance have been fully complied with.

(Ord. 878, 7-1-96)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 RESERVED

## TITLE III COMMUNITY PROTECTION

### CHAPTER 14 UNFAIR HOUSING PRACTICES

#### 3-14-1 PURPOSE

#### 3-14-3 EXCEPTIONS

#### 3-14-2 DISCRIMINATORY PRACTICES DEFINED

#### 3-14-4 COMPLAINTS

3-14-1 PURPOSE. The purpose of this Chapter is to provide for the general welfare of the citizens of the City by declaring discriminatory practices in housing to be against public policy and to provide for proper procedures for the enforcement of this Chapter.

3-14-2 DISCRIMINATORY PRACTICES DEFINED. It shall be an unfair or discriminatory practice for any owner, or person acting for any owner, of rights to housing or real property, with or without compensation, including but not limited to, persons licensed as real estate brokers or salesmen, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

1. To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, age, religion, national origin or disability of such person.

2. To discriminate against any person because of his race, color, creed, sex, age, religion, national origin or disability, in the terms, conditions or privileges of the sale, rental lease assignment, or sublease of any real property or housing accommodation or any part, portion or interest therein.

3. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment or sublease of any real property or housing accommodation, or any part, portion or interest therein by persons of any particular race, color, creed, sex, age, religion, national origin or disability is unwelcome, objectionable, not acceptable or not solicited.

3-14-3 EXCEPTIONS. The provisions of Section 3-14-2 hereof shall not apply to:

1. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose.

2. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of his/her family reside in one of such housing accommodations

3. The rental or leasing of less than six (6) rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if he/she or members of his/her family reside therein.

4. Restrictions based on sex on the rental or leasing of housing accommodations by a nonprofit corporation.

5. The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor of the building.

3-14-4 COMPLAINTS. Any person claiming to be aggrieved by a discriminatory or unfair housing practice within the City may make, sign and file a verified written complaint with the City Equal Opportunity Officer. The City Manager shall serve as Equal Opportunity Officer, unless another person is so designated by the Mayor.

1. The Equal Opportunity Officer shall investigate all complaints and conduct hearings in accordance with the procedures of Chapter 601A, Iowa Code, 1977, as amended.

2. The Equal Opportunity Officer may obtain an order of court for enforcement of his/her orders in a proceeding, as provided in Chapter 601A, Iowa Code 1977, as amended,

(Ord. 523, 12-18-78)

TITLE III COMMUNITY PROTECTION  
CHAPTER 15 ELECTRICAL INTERFERENCE

3-15-1 ELECTRICAL INTERFERENCE

3-15-2 AMATEUR BROADCASTING

3-15-1 ELECTRICAL INTERFERENCE. It shall be unlawful to operate any electrical or other wire, device, apparatus, instrument, machine or thing that causes reasonably preventable electrical interference with any other electrical apparatus, until such interference is removed either by improving the apparatus or by replacing it with other apparatus that will not cause interference.

3-15-2 AMATEUR BROADCASTING. It shall be unlawful for amateur radio broadcasters to broadcast on any wavelength other than that assigned them by the National Radio Commission.

(C.76, 1-8-36)

TITLE III COMMUNITY PROTECTION  
CHAPTER 16 GOING OUT OF BUSINESS SALES

3-16-1	DEFINITION	3-16-5	NEW MANAGEMENT
3-16-2	NOTIFICATION TO BUSINESS OWNERS	3-16-6	ADDITIONAL MERCHANDISE PROHIBITED
3-16-3	EXPIRATION OF SALE	3-16-7	STATE REGULATIONS
3-16-4	EXEMPTIONS	3-16-8	VIOLATIONS OF ORDINANCE

3-16-1 DEFINITION. 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. “Going Out of Business Sale” shall mean and include any sale publicized or advertised as a Going Out of Business Sale or a sale of the majority of merchandise on hand after which the business will cease to exist or a sale after which sales of like merchandise at the same location will be discontinued.

3-16-2 NOTIFICATION TO BUSINESS OWNERS. The City Manager shall notify in writing any business owner who conducts a going out of business sale of the following regulations:

1. Declaration of the starting date of the sale based upon the first date of displays or signs or media advertising announcing the sale.

2. Notification that a going out of business sale may be conducted for 60 calendar days and that the City Council approval is required for a 30 day extension of the sale.

3. Notification that State law and City Ordinance prohibit the delivery and sale of additional merchandise once the sale has been declared.

4. Notification that violations of this Ordinance will result in a fine of \$50 for the first violation, \$100 for the second violation and \$200 for all subsequent violations. Each day that the violation continues will be considered as a separate violation.

3-16-3 EXPIRATION OF SALE. Any “Going Out of Business” sale may be continued sixty (60) days from the date of the start of the sale and shall not continue unless the applicant can show to the satisfaction of the Council that the stock of goods on hand has not been replenished and that the sale is being conducted in good faith. The Council may grant an additional thirty (30) days to the business owner to continue the sale.

3-16-4 EXEMPTIONS. The provisions of this Chapter shall not apply to or affect sales conducted by the following persons:

1. Persons acting pursuant to an order or process or a Court of complete jurisdiction.
2. Persons acting in accordance with their powers and duties as public officers.
3. Duly licensed auctioneers selling at a regularly licensed auction.

3-16-5 NEW MANAGEMENT. In the event there has been any change in the management of the business within sixty (60) days prior to the start of the sale, either through contract or outright sale, all advertisements of the sale shall show prominently that the establishment is under new management.

3-16-6 ADDITIONAL MERCHANDISE PROHIBITED. It shall be unlawful to bring on site and to offer for sale any additional merchandise once the going out of business sale has been advertised with sign or through media notification.

3-16-7 STATE REGULATIONS. Any person conducting a “Going Out of Business” sale shall be required to obey all of the provisions of the Code of Iowa, as amended (Chapter 714.16) governing the conduct of such sale.

3-16-8 VIOLATIONS OF ORDINANCE. Persons who violate or who participate in a violation by commanding or persuading another to violate the provisions of this Ordinance shall be subject to fines as set forth in Chapter 17, Title III of this Code, entitled, Civil Penalty for Municipal Infractions. An employee or an employers agent who orders an employer to violate this Ordinance or who knowingly permits an employer or person supervised to violate this Ordinance, shall be guilty of a violation of this Ordinance and subject to the penalties set forth in Chapter 17, Article III of this Code, entitled, Civil Penalty for Municipal Infractions.

(Ord. 705, passed 2-20-89)



## TITLE III COMMUNITY PROTECTION

### CHAPTER 17 CIVIL PENALTY

3-17-1	Definitions	3-17-4	Appropriate Relief
3-17-2	Violations, Penalties, and Alternative Relief	3-17-5	Costs
3-17-3	Civil Citations	3-17-6	Contempt
		3-17-7	Super 8 Motel Restriction

3-17-1 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. “Municipal Infraction” shall mean; 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 by the Code of Ordinances, City of Maquoketa, 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 Maquoketa, or any ordinance or code herein adopted by reference, is a “municipal infraction” and is punishable by civil penalty as provided herein, and the Court may grant appropriate relief to abate or halt the violation.

(Ord. 1142, Passed June 2, 2018)

2. “Officer” shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Maquoketa.

3. “Repeat Offense” shall mean a recurring violation of the same section of the Code of Ordinances.

#### 3-17-2 VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.

1. 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 the Code.

##### 2. Schedule of Civil Penalties

a. First Offense – not to exceed \$750.00 for each violation

b. Repeat Offenses – not to exceed \$1,000.00 for each Repeat offense

(Ord. 1035, 10-16-06)

(Ord. 1106B, 1-21-13)

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

4. 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.

### 3-17-3 CIVIL CITATIONS.

1. 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.

2. The citation may be served by a personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.  
(Ord. 991, Passed April 19, 2004)

3. A copy 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.  
(ECIA Model Code Amended in 2011)

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

- a. The name and address of the defendant.
- b. The name or description of the infraction attested to by the officer issuing the citation.
- c. The location and time of the infraction.
- d. The amount of civil penalty to be assessed or the alternative relief sought, or both.
- e. The manner, location, and time in which the penalty may be paid.
- f. The time and place of court appearance.
- g. The penalty for failure to appear in court.
- h. The legal description of the affected property, if applicable.

5. 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.

6. 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.

(ECIA Model Code Amended in 2017)

3-17-4 APPROPRIATE RELIEF. Upon a plea of guilty to a municipal infraction or upon a Court's verdict of guilty to a municipal infraction the Court may impose a Civil Penalty or may grant appropriate relief to abate or halt the violation, or both, and the Court may direct that payment of the Civil penalty by suspended or deferred upon conditions established by the Court.

3-17-5 COSTS. A violator found guilty of a municipal infraction by plea of guilty or verdict of guilty shall be liable for Court costs and fees and upon a verdict of not guilty the City of Maquoketa, Iowa, shall be liable for court costs and fees occasioned by the filing of the Municipal Infraction Citation.

3-17-6 CONTEMPT. If a violator willfully fails to pay the civil penalty imposed by the Court or violates the terms of other relief imposed by the Court or violates conditions established by the Court, then that violator may be punished for contempt of Court according to procedures set forth at Chapter 665 of the Code of Iowa.

(Ord. 700, 12-5-88)

3-17-7 SUPER 8 MOTEL RESTRICTION. The licensed premises now known as the Super 8 Motel may serve alcoholic beverages to groups or individuals registered at the Motel premises for lodging or meeting room services at the Motel, but it shall be unlawful and a violation of the Maquoketa Municipal Infractions Ordinance for persons on the premises now known as the Super 8 Motel to serve alcoholic beverages to any persons other than those registered for services as described above or to any person who is not in the group that is so registered.

(Ord. 775, 12-2-91)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 18 NEGATIVE OPTION BILLING FOR SERVICES

#### 3-18-1 DEFINITIONS

#### 3-18-3 VIOLATIONS; PENALTIES

#### 3-18-2 NEGATIVE OPTION BILLING FOR SERVICES PROHIBITED

3-18-1 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. “Negative Option Billing For Services” is when a seller proposes to send or provide services not actually ordered or requested by the recipients, orally or in writing, and the recipients receive and are billed for services as proposed unless by a date or time specified by the seller the recipients instruct the seller not to send or provide the identified services.

2. “Recipients” is any person who receives services from a seller of such services.

3. “Seller” means any person engaged in the sale of services in the City of Maquoketa, Iowa.

4. “Services” shall not include the sending or providing of goods.

3-18-2 NEGATIVE OPTION BILLING FOR SERVICES PROHIBITED. The use by sellers of “negative option billing for services” is prohibited in the City of Maquoketa, Iowa. Notwithstanding the foregoing, however, nothing herein shall prohibit the use of Negative Option Plans as defined and regulated by Federal Trade Commission rules and concerning use of Negative Option Plans by sellers in commerce.

3-18-3 VIOLATIONS; PENALTIES. If any person engages in the use of negative option billing for services, said person shall be punished as provided in Section 1-3-1 of this Code. Each billing of an individual recipient pursuant to any negative option billing shall be considered a separate violation of this Article.

(Ord. 757, 8-5-91)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 19 LICENSING AND INSPECTION OF RENTAL PROPERTIES

3-19-1	PURPOSE	3-19-11	PROPERTY STANDARDS
3-19-2	DEFINITIONS	3-19-12	MANDATORY BACKGROUND CHECKS
3-19-3	REGISTRATION OF RENTAL PROPERTIES	3-19-13	MANDATORY WRITTEN LEASE OR RENTAL AGREEMENT
3-19-4	RENTAL PERMIT REQUIRED	3-19-14	FEES
3-19-5	CONSENT TO INSPECTION	3-19-15	APPEAL
3-19-6	INSPECTION OF RENTAL PROPERTY AND ISSUANCE OF RENTAL PERMIT	3-19-16	IMPLEMENTATION OF ORDINANCE
3-19-7	RENTAL PERMIT EFFECTIVENESS	3-19-17	VIOLATIONS
3-19-8	REVOCATION OF PERMIT	3-19-18	UNIFORM RESIDENTIAL LANDLORD AND TENANT LAW
3-19-9	INSPECTION UPON COMPLAINT		
3-19-10	REQUIRED ABATEMENT OF NONCONFORMING CONDITION		

#### 3-19-1 PURPOSE.

The purpose of this chapter is to provide for the inspection of residential rental properties within the corporate limits of the City of Maquoketa, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

3-19-2 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. "City Manager" shall mean the Maquoketa City Manager or his/her designee.
2. "Dwelling" means any house, building or mobile home, or portion thereof, occupied or intended to be occupied as the place of habitation of human beings, either permanently or transiently.
3. "Dwelling Unit" shall mean one or more rooms within a dwelling intended to be occupied by human beings for living purposes. If a common area and facilities for cooking and eating are provided in a dwelling for the use of the occupants of units therein, such common area and facilities shall constitute a part of each dwelling unit for the purpose of inspection and compliance with this chapter, notwithstanding the fact that cooking is not allowed in individual units.

4. “Landlord” shall mean an “Owner” or “Manager” as defined herein.

5. “Owner” means any person, persons, entity or entities that have legal title, individually or collectively, to rental property.

6. “Manager” shall mean a person or entity designated by the owner as the owner's agent in supervising the operation and leasing of the owner's rental property and authorized to act on behalf of the owner with the City concerning compliance with the requirements of this chapter.

7. “Rental Permit” means the permit issued by the City of Maquoketa authorizing occupancy of a rental property.

8. “Rental Property” means any dwelling or dwelling unit which is being held out or being offered for rent or is currently being let for rent and/or occupied by any person who is not the owner of the premises. This shall apply to any landlord-tenant relationship, regardless of the form of the contract used to create that relationship, including but not limited to rent-to-own arrangements. However, the following properties shall not be regarded as rental properties:

(Ord. 1133, Passed June 20, 2016)

a. Hotels and Bed and Breakfast Inns as defined by Chapter 137 of the Iowa Code.

b. All facilities that are licensed or certified by the Iowa Department of Inspections and Appeals.

### 3-19-3 REGISTRATION OF RENTAL PROPERTIES.

1. The owner of a rental property is required to register the owner's rental property with the City by filing a completed registration form (as provided by the City) with the City Clerk accompanied by a fee for each dwelling or dwelling unit described in the registration form and in an amount as established from time to time by the City Council by appropriate resolution. Each owner must thereafter renew its registration annually by filing a completed registration form (as provided by the City) with the City Clerk on or before the anniversary date of the last registration filing, accompanied by payment of the fee as described above. Registration forms shall be available at the office of the City Clerk during regular business hours. Upon receipt of the completed registration form and registration fee, and upon completion of the inspection certifying compliance with the property standards described in this ordinance, a rental permit will be issued to the owner.

### 3-19-4 RENTAL PERMIT REQUIRED.

1. Except as otherwise provided herein, no owner shall rent or offer for rent any dwelling or dwelling unit for use in whole or in part for human habitation unless a rental permit has been issued for each dwelling unit. If a completed registration form, together with the required fee, has been received by the City, but the inspection cannot be completed within a reasonable time or prior to the expiration of the existing permit, then the City Manager is authorized to issue a temporary

rental permit pending completion of the inspection of the dwelling unit by the City, and which will thereby authorize occupancy of the dwelling unit for the period designated in the temporary permit.

2. No person shall occupy a dwelling unit unless a valid rental permit has been issued for the dwelling unit.

### 3-19-5 CONSENT TO INSPECTION.

1. By filing a registration form with the City, the owner is granting its consent to an inspection of the rental property by the City for the purpose of determining compliance with the property standards set forth in this chapter.

### 3-19-6 INSPECTION OF RENTAL PROPERTY AND ISSUANCE OF RENTAL PERMIT.

1. Rental properties shall be inspected and permits authorizing occupancy shall be issued as follows:

a. Inspection. Upon receiving a registration form and registration fee, the City Manager will arrange to inspect each dwelling unit described in the registration form by contacting the owner or the manager to arrange for inspection within a reasonable period of time, or as soon as the City staff or City's contractor is available to conduct the initial inspection. After the first three years of the ordinance, the City will use reasonable best efforts to conduct inspections within two weeks from the date of the City request for an inspection. The owner or manager or their designee shall be present at the time set for inspection and shall accompany the inspector during each inspection. The owner shall advise the occupant of these arrangements and of the occupant's right to also be present during the inspection.

b. Issuance/denial of the Rental Permit. If the City Manager finds that the dwelling unit substantially conforms to the minimum standards as set forth herein, then the rental permit shall thereupon be issued to the owner. If the inspection determines that the dwelling unit does not substantially conform to the standards, then the City will notify the owner of the specific findings of nonconformity and of the date by which abatement of these nonconforming conditions must be completed. In the event that the period for abatement extends beyond the expiration of the rental permit, then the City may issue a temporary rental permit for this abatement period unless the nonconforming conditions are deemed to be an immediate threat to the health and safety of the occupants. The City will re-inspect the property following expiration of the abatement deadline to confirm compliance with the property standards.

c. Transfer of ownership. Upon transfer of ownership of the property for which the rental permit has been issued, the new owner or manager of the property shall apply for a transfer of the rental permit within 30 days after the date of transfer of ownership of the residential rental property. If application for transfer is timely made, then the rental permit will be transferred to the new owner or operator without charge or without further inspection and the rental permit will expire on the expiration date of the previous rental permit. If the application for transfer is not timely filed, then the City may cancel the rental permit and require registration of the unit and reinspection before a rental permit is issued.

### 3-19-7 RENTAL PERMIT EFFECTIVENESS.

1. Except as otherwise provided herein, a rental permit issued by the City shall remain effective for a period of one year from the date of issuance.
2. Except as otherwise provided herein, inspections of each rental unit will take place on a three-year rotation, running from the date of the initial inspection referenced in 3-19-6 (1.). The City will notify the owner or manager of the requirement for re-inspection of the property and will make arrangements for the inspection within a reasonable time.
3. In the event that the owner or manager of a rental property does not file a registration form and pay the required fee within 30 days following the expiration of the rental permit in any year, the City may, in its discretion, require reinspection of the property as a condition for renewal of the rental permit.

### 3-19-8 REVOCATION OF PERMIT.

1. A rental permit will be subject to revocation at any time after 10 days' prior written notice to the owner or manager upon the following occurrences:
  - a. Failure to timely file a registration form or timely pay the required fee and failure to cure this default within 10 days following receipt of the notice of noncompliance by the owner or manager.
  - b. Discovery of nonconforming conditions on the property and which are not abated within the time period prescribed for abatement by the City in its notification to the owner or manager of nonconforming conditions.
  - c. Conviction or judgment by a judge or judicial magistrate of the Iowa District Court finding a violation of any provision of this chapter.
2. In the event that the City Manager determines that the conditions of the rental property present an immediate threat to the health and safety of the occupants thereof or of neighboring properties, then the rental permit may be revoked immediately without prior notice to the owner or manager.

### 3-19-9 INSPECTION UPON COMPLAINT.

1. In addition to the inspections conducted by the City in conjunction with the issuance or renewal of rental permits, the City is authorized to inspect any rental property for compliance with the standards set forth herein upon receiving a complaint from:
  - a. An occupant of the rental property concerning conditions on the property. The complaint shall be filed with the City Clerk on a form provided by the City. This form shall include a provision requiring the complainant to certify that he or she has registered a complaint with the



landlord or manager at least fourteen (14) days prior to filing the complaint with the City and without receiving a satisfactory response from the owner or manager.

b. An employee or representative of a local, state, or federal unit of governmental while acting within that role.

c. A third party (not anonymous) that files a written complaint.

2. In whatever case, a landlord will not be charged any inspection-related fees if a complaint is unfounded.

### 3-19-10 REQUIRED ABATEMENT OF NONCONFORMING CONDITION.

1. Any owner who fails to abate nonconforming conditions, after receiving notice of noncompliance and within the time period prescribed by the City for abatement of these nonconforming conditions, is in violation of this Code of Ordinances.

3-19-11 PROPERTY STANDARDS. Along with satisfying the requirements of ordinances, such as the Property Maintenance Ordinance (Title VI, Chapter 21 as amended from time to time) and the Nuisance Ordinance (Title III, Chapter 2 as amended from time to time), all rental properties must substantially conform to the following provisions:

1. The lawn of the rental facility must be graded and drained in a way that it stays free of standing water.

2. Roof water shall not be discharged in a manner that creates a public nuisance. Storm water shall not be discharged into the sanitary sewer.

3. All exterior doors shall have safe, functioning locks.

4. Every dwelling unit shall have at least two means of egress and every bedroom will have a minimum of one in addition to the entry door. However, where a lawful structure exists on the effective date of this ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such structure may be enlarged or altered in a way in which increases its nonconformity.

b. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this title.

c. Should the premises upon which this structure is located be remodeled, rehabilitated or undergo a major reconstruction, the structure must be brought into compliance with this Ordinance's requirements for egress. For purposes of this section, major reconstruction or rehabilitation shall be defined as construction, reconstruction or rehabilitation of the premises the

cost of which exceeds thirty-five percent of the full taxable value of the improvements of the subject property, excluding the land. This subsection shall not apply in cases of undue financial hardship or where to do so would cause the property owner to violate historic preservation requirements as determined by the city.

d. A sleeping room in a basement unit without emergency exterior exit shall not be considered or afforded status as a nonconforming use.

5. Every window, skylight, door and frame shall be kept in sound condition, in good repair, and shall not be boarded up. Glass shall be free from major cracks and holes.

6. Bathroom facilities and fixtures shall be maintained in a safe and functional condition, free from leaks.

7. At least one bathroom with a properly-working flush-type toilet must be provided.

8. A properly-working lavatory sink shall be provided.

9. A properly-working bathtub or shower shall be provided.

10. Kitchen facilities must be provided, including a working sink and water supply.

11. Kitchen appliances, if provided by landlord, must be in working order.

12. Every stairway shall be maintained in sound condition and in good repair. No permanent obstructions are permitted in hallways or stairways.

13. Each interior door shall be easily operable and in good repair.

14. Ceilings and interior walls shall be free from holes (excluding nail holes), in good repair and cover the building structure.

15. Floors shall be sound and permanent floor coverings shall be free from tripping hazards.

16. A safe and adequate smoke detector(s) must be provided in compliance with Iowa Administrative Code, Chapter 210; Smoke Detectors as amended from time to time.

17. No tenant shall remove or disconnect any smoke detecting device.

18. Every rental unit shall be connected to a safe electrical service provider.

19. All fixtures and outlets shall be in a safe and functional condition or properly covered. Ground-Fault Circuit Interrupters (GFCI) are required for electrical outlets within six feet of a water source.

20. No temporary wiring or extension cords shall be used except extension cords which run directly from portable electric fixtures to convenient outlets and which do not lie beneath floor coverings or extend through doorways, transoms or similar apertures in structural elements or attached thereto.

21. Every rental unit shall be connected to a City or County approved water system.

22. Every rental unit shall be connected to the City's sanitary sewer or a septic system that is in proper working order.

23. Dwelling must have an adequate heated water system. Water heaters shall be able to provide hot water to every sink, bathtub, shower and laundry facility. The property owner shall ensure proper installation and maintenance of water heater(s).

24. The dwelling must have safe and properly-working heating facilities in all habitable rooms and bathrooms.

25. Every rental unit must offer cooling by means of operable windows or a working cooling system. Every bathroom must offer an operable window or a ventilation fan.

26. No dwelling or the premises thereof shall be used for the storage or handling of refuse.

27. No dwelling shall foster a situation where rodent or pest infestation is a problem. Examples of this may include but are not limited to the actual evidence of pests.

28. Every structure shall be free from obvious mold growth.

29. All shared or public areas of such dwellings must be kept in a clean and sanitary condition.

30. The owner must arrange for the removal of ice and snow. Such an arrangement can include an agreement where this duty is assigned to a tenant, but the ultimate responsibility for this is the owner's.

31. If provided by the owner, lighting of all exterior parking lots and walkways must be effective.

32. If provided by the owner, parking areas and driveways must be maintained in proper condition.

33. The owner must arrange for the maintenance of the yard(s) of the dwelling. Such an arrangement can include an agreement where this duty is assigned to a tenant, but the ultimate responsibility for this is the owner's.

34. No occupant shall keep or store property of any kind in any shared public area of the dwelling and premises thereof, nor shall any occupant place any garbage, refuse or rubbish in any such shared or public area other than a designated area per Iowa Code.

3-19-12 MANDATORY BACKGROUND CHECKS. Owners and Managers of all Rental Properties for which a Rental Permit is required must substantially conform to the following provisions:

1. Background checks required. Permit holders shall perform a criminal background check on all persons 18 years of age or older who newly occupy a rental unit as of the effective date of this Ordinance, whether or not the person(s) has signed a lease. This requirement shall not apply with regard to persons already occupying a given rental unit prior to that date.

2. Minimum requirements of background checks. Background checks must be obtained through the Maquoketa Police Department. Background checks as referenced here shall include the following at a minimum:

a. A report of activity from Iowa Courts Online.

b. A report from the Iowa Sex Offender Registry and the National Sex Offender Website maintained by the United States Department of Justice.

c. Permit holders are encouraged, but not required, to obtain additional background information they deem appropriate.

d. Nothing herein shall be construed to indicate any preference or recommendation on the part of the City as to the selection of a tenant.

3. Exemptions. The criminal background check requirement is waived under any of these conditions:

a. The tenant is personally known to the landlord, or;

b. The rental property has no history of any documented code violations within the previous twelve (12) months, or;

c. The landlord can demonstrate that an independent reference check was completed on the potential tenant(s), or;

d. The landlord can demonstrate that a criminal background check from another source, but similar to the City's, was performed on each applicable tenant. It is a violation of this ordinance for a landlord to untruthfully claim an exemption to the background check requirement.

4. Proof of Background Check. Upon the City's request, Owners and Managers must be able to show proof that the background check requirement has been met.

3-19-13 MANDATORY WRITTEN LEASE OR RENTAL AGREEMENT. Owners and Managers of all Rental Properties for which a Rental Permit is required must have written leases or rental agreements with their tenants.

1. Minimum components. Such agreements must:
  - a. List all occupants of the rental unit.
  - b. Indicate where a rental unit is located.
  - c. Provide the terms of the agreement, including the amount of rent and when it is due.
  - d. Establish who is responsible for utility costs.
  - e. Provide terms for the landlord's access to the rental unit, such as 24-hour notice, emergencies, and welfare checks.
  - f. Provide for a method for the landlord and tenant to give written notices to each other, including complete contact information for each party.
  - g. Provide that tenants shall not commit any act or allow any activity to occur on the leased premises which violate any Federal, State, or local laws, regulations, or ordinances which are in effect or which may be enacted during the term of the lease or rental agreement.
  - h. Describe an arrangement or responsibilities for emergency relocation of tenant(s), if ever needed.
2. Proof of Lease or Rental Agreement. Upon the City's request, Owners and Managers must be able to show proof that a lease or rental agreement is currently in force.
3. Exemptions. The requirement for a written lease or rental agreement is waived under these conditions:
  - a. The landlord and tenant have a familial relationship (defined as spouse, parents, children, brothers, sisters, grandparents, grandchildren, brother-in-law, sister-in-law, mother-in-law, father-in-law and step-family.)

3-19-14 FEES. The following fees will be assessed to and paid by rental property owners in an amount as established from time to time by the City Council by appropriate resolution:

1. Registration fee. Due upon filing initial and subsequent annual registration of rental properties with the City Clerk.
2. Reinspection fee or Additional inspection fee. Due and payable for each inspection of a dwelling or dwelling unit that is in addition to an inspection required by this Ordinance, including occasions when the owner or manager doesn't appear for an inspection.

3. Complaint inspection fee. Due and payable for each inspection conducted by the City pursuant to a founded complaint filed with the City Clerk.

4. Failure to appear fee. Due and payable upon failure of the owner or manager to appear at a scheduled inspection of a dwelling or dwelling unit.

5. Criminal background check fee. This can be free-of-charge or for a fee that is due and payable at the time the service is performed. Permits will not be issued nor inspections made until the fees required by this section have been received by the City Clerk.

3-19-15 APPEAL. Any person aggrieved by a decision of the City in its administration of this chapter may file a request with the City Manager's Office, on a form provided by the City, and directed to the City Manager requesting reconsideration of the contested decision. The City Manager will notify the applicant, in writing, within five days after its receipt by the City, of his/her decision. If the aggrieved party is not satisfied with the response of the City Manager, the aggrieved party may, within 10 days following the date of the City Manager's response, file a written appeal to the City's Property Maintenance Committee, on a form provided by the City, requesting reconsideration of the contested decision. This written appeal shall be filed with the City Manager. The City Manager will thereupon notify the aggrieved party of the date, time and place of hearing before the Property Maintenance Committee and at such hearing the aggrieved party may present testimony and evidence in support of his/her position. The Property Maintenance Committee will render an opinion on this appeal within 10 days following the date of hearing.

3-19-16 IMPLEMENTATION OF ORDINANCE. The City may implement the registration and inspection of rental properties in stages in order to facilitate an orderly inspection of all rental properties requiring rental permits. The City may issue temporary rental permits to owners pending inspection of rental properties for which registration forms have been filed.

3-19-17 VIOLATIONS. The violation of any provision of this chapter shall constitute a violation of the City of Maquoketa Code of Ordinances and subjecting the violator to the following penalties:

1. Any owner who violates provision of this Chapter shall be guilty of a simple misdemeanor.

2. Any violation of this Chapter or failure to perform any act or duty or requirement of this Chapter shall constitute a municipal infraction under Title III, Chapter 17 of this Code of Ordinances.

3. The foregoing provisions concerning enforcement of this Chapter are not exclusive but are cumulative to any other remedies available under state law or local ordinance.

3-19-18 UNIFORM RESIDENTIAL LANDLORD AND TENANT LAW. This Ordinance shall not be construed so as to affect in any manner the application of the Uniform Residential Landlord and Tenant Law, presently codified as Chapter 562A of the 2012 Iowa Code, and as amended from time to time.

(Ord. 1125, Passed December 21, 2015)

(Ord. No. 1019, 3-6-06, Chapter 19 Residency

Restrictions for Sex Offenders, was repealed 12-15-14)

TITLE IV MENTAL AND PHYSICAL HEALTH  
CHAPTER 1 ANIMAL CONTROL

4-1-1	DEFINITIONS	4-1-7A	DANGEROUS ANIMALS
4-1-2	IMMUNIZATION	4-1-7B	PIT BULL TERRIERS PROHIBITED
4-1-3	KENNEL DOGS	4-1-8	ACTIONS OF CATS CONSTITUTING A NUISANCE
4-1-4	AT LARGE PROHIBITED	4-1-9	ANIMAL EXCREMENT
4-1-5	ACTIONS OF DOGS CONSTITUTING A NUISANCE	4-1-10	EXCEPTION TO 4-1-9
4-1-6	IMPOUNDING	4-1-11	PENALTY
4-1-7	KEEPING OF WILD ANIMALS PROHIBITED		

4-1-1 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. "Dogs" shall mean both male and female animals of the canine species whether altered or not.

2. "At Large" shall mean any licensed or unlicensed dog found off the premises of his 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. "Owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog and/or cat.

4. "Kennel" shall mean any person or person's firm, association or corporation keeping, sheltering or harboring dogs over six months old for commercial purposes.

5. "Cats" shall mean both male and female animals of the feline species whether altered or not.

4-1-2 IMMUNIZATION. All dogs and cats six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated against rabies. It shall be a violation of this ordinance to keep a dog or cat without proper tags demonstrating vaccination.

4-1-3 KENNEL DOGS. Kennels (as defined by 4-1-1-4) may not be operated in residential districts. Pet grooming home occupations may be operated in residential districts subject to 5-1D-8, Home Occupations.



4-1-4 AT LARGE PROHIBITED. No owner of any dog shall permit such dog to run at large, whether the dog be licensed or unlicensed.

4-1-5 ACTIONS OF DOGS CONSTITUTING A NUISANCE.

1. It shall be unlawful for an owner of a dog to allow or permit such dog to enter upon the premises or property of another.

2. It shall be unlawful for an owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

3. It shall be unlawful to permit dog manure to accumulate upon the premises.

4. No dog shall be tethered at a residence that would allow such dog to enter an adjoining public right-of-way, boulevard or alley, or would allow such dog to block access to utility meters or common areas.

4-1-6 IMPOUNDING.

1. Any dog or cat found at large, whether licensed or unlicensed may be seized and impounded, or, at the discretion of, a police officer the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of licensed dogs and cats shall be notified by the City of Maquoketa that their animal is impounded and that their animal will be released upon payment of all fees connected with impoundment. In addition to paying all fees connected with impoundment, an administrative fee, established by resolution of the city council, will be assessed to the owner by the City of Maquoketa.

3. If Impounded licensed dogs and cats are not recovered by their owners within ten (10) days after notice, such animals shall be made available for adoption according to the rules and regulations of the impound agency. The fees described in #2 shall be replaced by an impoundment fee, established by resolution of the city council. This fee will be assessed to the owner.

4-1-7 KEEPING OF WILD ANIMALS PROHIBITED. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any of the following animals:

1. All poisonous animals including rear-fang snakes.

2. Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).

3. Baboons (Papoi, Mandrillus).

4. Bears (Ursidae).

5. Bison (Bison).

6. Cheetahs (Acinonyx jubatus).

7. Crocodilians (Crocodilia), thirty (30) inches in length or more.

8. Constrictor snakes, six (6) feet in length or more.

9. Coyotes (Canis latrans).

10. Deer (Cervidae); includes all members of the deer family, for example, white-tailed deer, elk, antelope, and moose.

11. Elephants (Elephas and Loxodonta).

12. Game cocks and other fighting birds.

13. Hippopotami (Hippopotamidae).

14. Hyenas (Hyaenidae).

15. Jaguars (Panthera onca).

16. Leopards (Panthera pardus).

17. Lions (Panthera leo).

18. Lynxes (Lynx).

19. Monkeys, old world (Cercopithecidae).

20. Ostriches (Struthio).

21. Piranha fish (Characidae).

22. Repealed by Ordinance 1076, Passed 10-19-09.

23. Pumas (Felis concolor); also known as cougars, mountain lions and panthers.

24. Rhinoceroses (Rhinocerotidae).
25. Sharks (class Chondrichthyes).
26. Snow leopards (Panthera uncia).
27. Swine (Suidae).
28. Tigers (Panthera tigris).
29. Wolves (Canis lupus).

The provisions of this Section shall not apply to licensed pet shops, menageries, zoological gardens and circuses, if:

1. Their location conforms to the provisions of the zoning ordinances of the City.
2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
3. Animals are maintained in quarters so constructed as to prevent their escape.
4. No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

**4-1-7A DANGEROUS ANIMALS.** It shall be unlawful for any person to keep a dangerous domestic animal except as otherwise provided in this section. For purposes of this section dangerous domestic animal means:

1. Any animal which has inflicted serious injury on a person without provocation.
2. Any animal which has, at the animal's own initiative, killed a domestic animal.
3. Any animal owned or harbored in whole or in part for the purpose of animal fighting.
4. Any animal which by training, disposition or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals.

**4-1-7B PIT BULL TERRIERS PROHIBITED.**

1. As used in this section, the term "pit bull terrier" shall be defined as follows:
  - a. Staffordshire Terrier breed of dog; or
  - b. The American pit bull terrier breed of dog; or

c. The American Staffordshire terrier breed of dog; or

d. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, or American Staffordshire terrier.

2. It shall be unlawful for any person, from and after six (6) months following the passage and publication of this ordinance, to keep, maintain, or have in his or her possession or under his or her control, within the city limits of the City of Maquoketa, Iowa, a pit bull terrier, as defined in this section.

(Ord. No. 1076, passed October 19, 2009)

#### 4-1-8 ACTIONS OF CATS CONSTITUTING A NUISANCE.

1. It shall be unlawful for the owner of a cat to allow or permit the cat to enter upon the premises or property of another.

2. It shall be unlawful for an owner of a cat to allow or permit the cat to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, crying, wailing, or screaming.

3. It shall be unlawful to permit cat manure to accumulate upon the premises.

4-1-9 ANIMAL EXCREMENT. It shall be unlawful for any owner or person in charge of a dog, cat, horse or other animal to fail to clean up and/or remove as soon as possible any excrement or droppings deposited by said dog, cat, horse, or other animal on any real estate, whether publicly or privately owned, other than the owner or person in charge's own property. A violation of this section is a municipal infraction.

(Ord. 1142, Passed June 2, 2018)

4-1-10 EXCEPTION TO 4-1-9. 4-1-9 shall not apply to the Jackson County Fair Parade and other activities that are duly approved by the Maquoketa City Council

4-1-11 PENALTY. A violation of any portion of this chapter constitutes a municipal infraction.

(Ord. No. 1031, 09-18-06)

(Ord. 1142, Passed June 2, 2018)

## TITLE IV MENTAL AND PHYSICAL HEALTH

### CHAPTER 2 LICENSING OF ANIMALS

4-2-1	ANNUAL LICENSE REQUIRED	4-2-6	CHANGE OF OWNERSHIP;
4-2-2	FEES		TRANSFER OF LICENSE
4-2-3	DELINQUENCY	4-2-7	EXCEPTIONS
4-2-4	LICENSE TAG	4-2-8	PENALTY
4-2-5	LICENSE RECORDS		

#### 4-2-1 ANNUAL LICENSE REQUIRED

1. Every owner of a dog or cat over six (6) months old shall procure a license from the City of Maquoketa City Hall on or before the first day of November each year, or within thirty (30) days of the animal being brought into the City, or when the animal has reached six (6) months of age.

2. The owner of a dog or cat for which a license is required shall apply on forms provided by City Hall. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the address of the owner and shall be signed by the owner. The owner shall also supply documents from a licensed veterinarian which states the date of the most recent rabies vaccination, the type of vaccination administered and the date the dog or cat shall be revaccinated. The owner shall also supply a clear photo of the animal being licensed, which will contain enough detail so that it can be used to identify the animal.

3. All licenses shall expire on November 1 of the year following the date of issuance.

4-2-2 FEES. The license fees for dogs and cats shall be established by resolution of the city council.

1. Animals properly trained to assist persons with disabilities will be exempt from licensing fees.

4-2-3 DELINQUENCY. All license fees shall become delinquent on the tenth day of November of the year in which they are due. The delinquent penalty fees shall be established by resolution of the city council

4-2-4 LICENSE TAG.

1. Upon the original issuance of the license, the City shall deliver or mail to the owner a license tag stamped with the following:

a. Name of issuing City.

b. Serial number of the license which shall be recorded by the City

2. Every dog or cat shall wear the tag provided whenever such dog or cat is off the property of its owner. Any method may be used to attach the tag to the dog or cat, such as a collar or other suitable device.

3. It is unlawful for any person who is not the owner or the agent of such owner, other than an employee of the City or its agent acting in an official capacity, to remove a license tag from a dog or cat prior to the expiration of the license

4. Upon certifying that the license has been lost or destroyed, the owner may obtain a replacement tag upon payment of a duplicate fee which shall be established by resolution of the city council.

4-2-5 LICENSE RECORDS. City Hall shall keep a book to be known as the record of licenses which shall show:

1. The date of each application for a license.

2. The description of the dog or cat as specified in the application, together with the name of the owner of the dog or cat and a photograph of the dog or cat.

3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat is to be revaccinated.

4. The amount of all fees paid.

5. Such other data as may be required by law.

4-2-6 CHANGE OF OWNERSHIP; TRANSFER OF LICENSE. When the permanent ownership of a dog or cat is transferred, the new owner shall, within thirty (30) days from the date of change of ownership, make application for a new license as provided in this section regardless of whether or not the dog or cat was previously licensed.

4-2-7 EXCEPTIONS. The licensing provisions of this chapter shall not be applied to animals whose owners are nonresidents temporarily within the City, animals brought into the City for the purpose of participating in any animal show, providing such animals are kept restrained on the owner's premises and under supervision or control at all times or under leash at all times.

4-2-8 PENALTY. A violation of any portion of this chapter constitutes a municipal infraction.

(Ord. 1142, Passed June 2, 2018  
(Ord. No. 1030, 09-18-06)

CITY OF MAQUOKETA, IOWA

ZONING REGULATIONS

Adopted June 15, 1987

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SUBCHAPTER 1A SHORT TITLE AND DEFINITIONS

5-1A-1 SHORT TITLE

5-1A-2 DEFINITIONS

5-1A-1 SHORT TITLE: This Title shall be known and may be cited and referred to as the "Zoning Regulations."

5-1A-2 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. "Accessory Buildings" means a subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

2. "Accessory Use" means a subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

3. "Basement" means a story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

4. "Boarding House". See Lodging House.

5. "Building" means any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind, but not including any vehicle, trailer, with or without wheels, nor any movable device, such as furniture, machinery, or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.

6. "Building, Height of" refers to the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

7. “Building Official” shall mean the individual designated by the City Manager to administer this Title and who is responsible for the enforcement of the regulations imposed by this Title.

8. “Cellar” is a story having more than one-half (1/2) of its height below grade.

9. “Clinic” is an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

10. “Domesticated Animals” are animals which are raised, tended, groomed, maintained, boarded or kept for the purpose of commercial gain or for hobby purposes with the exception of pets.

11. “Dwelling” is any building or portion thereof which is used exclusively for residential purposes. A dwelling shall be on a permanent foundation with no wheels, axles or hitches, and shall be connected to the City sewer and water system. A dwelling shall be at least twenty feet in width and have a minimum floor area of 800 square feet. The owner of any building classified as a dwelling shall surrender the title, if one exists, to the Jackson County Assessor and request that the dwelling be listed as real estate.

12. “Dwelling, Single Family” shall mean a building designed to be occupied exclusively by one family.

13. “Dwelling, Two (2) Family” shall mean is a building designed to be occupied exclusively by two (2) families.

14. “Dwelling, Multiple” shall mean a building designed for or occupied exclusively by more than two (2) families.

15. “Dwelling Unit” is one or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

16. “Family” shall mean one or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage, or adoption.

17. “Farm” shall mean an area exceeding 10 acres used for the purpose of growing agricultural products and/or raising domesticated animals and accessory uses. Farming does not include livestock operations which can be described as feedlots; confinement areas; sale barns; or holding, transfer, or sale stations.

18. “Filling Stations” shall mean any building or premises used for the retail sale of motor vehicle fuels and/or accessory oils, fluids, etc. Accessory repair services are included uses provided the premises are not used for storage of wrecked or junked motor vehicles for periods exceeding 30 days.

19. "Floor Area" shall mean the total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off street parking requirements.

20. "Frontage" shall mean the measure of a parcel that lies in direct contact with a public street.

21. "Garage, Private" shall mean a detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.

22. "Garage, Public" is any building or premises used as a business to repair, sell or trade motor vehicles, except no wrecked or junked motor vehicles may be stored outside for more than 30 days.

23. "Grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

24. "Home Occupations" shall mean any business, profession, occupation or trade conducted for gain or support within a residential building or any accessory structure thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

25. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house as herein defined.

26. "Institution" shall mean a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

27. "Lodging House" is a building or place where lodging and boarding is provided, or which is equipped regularly to provide lodging and boarding by pre-arrangement for definite periods, for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.

28. "Lot" is a parcel of land occupied or intended for occupancy by a use permitted in this Title, including one main building together with its accessory buildings, open spaces and parking spaces required by this Title, and having its principal frontage upon a street.

30. "Lot, Corner" shall mean a lot abutting upon two (2) or more streets at their intersection.

31. "Lot, Depth of" shall mean the horizontal distance between the front and rear lot lines.

32. "Lot, Double Frontage" means a lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

33. "Lot of Record" shall mean lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Jackson County, Iowa, prior to the adoption of this Title.

34. "Motel, Motor Court, Motor Lodge or Tourist Court" means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

35. "Manufacturing" shall mean the process of taking any number of raw or finished materials and producing a finished product not intended for retail sale on the premises.

36. "Nonconforming Use" shall mean any building or land lawfully occupied for a use at the time of passage of this Title or amendment thereto which does not conform after the passage of this Title or amendment thereto with the use regulation of the district in which it is situated.

37. "Nursing Home" shall mean a home for the aged or infirm, in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation; but not including hospitals, clinics or similar institutions.

38. "Parking Space" shall mean an area sufficient in size to store an automobile together with a driveway connecting the space to the street. For all uses except in an R-1 district, the term parking space shall include sufficient area to permit maneuvering into and out of the space. The maneuvering area and/or parking area may not include public walkways.

39. "Pets" shall mean any animal maintained or capable of being kept in the home for noncommercial, personal enjoyment. For the purposes of this Ordinance, pets shall not include domesticated animals normally thought of as farm or ranch animals including cows, pigs, horses, chickens, ducks, turkeys, geese, or other fowl, goats, or sheep; nor shall it include any animal normally thought of as wild.

40. "Premises" shall mean a lot, together with all buildings and structures thereon.

41. "Required Rear Yard" means that portion of the rear yard, extended forward from the rear lot line, which comprises the minimum setback distance for the zone in which it is located.

42. "Satellite Devices" shall mean any device designed to receive, transmit, or translate signals from television and other satellites, or other broadcasting devices for home and personal use. For the purposes of this Ordinance, satellite devices shall be considered accessory buildings and subject to all regulations that apply to accessory buildings. Area taken up by satellite devices shall be computed by squaring the largest width.

Commercial use of satellite devices are Special Uses.

43. "Setback" shall mean the distance required to obtain minimum front, side or rear yard space requirements as measured from the property line as required by this Ordinance.

44. "Sign" shall mean an identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

45. "Story" shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

46. "Story, Half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than sixty percent (60%) of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.

47. "Street" shall mean a public way which affords the principal means of access to abutting property.

48. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground; or attached to something having a permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

49. "Structural Alteration" shall mean any change except those required by law or this Code, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beam or girders, not including openings in bearing walls as permitted by other regulations.

50. "Trailer or Mobile Home Park" is an area where two (2) or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one or more families.

51. "Yard" means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Title.

52. "Yard, Front" shall mean that portion of the full width of the lot that exists from the street right-of-way to the closest structure. Corner lots have two front yards, and must meet minimum set back requirements for each. Double frontage lots shall have the street exposure closest to the main entrance of the structure as the front yard.

53. "Yard, Rear" shall mean the yard extending the full width of the lot between a main building and the rear lot line.

54. "Yard, Side" shall mean a yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

## SUBCHAPTER 1B DISTRICT BOUNDARIES AND GENERAL REGULATIONS

5-1B-1	DISTRICTS	5-1B-6	EXCEPTIONS
5-1B-2	DISTRICT MAP	5-1B-7	RE-ZONE CERTAIN
5-1B-3	ANNEXATION		PROPERTY FROM R-1
5-1B-4	VACATED PUBLIC WAYS		RESIDENTIAL
5-1B-5	BOUNDARY RULES		

### DISTRICT TO A-1 AGRICULTURAL DISTRICT

5-1B-1 DISTRICTS: In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the City is hereby divided into districts which shall be known as:

1. "A-1" Agricultural District.
2. "R-1" Residential District.
3. "R-2" General Residential District.
4. "B-1" Central Business District.
5. "B-2" General Business District.
6. "I-1" Light Industrial District.
7. "I-2" Middle Industrial District.
8. "I-3" Heavy Industrial District.

5-1B-2 DISTRICT MAP: The boundaries of these districts are shown upon the "District Map" which accompanies and is made a part of this Title. Said Map and all the information shown thereon shall have the same force and effect as if all was fully set forth or described herein. The original of this Map is properly attested and is on file with the City Clerk.

5-1B-3 ANNEXATION: All territory which may hereafter be annexed to the City of Maquoketa, shall be classified in the A-1 Agricultural District until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by ordinance in accordance with Subchapter 1R of this Title.

5-1B-4 VACATED PUBLIC WAYS: Whenever any street or other public way is vacated by official action of the City of Maquoketa, the zoning district adjoining each side of such street or



public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

**5-1B-5 BOUNDARY RULES:** Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map, the following rules shall apply:

1. Where a boundary is given a position within a street, alley or nonnavigable stream, it shall be deemed to be in the center of the street, alley or stream, and if the actual location of such street, alley or stream varies slightly from the location as shown on the District Map, then the actual location shall control.

2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

3. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.

4. Where the district boundaries follow or approximately follow platted lot lines or other property lines, the district boundaries shall be construed to follow the platted lot lines or other property lines.

5. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

**5-1B-6 EXCEPTIONS.**

1. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

2. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.

3. The minimum yards and other open spaces including lot area per family required by this Title shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building or structure whether existing at the time of passage of this Title or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.

4. Every building hereafter erected or structurally altered shall be located on a lot abutting a public street that has been dedicated to and accepted by the City, and in no case shall there be more than one main building on one lot unless otherwise provided in this Title.

**5-1B-7 RE-ZONE CERTAIN PROPERTY FROM R-1 RESIDENTIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT.**

1. Purpose. The purpose of this ordinance is to re-zone certain property within the city limits of Maquoketa, Iowa, from R-1 Residential District to A-1 Agricultural District.

2. Re-zoning. Title V Land Use Regulations, Chapter 1 Zoning Regulations, Subchapter B District Boundaries and General Regulations of the City of Maquoketa Code of Ordinances is hereby amended to revise the District Map to show the following described property owned by Andrew Roling as zoned A-1 Agricultural District:

Lot 2 of the Sacred Heart Catholic Church First Addition to the City of Maquoketa, Jackson County, Iowa, according to the Plat thereof, also known as

Part of Lot 51 of Stephen's Addition to the City of Maquoketa, Iowa, located in the Southwest Quarter of the Northwest Quarter of Section 30, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 30; thence North 00 degrees 01 minutes 42 seconds East, 1206.69 feet along the West Line of the Northwest Quarter of said Section 30, to a point; thence South 88 degrees 26 minutes 04 seconds East, 760.74 feet to a point; thence South 01 degrees 03 minutes 03 seconds West, 304.00 feet along an existing fenceline to the point of beginning; thence South 88 degrees 26 minutes 04 seconds East, 420.08 feet to a point on the East Line of the Southwest Quarter of the Northwest Quarter of said Section 30; thence South 00 degrees 52 minutes 35 seconds East, 345.16 feet along said East Line to the Northeast Corner of Parcel AA, and a point on the former railroad northerly Right-of-way Line, being also the Southeast Corner of Lot 51 of Stephen's Addition, thence northwesterly along the former northerly ROW Line of the railroad, and along a 1959.86 foot radius curve concave southwesterly an arc distance of 403.79 feet to a corner of Parcel AA, and Lot 51, (chord N 72 degrees 00 minutes 57 seconds W, 403.08 feet); thence North 12 degrees 04 minutes 54 seconds East, 50.00 feet along a line which is radial to the curve, and runs to a corner of Lot 51 of Stephen's Addition, and the former ROW; thence northwesterly along the former railroad ROW and along a 2009.86 foot radius curve concave southeasterly, an arc distance of 158.22 feet (chord N 80 degrees 10 minutes 25 seconds W, 158.18 feet) to the Southwest Corner of said Lot 51, and to a point on the East ROW of Allen Street as this Street currently exists; thence North 01 degrees 03 minutes 03 seconds East, 161.31 feet along the East ROW line of Allen Street to a point, thence South 87 degrees 08 minutes 37 seconds East, 100.74 feet along an existing fenceline to the point of beginning.

Including that part thereof now known as Parcel BBB, as per "Plat of Survey" recorded the 10th day of July, 2012, as Jackson County Instrument #12-2828 in Book 1-U, at page 122.

Locally known as 115 East Monroe Street, Maquoketa, Iowa.

(Ord. 1138, Passed August 7, 2017)

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1C AGRICULTURAL DISTRICT

5-1C-1 "A-1" DISTRICT  
REGULATIONS  
5-1C-2 USE REGULATIONS

5-1C-3 PARKING REGULATIONS  
5-1C-4 HEIGHT AND AREA  
REGULATIONS

5-1C-1 "A-1" DISTRICT REGULATIONS: The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "A-1" Agricultural District.

5-1C-2 USE REGULATIONS: The "A-1" District is intended for use by professional or amateur agriculturists who raise crops or livestock for profit or hobby purposes. A building or premises shall be used for the following purposes:

1. Residences of owner/operator or hired help limited to a maximum of three (3) dwelling units.
2. Barns, sheds, or outbuildings for the storage of crops. Crops stored on the premises shall be limited to crops grown by the owner or tenant on the premises.
3. Barns, sheds, or outbuildings for the storage of crops.
4. Barns, sheds, or outbuildings for the storage or repair of the owner's or operator's farm equipment or machinery.
5. Commercial radio tower or satellite devices.
6. Landing field or strip for aircraft.
7. Riding stable not less than ten (10) acres.

5-1C-3 PARKING REGULATIONS: Refer to Subchapter 1L.

5-1C-4 HEIGHT AND AREA REGULATIONS: Refer to Subchapter 1K.

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1D "R-1" RESIDENTIAL DISTRICT

5-1D-1	"R-1" DISTRICT REGULATIONS	5-1D-7	REGULATIONS GOVERNING RECREATIONAL VEHICLES AND VESSELS
5-1D-2	USE REGULATIONS	5-1D-8	HOME OCCUPATIONS
5-1D-3	PARKING REGULATIONS		
5-1D-4	HEIGHT REGULATIONS		
5-1D-5	AREA REGULATIONS		
5-1D-6	DEFINITION OF RECREATIONAL VEHICLE AND VESSEL		

5-1D-1 "R-1" DISTRICT REGULATIONS:

1. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "R-1" Residential District.

5-1D-2 USE REGULATIONS:

1. A building or premises shall be used only for the following purposes:

a. Single family dwellings.

b. Two (2) family dwellings.

c. Churches.

d. Public buildings, parks, playgrounds, community center, and recreational vehicle campsites in City Parks as designated by Council Resolution.

(Ord. 773, 1-6-92)

e. Public schools, elementary and high, and private education institutions having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping rooms.

f. Home occupations.

g. Golf courses, except miniature courses or practice driving tees operated for commercial purposes.

h. Temporary buildings, the uses of which are incidental to the construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the

expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.

i. Cemetery or mausoleum on sites not less than twenty (20) acres.

j. Signs: Refer to the Subchapter 1O, Signs.

k. Accessory buildings and uses including, but not limited to, accessory private garages, swimming pools, home barbecue grills, accessory storage, and accessory off street parking and loading space.

#### 5-1D-3 PARKING REGULATIONS:

1. Off street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Subchapter 1L.

#### 5-1D-4 HEIGHT REGULATIONS:

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35') feet except as provided in Subchapter 1K.

#### 5-1D-5 AREA REGULATIONS:

1. Yard Regulations. Subject to the modifications set out in Subchapter 1K, the regulations are as follows:

a. Front Yard. There shall be a front yard of not less than thirty (30') feet.

b. Side Yard. There shall be a side yard on each side of a lot of not less than seven feet (7').

c. Rear Yard. There shall be a rear yard of not less than thirty feet (30').

d. Front Porch Reconstruction.

e. If a residence was constructed prior to January 1, 1964, with a front porch that does not comply with the front yard or side yard setback requirements, then the front porch may be rebuilt provided that the overall square footage of the porch is not increased and the existing nonconforming front and side yard setbacks are not decreased.

#### 2.. Minimum Lot Area.

a. A lot occupied by a single family dwelling shall contain not less than seven thousand two hundred (7,200) square feet and shall not be less than sixty feet (60') in width.

b. A lot occupied by a two (2) family dwelling shall contain not less than nine thousand (9,000) square feet and shall not be less than seventy-five feet (75') in width.

c. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of this Title may be occupied by a single family dwelling or by any other permitted nonresidential use.

#### 5-1D-6 DEFINITIONS OF RECREATIONAL VEHICLE AND VESSEL:

1. As used in this Ordinance, camping and recreational vehicles and equipment is defined as and shall include the following:

a. **Recreational Vehicle:** A general term for a vehicular unit not exceeding thirty-six (36) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, which applies to the following specific vehicle types:

b. **Camper Trailer.** A folding or collapsible vehicular structure without its own power, designed as a temporary living quarters for travel, camping, recreation, and vacation uses and which is licensed and registered for highway use.

c. **Travel Trailer.** A rigid structure, without its own motive power, designed as a temporary dwelling for travel, camping, recreation, and vacation use; licensed and registered for highway use; and which when equipped for the road, has a body width of not more than eight (8) feet.

d. **Truck Camper.** A portable structure, without its own motive power, designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation, and vacation use; and which in combination with the carrying vehicle is licensed and registered for highway use.

e. **Motor Home.** A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation use, and which is for highway use licensed and registered.

f. **Boat Trailer.** A vehicular structure without its own motive power, designed to transport a recreational vessel for recreation and vacation use, for highway use and which is licensed and registered.

g. **Horse Trailer.** A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.

h. **Utility Trailer.** A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods, or materials and licensed and registered for highway use.

i. **Recreational Vessel:** A general term applying to all manner of watercraft, other than a seaplane on water, whether impelled by wind, oars, or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel, when mounted upon a boat trailer,

and its towing vehicle, when parked, shall be considered one (1) unit, exclusive of its towing vehicle.

#### 5-1D-7 REGULATIONS GOVERNING RECREATIONAL VEHICLES AND VESSELS:

1. Any owner, lessee, or bailer of a recreational vehicle may park one such vehicle or one such vessel on a single lot in a residential district, subject to the following:

a. Such recreational vehicle or vessel shall be maintained in a clean, well kept state so as not to detract from the appearance of the surrounding area.

b. If such recreational vehicle or vessel is equipped with liquefied gas containers, such containers shall meet the standards of either the Interstate Commerce Commission or the Federal Department of Transportation or the American Society of Mechanical Engineers, as such standards exist on the date of passage hereof. Further, the valves of such liquefied petroleum gas containers must be closed when the vehicle or vessel is not being readied for immediate use, and in the event that leakage is detected from such liquefied petroleum gas containers, immediate corrective action must be taken.

c. At no time shall such parked recreational vehicle or vessel be occupied or used for living, sleeping, or housekeeping purposes except as provided in Sub-section (4) of this Section.

d. It shall be lawful for only non-paying guests at a residence in a residential district to occupy one recreational vehicle or vessel, parked subject to the provisions of this Ordinance, for sleeping purposes only for a period not exceeding seventy-two (72) consecutive hours. The total number of days during which a recreational vehicle or vessel may be occupied under this Subsection shall not exceed fourteen (14) in any calendar year.

e. Such recreational vehicle or vessel may be parked in the following manner:

(1). Inside any enclosed structure which structure otherwise conforms to the zoning requirement of that particular location.

(2). Outside in the side yard or in the rear yard, and shall not be nearer than two (2) feet to any side or rear lot lines.

f. Parking of recreational vehicles or vessels is permitted in front driveway or an area adjacent to the driveway, provided:

(1) Space is not available in the side yard, or there is no reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or landscaping. A corner lot shall normally be deemed to have reasonable access to the rear yard.

(2) Inside parking is not possible.

(3) The recreational vehicle or vessel may not extend over the public sidewalk or publicly owned right-of-way.

d. The City Manager or Chief of Police may issue a permit for parking on any City street or alley for a period not to exceed seventy-two (72) hours.

e. The City Manager or Chief of Police may issue a permit for parking more than one recreational vehicle or more than one recreational vessel on a single lot in a residential district.

f. The owner of a recreational vehicle or recreational vessel parked on a single lot in a residential district shall also be the owner or the renter of such residential lot.

#### 5-1D-8 HOME OCCUPATIONS:

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:

a. "Home Occupations" means any business, profession, occupation or trade conducted for gain or support within a residential building or an accessory structure thereto, which is incidental and secondary to the use of such a building for dwelling purposes and which does not change the essential residential character of such building.

2. Home Occupations Inspector. There is hereby created the position of Home Occupations Inspector and this position shall be discharged by the City Manager. The Home Occupations Inspector is hereby given the authority to enforce this Ordinance. The powers of the Home Occupations Inspector shall include but not be limited to:

a. The authority to issue a municipal infraction citation for a violation of this Ordinance and to issue a municipal infractions citation or a notice to abate nuisance for a violation of this Ordinance.

(Ord. 1142, Passed June 2, 2018)

b. The authority to inspect residential real estate for the enforcement of this Ordinance.

c. The authority to determine that the particular use of a residence comes within one of the exceptions to this Home Occupation Ordinance under 5-1D-8-(3); and the authority to grant or deny an application for a home occupation permit.

d. The authority to make a redetermination of a decision made under 5-1D-8-(3).

3. Exceptions. Notwithstanding the definition of home occupations set forth above, certain occupations that are pursued partially or entirely in a district zoned R-1, R-2, R-3 and A-1 may be excluded from the requirements and regulations of this Ordinance by determination of the Home Occupations Inspector. Those occupations that may be excluded from the operation of this Ordinance are:



- a. McNess dealers
- b. Amway dealers
- c. Avon dealers
- d. Mary Kay products dealers
- e. Home Interior salespersons
- f. Insurance salespersons
- g. Sewing and alterations
- h. Seed corn or agricultural products
- i. Salesperson
- j. Woodworking
- k. Catering from the home and home baking

l. Any other home occupation which the Home Occupations Inspector has determined has such an insignificant impact on the neighborhood that it may be exempt from the requirement to apply for and obtain a Home Occupations Permit.

m. The Home Occupations Inspector, in making his determination to exempt an occupation from the operation of this Ordinance shall, take into consideration whether the home occupation and residence substantially complies with the requirements of 5-1D-8-(7) (a through j); and, the Home Occupations Inspector shall also consider the comments of neighbors within 200 feet of the premises in question.

#### 4. Permit Required.

a. It shall be unlawful for any person to carry on a business, profession, occupation or trade at a residence in an area of the City zoned R-1 or R-2 or R-3 or A-1, unless the person has applied for and received a permit to do so or has obtained an exemption under 5-1D-8-(3) from the Home Occupations Inspector. Each day that this Ordinance is violated shall be a separate violation of this Ordinance.

b. It shall be unlawful for a title holder to real estate to knowingly allow a person to use the real estate for a home occupation in violation of this Ordinance after title holder has received written notice from the Inspector that the real estate is being used in violation of this Ordinance and seven days have elapsed from the receipt of that notice.

c. It shall be unlawful for anyone who is granted a permit to carry on a Home Occupation to violate any of the rules and regulations set forth at Section 5-1D-8-(7) of this Ordinance and of the Municipal Infractions Ordinance.

5. Penalty. Each violation of this Ordinance shall create a municipal infraction.

(Ord. 991, Passed April 19, 2004)

(Ord. 1142, Passed June 2, 2018)

6. Nuisance. In addition, any violation of this Ordinance may be subject to abatement as a nuisance under Title 3 Chapter 2 of the Code of Ordinances.

7. General Regulations. It shall be unlawful to operate a business, profession, occupation or commercial activity within a district zoned R-1, R-2, R-3, or A-1 unless the person operating the business complies with the following regulations:

a. The business, profession, occupation or activity shall employ only members of the immediate family living within the dwelling. No more than one person other than a member of the family may be employed on a temporary basis and such employees shall be limited to a total of not more than thirty (30) individual days in any twelve (12) month period for all the employees' combined time.

(Ord. 774, 1-6-92)

b. The Home Occupation shall be conducted entirely within the principal dwelling unit or permitted accessory building.

c. A Home Occupation shall not occupy more than the equivalent of thirty (30%) percent of the gross floor area of one (1) story of each building. A Home Occupation may occupy the entire gross floor area, of any accessory building. This restriction shall not apply to persons who operate child care services.

(Ord. 776, 2-3-92)

d. There shall be no outdoor display or storage of equipment or material used in the Home Occupation that shall indicate from the exterior that the building is being utilized in whole or in part for any other purpose other than that of a dwelling. This restriction shall not apply to persons who operate child care services.

(Ord. 776, 2-3-92)

e. No Home Occupation shall permit generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, humidity, glare, refuse, radiation, or other objectionable emission that will be detrimental to the residential character of the neighborhood at any time.

f. No Home Occupation shall be permitted which is noxious, offensive, or hazardous by reason of vehicular traffic, parking of vehicles or pedestrian traffic.

g. Spaces for off-street parking and loading shall be provided in compliance with provisions set forth in Subchapter 1L, Off-Street Parking Requirements, for any type of home occupation or commercial activity that would require more than two off-street parking spaces.

h. Any sign or display shall be limited to one (1) only and shall not exceed two (2) square feet in size. It shall carry only the name and occupation of the occupant of the premises. The sign or display shall be non-lighted and non-reflective in nature and shall be attached to the dwelling or accessory building or located within two (2) feet thereof.

i. Occasional garage sales are exempt from the provisions of this Ordinance. Garage sales that are conducted for more than three (3) consecutive days or more than three garage sales in any twelve (12) month period are considered to be Home Occupations and are subject to the provisions of this Ordinance.

j. No Home Occupation shall be permitted in an accessory building that had previously been used as a dwelling unit or residence. No Home Occupation shall be expanded upon an adjacent residential lot or separately platted parcel of land other than the lot where the home or principal building is located.

(Ord. 774, 1-6-92)

k. It shall be unlawful to operate a motor vehicle repair or motorcycle repair or small engine repair business within a district zoned R-1, R-2, R-3 or A-1 and such a business shall not be granted a Home Occupation permit by the Inspector; however, the operator of a small engine repair business may appeal the decision of the Inspector under the appeal procedure in 5-1D-8-(10).

8. Home Occupation Permit. Any person wishing to operate a Home Occupation must make application for a Home Occupation Permit upon forms provided by the Home Occupations Inspector.

a. Upon receipt of the application the Home Occupations Inspector shall set a hearing upon the Application and shall cause one publication of notice of the date, time, place and purpose of the hearing. The publication shall appear in the newspaper selected for official notices not less than 5 days before and not more than ten days before the date of the hearing.

b. The hearing shall be conducted informally by the Home Occupations Inspector and upon the conclusion of the hearing the Home Occupations Inspector may grant the permit, deny the permit, or determine that the occupation is an exception under 5-1D-8-(2). The decision of the Home Occupations Inspector must be communicated in writing within five days of the conclusion of the hearing.

c. The Home Occupations Inspector shall deny the application for the permit if the applicant has not complied with the requirements of 5-1D-8-(7) (a through j). Any decision of the Home Occupations Inspector may be appealed under 5-1D-8 (10).

d. Should an applicant be denied a permit for failure to comply with 5-1D-8 (7) (a through j), the applicant may appeal for an exemption from one or more requirements for 5-1D-8 (7), (a through j), by using the appeal procedure in 5-1D-8 (10).

9. Consent to Inspection. The signature of the applicant upon the application shall grant the consent by the applicant to an inspection of the Home Occupation premises by the Home Occupations Inspector. Failure by the applicant to allow for the inspection of the premises by the Home Occupations Inspector shall be grounds for refusal to grant a permit or a determination by the Inspector.

10. Appeal. The applicant or a neighbor who lives within 200 feet of the applicant's residence or the Council Person for the applicant's Ward may appeal any decision made by the Home Occupations Inspector under this Ordinance.

a. The applicant or neighbor or Council Person shall state his/her objection to the decision of the Home Occupations Inspector in writing and mail or deliver the Appeal to the City Manager at City Hall. The Appeal must include the name, address and signature of the person making the Appeal and the name and address of the person operating the Home Occupation subject to the Appeal. The Appeal must be mailed or delivered no later than twenty days after the decision of the Inspector has been made.

b. The City Manager shall place the matter of the Appeal on the City Council Agenda for the regularly scheduled meeting of the Council following receipt of the Appeal.

c. The City Council shall take up the matter of the Appeal in public session and shall by resolution uphold the decision of the Inspector or reverse the decision of the Inspector with instructions for the correction of the decision which may include an exemption from one or more requirements of 5-1D-8 (7) (a through j). The Council shall consider the requirements of Section 5-1D-8 (7) and the comments of the neighbors and the applicant in ruling upon the Appeal.

d. A party to the Appeal who is aggrieved by the decision of the Council may seek a remedy for that decision in the District Courts of the State of Iowa as provided by law.

11.. Effective Date. This Ordinance shall take effect the day it is duly enacted by the Council, signed, and published. However, no citations for violations of this Ordinance shall be issued until after September 1, 1991.

12 Repeal Section. The Council hereby repeals Sections 5-1D-8 ((1 through 3)), and, all other Sections that cannot be read in conformity with this Ordinance are hereby repealed.

(Ord. 751, 5-20-91)

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1E "R-2" GENERAL RESIDENTIAL DISTRICT

5-1E-1	"R-2" DISTRICT REGULATIONS	5-1E-7	REGULATIONS GOVERNING RECREATIONAL VEHICLES AND VESSELS
5-1E-2	USE REGULATIONS		
5-1E-3	PARKING REGULATIONS	5-1E-8	HOME OCCUPATIONS
5-1E-4	HEIGHT REGULATIONS		
5-1E-5	AREA REGULATIONS		
5-1E-6	DEFINITION OF RECREATIONAL VEHICLE AND VESSEL		

5-1E-1 "R-2" DISTRICT REGULATIONS. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations of the "R-2" General Residential District.

5-1E-2 USE REGULATIONS. A building or premises shall be used only for the following purposes:

1. Multiple family dwellings.
2. Board and lodging houses.
3. Private clubs and lodges.
4. Hospitals, clinics or institutions not primarily for the mentally ill or those with contagious diseases, provided that less than forty percent (40%) of the total land area is occupied by buildings and that all the required yards are increased by one foot (1') for each one foot (1') of building height in excess of height limits as specified in this Title.
5. Hospitals, nursing homes, clinics and educational, philanthropic or religious institutions, except for those for criminals or for the mentally ill.  
(Ord. No. 1095, Passed 8-1-11)
6. Nursery school.
7. Any allowable use in the R-1 Residential District.

5-1E-3 PARKING REGULATIONS. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Subchapter 1L.

5-1E-4 HEIGHT REGULATIONS. The height regulations are the same as those in the "R-1" Residential District.

#### 5-1E-5 AREA REGULATIONS.

1. Yards. The front, side, and rear yard regulations are the same as those in the "R-1" Residential District.

2. Minimum Lot Area.

a. A lot occupied by a single-family dwelling or a boarding or lodging house shall contain not less than six thousand (6,000) square feet and shall be not less than fifty (50') feet in width.

b. A lot occupied by a two-family dwelling or a multiple-family dwelling shall contain not less than three thousand (3,000) square feet for each dwelling unit and shall be not less than fifty (50') feet in width.

c. A lot occupied by three or more dwelling units shall contain not less than one thousand and five hundred (1,500) square feet for each dwelling unit and shall be not less than sixty (60') feet in width.

d. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of this Ordinance may be occupied by a single-family dwelling or by any other permitted non-residential use.

5-1E-6 DEFINITION OF RECREATIONAL VEHICLE AND VESSEL. The definitions are the same as those in the R-1 Residential District.

5-1E-7 REGULATIONS GOVERNING RECREATIONAL VEHICLES AND VESSELS. The regulations are the same as those in the R-1 Residential District.

5-1E-8 HOME OCCUPATIONS. The regulations governing Home Occupations are the same as those in Section 5-1D-8 in the R-1 Residential District.

## TITLE V LAND USE REGULATIONS

### SUBCHAPTER 1F “R-3” GENERAL RESIDENTIAL DISTRICT

5-1F-1	“R-3” DISTRICT REGULATIONS	5-1F-7	REGULATIONS GOVERNING RECREATIONAL VEHICLE AND VESSEL
5-1F-2	USE REGULATIONS		
5-1F-3	PARKING REGULATIONS	5-1F-8	HOME OCCUPATIONS
5-1F-4	HEIGHT REGULATIONS		
5-1F-5	AREA REGULATIONS		
5-1F-6	DEFINITION OF RECREATIONA VEHICLE AND VESSEL		

5-1F-1 “R-3” DISTRICT REGULATIONS. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations of the “R-3” General Residential District.

5-1F-2 USE REGULATIONS. A building or premises shall be used only for the following purposes:

1. Any allowable use in the R-1 Residential District

5-1F-3 PARKING REGULATIONS. Off street parking spaces shall be provided in accordance with the requirements for specific uses set out in Chapter 1L.

5-1F-4 HEIGHT REGULATIONS. The height regulations are the same as those in the “R-1” Residential District.

5-1F-5 AREA REGULATIONS.

1. Yard Regulations Subject to the modifications set out in Chapter 1L, the regulations are as follows:

- a. Front Yard There shall be a front yard of not less than thirty feet (30’)
- b. Side Yard There shall be a side yard on each side of a lot of not less than five feet (5’).
- c. Rear Yard There shall be a rear yard of not less than thirty feet (30’).

2. Minimum Lot Area

a. A lot occupied by a single-family dwelling shall contain not less than seven thousand two hundred (7,200) square feet and shall not be less than sixty (60) feet in width.

b. A lot occupied by a two (2) family dwelling shall contain not less than nine thousand (9,000) square feet and shall not be less than seventy-five feet (75') in width.

c. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of this Title may be occupied by a single family dwelling or by any other permitted nonresidential use.

5-1F-6 DEFINITION. 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. Recreational Vehicle and Vessel” definitions are the same as those in the R-1 Residential District.

5-1F-7 REGULATIONS GOVERNING RECREATIONAL VEHICLES AND VESSELS. The regulations are the same as those in the R-1 Residential District.

5-1F-8 HOME OCCUPATIONS. The regulations governing Home Occupations are the same as those in Section 5-1D-8 in the R-1 Residential District.



TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1G "B-1" GENERAL BUSINESS DISTRICT

5-1G-1 "B-1" DISTRICT  
REGULATIONS  
5-1G-2 USE REGULATIONS

5-1G-3 PARKING REGULATIONS  
5-1G-4 HEIGHT REGULATIONS  
5-1G-5 AREA REGULATIONS

5-1G-1 "B-1" DISTRICT REGULATIONS. The regulations set forth in this Chapter or set forth elsewhere in the Title, when referred to in this Chapter, are the regulations in the "B-1" General Business District.

5-1G-2 USE REGULATIONS. Buildings and premises shall be used for any commercial establishment in the Title whose primary purpose is retail trade, but restricted in that any activities that could be labeled as manufacturing are limited to those actions necessary to prepare the final product for retail sale. Examples of permitted uses are:

1. General retail sales such as hardware, clothing, gifts, bakery items, drug stores, notions, restaurants, taverns, appliances, radio/TV shops, florists, and theaters.
2. General office uses such as banks, savings and loans, public offices, attorneys, doctors, dentists, insurance, real estate, investment counseling and business offices.
3. General service businesses such as barber shops, beauty shops, tailoring, gas stations parking lots, photo labs, photograph studios, newspaper, media offices and accountants.
4. Apartments, as accessory use to structure.
5. Car dealerships, agricultural machinery dealerships, other motorized or RV vehicle dealerships, mobile home sales, car washes, auto body repair shops, automotive repair shops, skating rinks, bowling, dance halls and recreational vehicle campsites.  
(Ord. 773-1-6.92)
6. Truck stops, drive-in restaurants, dry cleaners, motels, laboratories, animal clinics, wholesale merchandise distributorship, veterinary clinics, private, for profit schools and private clubs.
7. Commercial greenhouse or nursery.
8. Wholesale merchandizing or storage warehouse. (Not including grain storage.)
9. General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering or tinsmithing.
10. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.

11. Outdoor advertising in accordance with Subchapter OH.

12. Accessory buildings.

13. Broadcasting station.

14. Any allowable use in "R-2" Residential Districts.

(Ord. 882, passed 11-4-96)

5-1G-3 PARKING REGULATIONS. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Subchapter 1L.

5-1G-4 HEIGHT REGULATIONS. No building shall exceed six (6) stories nor shall it exceed seventy-five feet (75') except as provided in Subchapter 1K.

5-1G-5 AREA REGULATIONS.

1. Yards.

a. The front and rear yard regulations for dwellings are the same as those in the "R-1" Residential District. No front or rear yards for commercial buildings are required except on the rear of a lot abutting an "R-1" or "R-2" District, in which event a rear yard of not less than thirty feet (30') shall be provided.

b. The side yard regulations for dwellings are the same as those in the "R-1" Residential District. No side yards for commercial buildings are required except on the side of a lot abutting an "R-1", "R-2", or "R-3" District, in which event a side yard of not less than thirty feet (30') shall be provided.

(Ord. 773, 1-6-92)

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1H "B-2" CENTRAL BUSINESS DISTRICT

5-1H-1 "B-2" DISTRICT  
REGULATIONS  
5-1H-2 USE REGULATIONS

5-1H-3 PARKING REGULATIONS  
5-1H-4 HEIGHT REGULATIONS  
5-1H-5 AREA REGULATIONS

5-1H-1 "B-2" DISTRICT REGULATIONS. The regulations set forth in this Chapter, or set elsewhere in this Title, when referred to in this Chapter, are the regulations in the "B-2" Central Business District.

5-1H-2 USE REGULATIONS. (Revised). Any allowable use in "B-1" General Business District.

(Ord. 882, passed 11-4-96)

5-1H-3 PARKING REGULATIONS. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Subchapter 1L. The off-street parking requirements shall not apply to existing commercial buildings in the B-2 Central Business District.

5-1H-4 HEIGHT REGULATIONS. No building shall exceed six (6) stories nor shall it exceed seventy-five feet (75') except as provided in Subchapter 1K.

5-1H-5 AREA REGULATIONS.

1. Yards.

a. No front or rear yards for commercial buildings are required except on the rear of a lot abutting an "R-1" or "R-2" District, in which event a rear yard of not less than two feet (2') shall be provided.

b. The front, rear and side yard regulations for dwellings are the same as those in the R-1 Residential district

(Ord. No. 1021, Passed 3-20-06)

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1I "I-1" LIGHT INDUSTRIAL DISTRICT

5-1I-1 "I-1" DISTRICT  
REGULATIONS  
5-1I-2 USE REGULATIONS

5-1I-3 PARKING REGULATIONS  
5-1I-4 HEIGHT AND AREA  
REGULATIONS

5-1I-1 "I-1" DISTRICT REGULATIONS. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "I-1" Light Industrial District.

5-1I-2 USE REGULATIONS (REVISED). The Light Industrial District is intended to provide a low density buffer zone between heavy industrial and other uses. The types of uses are intended to be warehousing, distributory, and light manufacturing. The processing of raw materials intended for shipment to other locations for further manufacturing is not allowed. Examples of permitted uses are:

1. Manufacture of dental, optical, drafting, musical, electronic, recreation or computer components or products.

2. Manufacture or storage of food products provided that no unprocessed foods are used. Processing of flour would be permitted, processing of wheat into flour would not. Manufacturing of dairy products from processed milk would be allowed, processing of milk would not.

3. Manufacture or assembly of hardware, ornamental iron, sheetmetal, appliances, tools enameled products, provided no melting, smelting, or foundry work is involved.

4. Manufacture or assembly of rugs, mattresses and clothing.

5. Manufacture or assembly of boxes, crates, furniture, baskets, veneers, or other wood products.

6. Any similar manufacturing or assembly process, provided that the work does not involve any potential for the creation of or dispersment of environmental pollutants.

7. Accessory buildings and uses.

8. Any allowable use in "B-1" Business District.

(Ord. 882, passed 11-4-96)

5-1I-3 PARKING REGULATIONS. Refer to Subchapter 1L.

5-1I-4 HEIGHT AND AREA REGULATIONS. Refer to Subchapter 1K.

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1J "I-2" MIDDLE INDUSTRIAL DISTRICT

5-1J-1	"I-2" DISTRICT REGULATIONS	5-1J-4	HEIGHT REGULATIONS
5-1J-2	USE REGULATIONS	5-1J-5	AREA REGULATIONS
5-1J-3	PARKING REGULATIONS		

5-1J-1 "I-2" DISTRICT REGULATIONS. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "I-2" Middle Industrial District.

5-1J-2 USE REGULATIONS. The I-2 Middle Industrial District is intended for those purposes which may be deemed as having potential for regulated air, water, ground or noise pollution. Examples are:

1. Chemicals, Petroleum, Coal and Allied Products
2. Acid and derivatives
3. Acetylene
4. Ammonia
5. Carbide
6. Caustic soda
7. Cellulose and cellulose storage
8. Chlorine
9. Coke oven products (including fuel gas) and coke oven products storage
10. Creosote
11. Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones
12. Processing of chemicals from one state to another or alteration of the chemical composition of a substance.
13. Explosives (including ammunition and fireworks) and explosives storage
14. Fertilizer (organic)

15. Fish oils and meal
16. Glue, gelatin (animal)
17. Hydrogen and oxygen
18. Lamp black, carbon black and bone black
19. Nitrating of cotton or other materials
20. Petroleum, gasoline and lubricating oil refining, and wholesale storage
21. Plastic materials and synthetic resins
22. Potash
23. Pyroxylin
24. Turpentine and resin
25. Wells, gas and oil
26. Clay, Stone and Glass Products
27. Brick, firebrick, refractories and clay products (coal fired)
28. Cement, lime, gypsum, or plaster of Paris
29. Minerals and earths; quarrying, extracting, grinding, crushing, and processing
30. Metals and Metal Products
31. Aluminum powder and paint manufacture
32. Blast furnace, cupolas
33. Blooming mill
34. Metal and metal ores, reduction, refining, smelting, and alloying
35. Scrap metal reduction or smelting
36. Steel works and rolling mill (ferrous)
37. Wood and Paper Products

- 38. Match manufacture
  - 39. Wood pulp and fiber, reduction and processing
  - 40. Any allowable use in the I-1 Light Industrial District.
- 5-1J-3 PARKING REGULATIONS. Refer to Subchapter 1M.
  - 5-1J-4 HEIGHT REGULATIONS. Refer to Subchapter 1L.
  - 5-1J-5 AREA REGULATIONS. Refer to Subchapter 1L.

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1K "I-3" HEAVY INDUSTRIAL DISTRICT

5-1K-1	"I-3" DISTRICT REGULATIONS	5-1K-4	HEIGHT REGULATIONS
5-1K-2	USE REGULATIONS	5-1K-5	AREA REGULATIONS
5-1K-3	PARKING REGULATIONS		

5-1K-1 "I-3" DISTRICT REGULATIONS. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "I-3" Heavy Industrial District.

5-1K-2 USE REGULATIONS. The "I-3" Heavy Industrial District is intended for those purposes which may be deemed as having potential for regulated air, water, ground or noise pollution. Examples of "I-3" uses are:

1. Manufacture of explosives (including ammunition and fireworks) and explosives storage
2. Rendering and storage of dead animals, garbage or waste products
3. Food and beverages
4. Fat rendering
5. Fish curing, packing and storage
6. Slaughter of animals
7. Starch manufacture
8. Unclassified Industries and Uses
9. Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage
10. Stockyards
11. Junkyards and auto wrecking yards
12. Processing or storage of radioactive materials done in accordance with applicable federal and state regulations.
13. Buildings, structures, or enclosures for storage or processing of grain or agricultural products not grown by the owner or tenant on the premises.
14. Any allowable use in the "I-2" Middle Industrial District.



5-1K-3 PARKING REGULATIONS. Refer to Subchapter 1M.

5-1K-4 HEIGHT REGULATIONS. Refer to Subchapter 1L.

5-1K-5 AREA REGULATIONS. Refer to Subchapter 1L.

## TITLE V LAND USE REGULATIONS

### SUBCHAPTER 1L ADDITIONAL HEIGHT AND AREA REGULATIONS

5-1L-1	SETBACK REQUIREMENTS FOR I-1, I-2, AND I-3 DISTRICTS	INSTITUTION OR HOTEL BUILDINGS, OPEN SPACE REQUIRED
5-1L-2	PUBLIC BUILDINGS AND INSTITUTIONS, HEIGHT OF	5-1L-14 COURTS, MINIMUM DIMENSION REQUIRED
5-1L-3	HEIGHT OF CHIMNEYS, STEEPLES AND LIKE STRUCTURES	5-1L-15 SIDE YARDS FOR RESIDENTIAL USES ABOVE OTHER USES
5-1L-4	ACCESSORY BUILDINGS, AREA AND LOCATION	5-1L-16 DOUBLE FRONTAGE, REQUIRED FRONT YARD ON BOTH STREETS
5-1L-5	ACCESSORY BUILDINGS, USE FOR DWELLING PURPOSES	5-1L-17 YARD REQUIREMENTS FOR CORNER LOTS
5-1L-6	YARD UNOBSTRUCTED	5-1L-18 SIDE YARD WIDTH
5-1L-7	BASEMENT NOT OCCUPIED	5-1L-19 FRONT YARDS, ADJUSTMENT IN RELATION TO EXISTING BUILDINGS
5-1L-8	PROJECTING STRUCTURES IN REAR YARD	5-1L-20 BED AND BREAKFAST FACILITIES
5-1L-9	OMITTED	5-1L-21 DEFINITIONS
5-1L-10	OMITTED	5-1L-22 DECKS AND PORCHES
5-1L-11	SIDE YARD, TWO FAMILY AND MULTIPLE DWELLING	5-1L-23 HANDICAP RAMPS
5-1L-12	GROUPS OF COMMERCIAL OR INDUSTRIAL BUILDINGS, OPEN SPACE REQUIRED	
5-1L-13	GROUPS OF RESIDENTIAL,	

#### 5-1L-1 SETBACK REQUIREMENTS FOR I-1, I-2, AND I-3 DISTRICTS.

1. Front Yards. Front yard setbacks for all industrial districts shall be thirty feet (30') or two feet (2') of lineal setback for every one foot (1') of building height, whichever is greater.

a. Front yard regulations for dwellings in an industrial district are the same as those in the R-1 Residential district.

2. Side Yards. Side yard setbacks for all industrial districts shall be zero feet (0').

b. Side yard regulations for dwellings in an industrial district are the same as those in the R-1 Residential district.

3. Rear Yard. Rear yard setbacks for all industrial districts shall be thirty feet (30').

c. Rear yard regulations for dwellings in an industrial district are the same as those in the R-1 Residential district.

4. The front and rear yard regulations for commercial/ non-industrial use buildings in the I-1, I-2, and I-3 Industrial Districts shall be the same as those setbacks in the B-1 General Business District. No rear yards for commercial buildings are required, except on the rear of a lot abutting an R-1 and R-2 Residential District, in which event a rear yard of not less than thirty feet (30') shall be provided.

5. If a building contains both a business and industrial use in the I-1, I-2, and I-3 Districts, the industrial setback requirements shall prevail.

6. Existing business and commercial uses in existence in the I-1, I-2, and I-3 Industrial Districts at the time of the adoption of this Ordinance shall be allowed to continue and expand in their present location and shall not be considered as non-conforming uses for the purposes of the enforcement of this Ordinance.

5-1L-2 PUBLIC BUILDINGS AND INSTITUTIONS, HEIGHT OF. Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60') feet if the building is set back from each yard line at least one foot (1') for each two feet (2') of additional building height above the height limit otherwise provided in the district in which the building is located.

5-1L-3 HEIGHT OF CHIMNEYS, STEEPLES, AND LIKE STRUCTURES. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein.

5-1L-4 ACCESSORY BUILDINGS, AREA AND LOCATION.

1. Location. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not occupy more than fifty percent (50%) of the required rear yard area and shall not be nearer than two feet (2') to any side or rear lot lines and shall be located ten feet (10') more in back of or behind the main building. The two foot side yard setback shall be measured from the overhang or eve of the building.

2. Distance from the Main Building. If the accessory building is located closer than ten feet (10') to the main building, then the accessory building shall be regarded as part of the main building for purposes of determining side and rear yard areas.

3. Entrance from Alley. If the accessory building is a garage which is entered from an alley and is not located closer than ten feet (10') to the main building, then there shall be a rear yard of not less than ten feet (10').

4. Height Restriction. No accessory building in a residential district shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed fifteen (15') in height at the highest point from the ground level.

5. Permit. A building permit must be issued prior to construction of any accessory building or structure.

6. Number of Accessory Buildings. Only one (1) accessory building or structure, in addition to one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.

7. Materials. Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure.

(ECIA Model Code Amended in 2017)

5-1L-5 ACCESSORY BUILDINGS, USE FOR DWELLING PURPOSES. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.

5-1L-6 YARD UNOBSTRUCTED. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course and cornices which do not exceed twelve inches (12"). Ornamental structures, hedges, play structures (with the exception of play houses), mass plantings (non trees) and handrails which do not obstruct vision from or within the public right of way are permitted.

5-1L-7 BASEMENT NOT OCCUPIED. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

5-1L-8 PROJECTING STRUCTURES IN REAR YARD. Open lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard are permitted.

5-1L-9 OMITTED

5-1L-10 OMITTED

5-1L-11 SIDE YARD, TWO FAMILY AND MULTIPLE DWELLINGS. For the purpose of this side yard regulation, a two (2) family dwelling, or a multiple dwelling, shall be considered as one building occupying one lot.

5-1L-12 GROUPS OF COMMERCIAL OR INDUSTRIAL BUILDINGS, OPEN SPACE REQUIRED. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space and setback requirements around the lot for the district in which the lot or tract is located.

5-1L-13 GROUPS OF RESIDENTIAL, INSTITUTIONAL OR HOTEL BUILDINGS, OPEN SPACES REQUIRED. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot; provided however, that the open space between buildings that are parallel shall have a minimum dimension of twenty feet (20') for one story buildings, thirty feet (30') for two (2) story buildings and forty feet (40') for three (3) or four (4) story buildings.

5-1L-14 COURTS, MINIMUM DIMENSION REQUIRED. Where an open space is more than fifty percent (50%) surrounded by a building, the minimum width of the open space shall be at least twenty feet (20') for one story buildings, thirty feet (30') for two (2) story buildings, and forty feet (40') for three (3) or four (4) story buildings.

5-1L-15 SIDE YARDS FOR RESIDENTIAL USES ABOVE OTHER USES. No side yards are required where dwelling units are erected above commercial and industrial structures.

5-1L-16 DOUBLE FRONTAGE, REQUIRED FRONT YARD ON BOTH STREETS. Where lots have double frontage, the required front yard shall be provided on both streets.

5-1L-17 YARD REQUIREMENTS FOR CORNER LOTS. The required side yard street side of a corner lot shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than thirty-two feet (32') and no accessory building shall project beyond the required front yard on either street.

5-1L-18 SIDE YARD WIDTH. Whenever a lot at the effective date of this Title has a width of less than sixty feet (60') the side yards may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five feet (5').

5-1L-19 FRONT YARDS, ADJUSTMENT IN RELATION TO EXISTING BUILDINGS.

1. The front yards heretofore established shall be adjusted in the following cases:

a. Where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have, with a variation of five feet (5') or less, a front yard greater in depth than herein required, new buildings or additions to existing buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.

b. Where forty percent (40%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:

(1) Where a building or building addition is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side.

(2) Where a building or building addition is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one side only, such building or building addition may be erected as close to the street as the existing adjacent building.

#### 5-1L-20 BED AND BREAKFAST FACILITIES.

1. Intentions. The City wishes to limit the use of homes in the City for the accommodation of overnight guests and allow the limited accommodation of overnight guests in some homes in the R-2 General Residential District of the City. A bed and breakfast home is viewed as a way for property owners to supplement the renovation, upkeep and maintenance on large historically significant homes. Bed and breakfast homes in the R-2 General Residential District are not intended to be commercial business located in a residential setting.

(Adopted September 3, 1991)

6-1L-21 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. “A Bed and Breakfast Home” is any dwelling used for accommodation of overnight guests for a fee or for the service of food and beverages to overnight guests for a fee. A bed and breakfast home shall be no less than fifty years old as of the date of this Ordinance and shall be the primary residence of the record title holder of the real estate; and shall have no more than six rooms used for overnight stays by guests and the home shall be located in an R-2 General Residential District of the City. Overnight guests shall mean persons not related within the third degree as defined by Iowa law or not related by marriage, who remain at the bed and breakfast home for a period of four (4) hours after midnight of any twenty-four hour period.

2. Bed and Breakfast Permitted. It shall be lawful for the record title holder of any real estate who complies with all requirements of this Ordinance to provide accommodations for overnight guests for a fee or provide food and beverages for a fee to overnight guests.

3. Regulations. Person or persons or any business entity that provides overnight accommodations for a fee or food or beverages for a fee at a bed and breakfast home shall comply with the following restrictions and regulations:

a. The bed and breakfast home shall be at least 50 years old as of the date of this Ordinance.

b. The bed and breakfast home shall be the primary residence of the record title holder of the real estate on which the home is located.

c. The bed and breakfast home shall be in an R-2 General Residential District.

d. The bed and breakfast home shall have no more than six rooms designed for overnight accommodation of guests.

e. The bed and breakfast home shall have at least one off-street parking space per overnight guest room plus one parking space for the owner-manager.

f. The bed and breakfast home shall have no more than two signs, or more than one sign per street frontage, or a sign that is larger than a total of two square feet. Signs on bed and breakfast homes shall have no internal lighting. Signs shall be attached to the bed and breakfast home or shall project from two sides of the home less than one foot.

g. The owner shall not allow the use of the bed and breakfast home for serving of food or beverages to groups or individuals who are not overnight guests during the 12 hours preceding or succeeding the service of food and beverages.

h. The owner shall not allow the use of the bed and breakfast home for meetings of persons who are not overnight guests during the 12 hours preceding or succeeding the meeting under the circumstance that a fee is charged.

4. Violations. A violation of this section constitutes a municipal infraction.

5. Non-Conforming Use. Any bed and breakfast home that was granted a special use permit by the Zoning Board prior to the adoption of this Ordinance shall be classified as a non-conforming use and allowed to continue to operate indefinitely within the limitations of the special use permit but without restriction to the expiration date stated in the permit and such operation shall not constitute a violation of this Ordinance. Specifically, the existing bed and breakfast home located at 418 West Pleasant Street need not be the primary residence of the record titleholders and may be managed by an employee who resides in the home, shall be allowed to expand within the existing structure to a total of nine rooms for guests, and shall provide one off-street parking space for each guest room. The home also shall be available for meetings of not to exceed 25 persons who need not be overnight guests and the home shall be permitted to serve coffee, soft drinks, desserts, refreshments and snacks but not full luncheons or dinners to persons at the meetings.

6. Bed and Breakfast Homes in Business Districts. Bed and breakfast homes shall be permitted use in the B-1 General Business District and the B-2 General Business District and shall comply with the same sections of the zoning ordinance that govern hotels and motels.

(Ord 762, passed 10-3-91)

5-1L-22 DECKS AND PORCHES A deck, porch or enclosed porch area shall be considered as an extension of the building and shall conform to the same setback requirements as the building.

(Ord. 773, passed 1-6-92)

1. "Deck" means a structure with no roof and no walls.

2. "Porch" means a structure with a roof and no walls

“ 3. Enclosed Porch” means a structure with a roof and with walls

4. “Patio or Terrace” means a paved area or platform no more than twelve inches above the ground

9-1L-23 HANDICAP RAMPS. Handicap ramps may project into a required yard as long as the platform area is no greater than five (5) feet in width, the ramp is no greater than four (4) feet in width, the ramp and/or platform area are not covered or enclosed and the ramp and/or platform area do not block or obstruct vision from the right of way. All handicap ramps must be approved by the Building Official.

(Ord. No 1022, Passed 3-20-06)

(Ord. No. 1094, Passed 8-1-11)



TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1M OFF STREET PARKING

5-1M-1	GENERAL REGULATIONS	5-1M-4	OFF STREET LOADING AND UNLOADING
5-1M-2	MINIMUM NUMBER OF SPACES	5-1M-5	USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC DISTRICT
5-1M-3	OFF STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE	5-1M-6	EXEMPTION—HOME OCCUPATION

5-1M-1 GENERAL REGULATIONS. There shall be in all districts at the time of erection adequate access to all spaces in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy.

1. Off-street parking spaces may be provided within a rear or side yard which is in excess of the minimum yard setback unless otherwise provided. Off-street parking may be provided within a front yard which is in excess of the minimum front yard setback in all Business and Industrial Districts.

2. Off street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the off street parking lot. Ownership or control of the parking lot shall be shown by the applicant.

3. Required residential off street parking spaces shall consist of a parking strip, bay, driveway, garage or any combination thereof, and shall be located on the premises which they are intended to serve.

4. Minimum required off street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.

5. Off street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building.

6. Two or more buildings may collectively provide the required number of parking spaces in which the required number of spaces shall not be less than the sum of the requirements for the individual computed separately.

7. In the instance of dual function of off street parking spaces where operating hours if buildings do not overlap, the Board of Appeals may grant an exception.

8. The storage of merchandise, motor vehicles for sale, or the repair of motor vehicles is prohibited.

9. For those uses not specifically mentioned, the requirements for off street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.

10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.

11. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.

**5-1M-2 MINIMUM NUMBER OF SPACES.** The minimum number of off street parking spaces by type shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1. Residential	
a. Residential, One Family and Two Family	-Two (2) for each dwelling unit.
b. Residential, Multiple Family	-Two (2) for each dwelling unit
c. Housing for the Elderly	-One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then (2) spaces per unit shall be provided.
d. Mobile Home Park	-Two (2) spaces per unit.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<p>2. Institutional</p> <p>a. Churches or Temples</p> <p>b. Hospitals</p> <p>c. Convalescent or Nursing</p> <p>d. Elementary and junior high schools</p> <p>e. Senior high schools</p> <p>f. Private clubs or lodge halls</p> <p>g. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses</p> <p>h. Golf courses open to the general public, except miniature or “par 3” courses</p> <p>i. Fraternity or sorority</p> <p>j. Stadium, sports arena, or similar place of outdoor assembly</p> <p>k. Theaters, auditoriums, and gymnasiums</p>	<p>-One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.</p> <p>-One (1) for each (1) bed.</p> <p>-One (1) for each four (4) beds.</p> <p>-One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of the auditorium and gymnasium.</p> <p>-One (1) for each one (1) teacher, employee or administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium and gymnasium.</p> <p>-One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.</p> <p>-One (1) for each two (2) member families or individuals plus spaces required for each accessory use such as a restaurant or bar.</p> <p>-Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.</p> <p>-One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.</p> <p>-One (1) for each three (3) seats or six (6) feet of benches.</p> <p>--One (1) for each three (3) seats plus one (1) for each two (2) employees.</p>

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<p>2. Institutional</p> <p>l. Nursery school, day nurseries or child care centers</p> <p>m. Public Buildings such as City Halls, Courthouses, Public Libraries, etc.</p>	<p>-One (1) for each three hundred and fifty (350) square feet of usable floor space.</p> <p>-one (1) for each employee or administrator in addition to one (1) for each fifty (50) square feet of useable floor space in waiting rooms and meeting rooms.</p>
<p>3. Business and Commercial</p> <p>a. Planned commercial or shopping center</p> <p>b. Auto wash (automatic)</p> <p>c. Auto wash (self-service or coin operated)</p> <p>d. Beauty parlor or barber shop</p> <p>e. Bowling alleys</p> <p>f. Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls and assembly halls without fixed seats.</p> <p>g. Establishment for sale, consumption on the premises, of beverages, food, or refreshments</p>	<p>-One (1) for each one hundred twenty-five (125) square feet of useable floor area.</p> <p>-One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time.</p> <p>-Five (5) for each washing stall in addition to the stall itself.</p> <p>-Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (½) spaces for each additional chair.</p> <p>-Five (5) for each one (1) bowling lane plus accessory uses.</p> <p>-One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.</p> <p>-One (1) for each seventy-five (75) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by building, or health codes.</p>

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<p>3. Business and commercial</p> <p>h. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses</p> <p>i. Gasoline service stations</p> <p>j. Laundromats and coin operated dry cleaners</p> <p>k. Miniature or "Par-3" golf courses</p> <p>l. Mortuary establishments</p> <p>m. Motel, hotel, or other commercial lodging establishments</p> <p>n. Motor vehicle sales and service establishments</p> <p>o. Retail stores except as otherwise specified herein</p>	<p>-One (1) for each eight hundred (800) square feet of useable floor area. (For that floor area used in processing, one (1) additional space be provided for each two (2) persons employed therein.)</p> <p>-Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.</p> <p>-One (1) for each two (2) washing and dry-cleaning machines.</p> <p>-Three (3) for each one (1) hole plus one (1) for each one (1) employee.</p> <p>-One (1) for each fifty (50) square feet of usable floor space.</p> <p>-One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.</p> <p>-One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.</p> <p>-One (1) for each one hundred and fifty (150) square feet of usable floor space.</p>
<p>4. Offices</p> <p>a. Banks, business offices of professional offices except as indicated in the following item (b)</p> <p>b. Professional offices of doctors, dentists, or similar professions</p>	<p>-One (1) for each two hundred (200) square feet of usable floor space.</p> <p>-One (1) for each fifty (50) square feet of useable floor area in waiting room, and one (1) for each examining room, dental chair or similar use area.</p>

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
5. Industrial	
a. Industrial or research establishments, and related accessory offices	-Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
b. Warehouses and wholesale establishments and related accessory offices	-Five (5) plus one (1) for every one (1) employee in the largest working shift, or five (5) plus one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

**5-1M-3 OFF STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE** Whenever the off street parking requirements in the above require the building of an off street parking facility, off street parking lots shall be laid out, constructed and maintained in accordance with the following standard regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Inspector and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

2. Plans for the layout of off street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° parallel	12'	8'	23'	20'	28'
30° – 53°	12'	8'6"	20'	32'	52'
54° – 74°	15'	8'6"	20'	36'6"	58'
75° – 90°	20'	9'	20'	40'	60'

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

5. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.

6. Each entrance and exit to and from any off street parking lot located in an area zoned for other than single family residential use shall be at least twenty-five (25) feet distant from adjacent property in any single family residential district.

7. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.

8. The entire parking area, including parking spaces and maneuvering lanes, require under this section shall be provided with asphaltic or concrete surfacing in accordance with specification approved by the City Manager. The parking area shall be surfaced within one (1) year of the date occupancy permit is issued.

9. Off street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

10. All lighting used to illuminate any off street parking area shall be so installed as to be confined within and directed onto the parking area only.

11. In all cases where a wall extends to an alley which is a means of ingress and egress to an off street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

#### 5-1M-4 OFF STREET LOADING AND UNLOADING.

1. On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated right of ways. Such space shall be provided as follows:

a. All spaces shall be provided as required in Subchapter 1L, except as hereinafter provided for Industrial Districts.

b. Within an Industrial District all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I Districts shall be provided in the following ratio of spaces to floor area:

GROSS FLOOR AREA (IN SQUARE FEET)	LOADING AND UNLOADING SPACE REQUIRED
0 – 1,400	-None
1,401 – 20,000	-One (1) space.
20,001 – 100,000	-One (1) space plus one (1) space for each twenty thousand (20,000) in excess of twenty thousand and one (20,001) square feet.
100,001 and over	-Five (5) spaces

2. All loading and unloading in Industrial District shall be provided in the rear or interior side. Loading and unloading shall be permitted in a front yard, provided that there shall be sufficient depth for trucks so as to not block the public right-of-way while loading or unloading.

3. In those instances where exterior side yards have a common relationship with an Industrial District across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50') feet.

#### 5-1M-5 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC DISTRICT.

1. Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Zoning Board of Adjustment under the conditions specified, and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential Districts, unless otherwise specified.

2. These uses require special consideration since they service an area larger than the City or require sizeable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section are as follows:

a. Outdoor Theaters. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-2 and I-3 Districts only. The proposed internal design of an outdoor theater shall receive approval from the City manager as to adequacy of drainage, lighting and other technical aspects.

#### 5-1M-6 EXEMPTION – HOME OCCUPATIONS

1. The provisions of this subchapter do not apply to home occupations as defined in Section 5-1C-8, unless the home occupation or commercial activity would require more than two off-street parking spaces. The two off-street parking spaces required for each dwelling unit shall not be counted as available to meet the off-street parking spaces required for the home occupation.



## TITLE V LAND USE REGULATIONS

### SUBCHAPTER 1M SPECIAL USES

5-1M-1 SPECIAL PERMIT

5-1M-2 MAILING TO PROPERTY  
OWNERS

5-1M-3 WRITTEN PROTEST

5-1M-4 HAZARDOUS SUBSTANCES

5-1M-5 CHANGE OF OWNERSHIP

5-1M-6 CHANGES TO BUILDING

#### 5-1M-1 SPECIAL PERMIT.

1. Upon Receipt of application and payment of the \$50.00 fee, the Board of Adjustment may, by special permit, after Public Hearing and subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize the following special uses in any district from which they are otherwise prohibited:

(Ord. 823, passed 01-03-94)

a. Trailer or mobile home park, but only when in compliance with Title 3, Chapter 12 of the City Code, Maquoketa, Iowa.

b. Retail stores in buildings which are classified as non-conforming uses, provided that the property owner designates the specific type of retail store. If the ownership of the property changes or if a different type of retail use is proposed, then the special use permit shall be null and void and the owner shall be required to apply for anew special use permit. The granting of a special use permit shall not exempt the owners of such properties from complying with other provisions of this zoning Ordinance including the parking space requirements.

c. Bed and Breakfast Lodging Facilities.

d. Temporary light manufacturing in B-1 Business District or B-2 Business District Zones for a period not to exceed three years. This permit is not transferable but may be renewable on a case by case basis subject to Section 5-1M-3.

(Ord. 822, passed 12-20-93)

e. Sales and Service of mobile homes including the storage and display of mobile home units and rental of spaces for recreational vehicles.

f. Racetracks and motorcycle/ATV/snowmobile tracks in I-3 Heavy Industrial Districts.

(Ord. 976, Passed August 19, 2002)

5-1M-2 MAILING TO PROPERTY OWNERS. Notice of hearing on a request for a special permit shall be mailed to the owners of record of all lots within five hundred (500) feet of the boundaries of the premises at least five (5) days before the hearing.

5-1M-3 WRITTEN PROTEST. If a written protest against a proposed special permit shall be presented to the Board of Adjustment, signed by owners of twenty percent or more of the lots, by area, within two hundred (200) feet of the premises, the special permit shall not be effective, except by a favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of the members of the Board. A majority vote shall be required if no written protest as defined in this section is presented.

5-1M-4 HAZARDOUS SUBSTANCES. Any use of premises involving the storage, processing, or manufacturing of hazardous substances shall be reviewed by the City Manager. In reviewing the plans for the use of such substances, the City Manager shall consult with state and federal agencies to determine that the proposed use does not endanger the public health and safety. If the City Manager believes that the applicant has shown that adequate measures will be taken to protect the public a use permit shall be issued. Any denial of a use permit may be appealed by the applicant to the Council within ten day of the denial.

5-1M-5 CHANGE OF OWNERSHIP. If the ownership of the property changes or if a different type of use is proposed, then the special use permit shall be null and void and the owner shall be required to apply for a new special use permit. The granting of a special use permit shall not exempt the owners of such properties from complying with the other provisions of this zoning ordinance including the parking space requirements.

5-1M-6 CHANGES TO BUILDING. If the owner of a building changes the exterior dimensions of such building, then, the special use permit shall be null and void and the owners shall be required to apply for a new special use permit.

## TITLE V LAND USE REGULATIONS

### SUBCHAPTER 1N FENCES

#### 5-1N-1 SIZE AND VISIBILITY

#### 5-1N-2 PERMITS

5-1N-1 SIZE AND VISIBILITY. No fence or hedge more than 3 feet high, 4 feet if it is a woven wire fence, may be located in the front yard setback. Fences or hedges of up to six feet high may be erected on those parts of a lot that are further back from a street than the front yard setback. A corner lot has a double front yard setback. Any fence built in an easement is subject to removal at the owner's expense.

(Ord. 989, Passed February 16, 2004)

5-1N-2 PERMITS. Permits are required for all residential fences proposed for construction in front yard setback areas. Permits are required for all public, commercial, and industrial use fences.

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 10 SIGNS

5-10-1	INTENT.	5-10-5	TEMPORARY SIGNS.
5-10-2	DEFINITIONS.	5-10-6	NON-COMPLIANCE.
5-10-3	PROHIBITIONS AND REGULATIONS.	5-10-7	ADMINISTRATION AND VARIANCES.
5-10-4	SIZE AND HEIGHT REQUIREMENTS.	5-10-8	VIOLATIONS AND PENALTIES.

5-10-1 INTENT. It is the intent of this ordinance to provide for the regulation of signs and to provide for the administration of this ordinance and to provide for penalties for a violation of this ordinance.

5-10-2 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. “Monument Sign” or “Free-Standing Sign” shall mean any sign supported by a foundation, uprights, or braces placed in the ground. Such a sign is not supported by any building. This type of sign is in contact with the ground and is not elevated by a pole or poles.

2. “Permanent Sign” shall mean a sign that does not advertise a single event such as a yard sale, an electoral campaign, a real estate sale, or a special event such as a church or civic festival. A Permanent Sign is made of materials intended for long-term use. Permanent Signs include, but are not limited to: Wall Signs, Monument or Free-Standing Signs, and Pole Signs.

3. “Pole Sign” means any sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face(s) is above grade. A billboard sign is a type of Pole Sign.

4. “Blade Sign” shall mean a small sign for commercial structures, which is suspended from a mounting attached directly to the building wall, hangs perpendicular to the building wall, and possibly extends into a public right-of-way.

5. “Temporary Sign” means a sign that is not permanently affixed or anchored to a structure or the ground for long-term use.

6. “Wall Sign” means any sign attached parallel to a wall, painted on the wall surface of, or erected and kept within the confines of an outside wall of any building or structure, which is supported by such wall or building. Wall Signs do not include signs or lettering on doors or windows. Wall Signs do not include minor directional signs and similar.

5-10-3 PROHIBITIONS AND REGULATIONS. The following shall apply:

1. A Permanent Sign shall not be painted or placed on a structure prior to the issuance of a building permit for the sign.

2. A sign shall not be erected on or over the public right-of-way unless a Sidewalk Obstruction Permit (Title VI, Chapter 13 as amended) has been obtained. This includes, but is not limited to Pole Signs and signs that are permanently affixed to a building.

3. A sign shall not obstruct the visibility required by pedestrians or vehicular traffic.

4. Unless otherwise specified within, all signs shall conform to the setback requirements for the district in which they are located. However, signs on properties that abut residential zones, but are larger than signs allowed in residential zones, must have a minimum setback of 25 feet from residentially zoned property.

5. No sign shall be placed higher than the height requirements of the district in which the sign is located.

6. No sign shall exceed the size requirements for the type of sign and the location of the sign.

7. No sign shall block a fire escape door or window.

8. Audible signs are prohibited except for use by city officials, law enforcement, and emergency vehicles.

9. No sign will use flashing or strobing lights that substantially imitate lighting used by emergency vehicles or other applications as used by governmental, emergency, or law enforcement personnel.

10. No sign shall contain the words “stop” or “danger” or substantially imitate a sign posted by governmental officials.

11. Except for an approved Projecting Sign, a sign or banner shall be securely fixed to a building or structure and shall not project from the building or structure more than twelve inches.

12. All signs shall be maintained in a neat and presentable condition and a sign shall not be a visual nuisance.

13. A sign advertising a yard sale or a garage sale shall not be posted more than three (3) days prior to the sale event nor more than one (1) day after the event.

14. No commercial, special event, church, real estate or garage sale sign shall be placed on any utility pole or traffic control post or pole.

5-10-4 SIZE AND HEIGHT REQUIREMENTS. The following regulations apply:

1. Wall Signs, Monument or Free-Standing Signs, and Pole Signs are subject to the following regulations:

- a. These types of signs are eligible uses in all Business and Industrial zoning districts.
- b. Such signs shall not be larger than 100 square feet, except in the B-1 zone where the maximum size is 300 square feet. (Ord. #988, Feb 16, 2004.)
- c. Signs shall not be more than 30 feet high at the top of the sign.
- d. Wall Signs shall not, either singly or in combination, take up more than 50% of the available wall space per each side of a building.
- e. Pole Signs shall have at least 10 feet of clearance from the ground to the bottom of the sign and shall not be more than 30 feet high at the top of the sign.

2. Projecting Signs that overhang a public right-of-way are limited to the Central Business District, B-2 zoning district. Projecting Signs that do not overhang a public right-of-way and meet the setback requirements of their zoning district are also allowed.

Further, these regulations shall apply:

- a. Signs shall not have internal lighting, but may have external lighting.
- b. Signs are limited to one per front of a structure. Buildings on corner lots have double-fronts.
- c. Signs shall not be larger than 16 square feet per side nor more than 4 inches in thickness.
- d. Signs shall not extend farther than 5 feet from the wall of the building to which they are attached.
- e. A minimum 10-foot clearance is required between the bottom of the sign and finished grade.
- f. Signs shall not extend above the roofline of the buildings on which they are located or 20 feet from finished grade, whichever is less.
- g. Buildings with separate businesses above the ground floor may each have their own signs. Such signs must have at least 8 feet of separation between them. The higher sign shall not extend above the roofline of the building.
- h. In addition to the requirements of this Ordinance, signs that would overhang an Iowa Department of Transportation right-of-way may be subject to obtaining DOT approval.

3. Churches, schools, professional offices and similar may utilize Monument Signs of not more than 5 feet in height at the top of the sign and not more than 10 feet in length including the sign's base or foundation. Such signs are allowed in the front yard setback unless such positioning creates a nuisance of any type.

4. Signs in residential zoning districts remain subject to existing regulations as found elsewhere in the City of Maquoketa Code of Ordinances.

5. In the agricultural zoning district, signs shall not exceed 32 square feet in size or 10 feet in height when measured from the average grade of the ground to the top of the sign.

**5-10-5 TEMPORARY SIGNS.** The following shall apply:

1. Temporary Signs are eligible uses in all Business and Industrial zoning districts and do not require a building permit if they:

a. Do not create a sidewalk obstruction if placed in a public right-of-way or a nuisance of any type if placed in a public right-of-way or a front setback area.

b. Are not larger than 12 square feet or higher than 4 feet if placed in a public right-of-way or a front setback area.

c. Meet the size, height, use, and setback requirements Permanent Signs.

d. Are not in place for more than 6 months.

**5-10-6 NON-COMPLIANCE.**

1. All Permanent Signs erected prior to the passage of this ordinance shall be classified as non-conforming uses and shall be governed by Subchapter 1P of this ordinance.

**5-10-7 ADMINISTRATION AND VARIANCES.** The following shall apply:

1. The City Manager or his/her designee is hereby authorized to administer this ordinance and he/she is authorized to enter a ruling that a sign does not comply with the requirements of this Ordinance and he/she may enter an order that the offending sign be removed or modified.

2. The Zoning Board of Adjustment shall be authorized to hold a public hearing regarding a sign variance and make final decision regarding approving or denying the variance.

(ORD. 903, passed 9-8-98)

**5-10-8 VIOLATIONS AND PENALTIES.** It shall be a violation of this ordinance to disobey and order of the City Manager or his/her designee issued under the terms of this ordinance and it shall be a violation of this ordinance for the owner or person in possession of a real property to allow the presence on the property of a permanent or temporary sign that violates a term of this

ordinance; and, it shall be a violation of this ordinance for a person to post a permanent or temporary sign in violation of this ordinance; and, a violation of this ordinance shall subject the violator to a civil penalty not to exceed \$100.00 and the offending sign shall be subject to abatement as a nuisance.

(Ord. No. 765, 10-16-91)

(Ord. 1130, Passed March 7, 2016)

(Ord. 1142, Passed June 2, 2018)



TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1P NONCONFORMING USES

5-1P-1 USES CONTINUED OR  
CHANGED

5-1P-2 USE DESTROYED OR  
DAMAGED

5-1P-3 USE STOPPED OR  
DISCONTINUED

5-1P-4 USE EXTENDED

5-1P-1 USES CONTINUED OR CHANGED. The lawful use of a building at the time of the adoption of this Title may be continued even though such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. Whenever a nonconforming use of building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

5-1P-2 USE DESTROYED OR DAMAGED. No building which has been damaged by fire, explosion, Act of God, or the public enemy to the extent of more than sixty-five (65) percent of its assessed value, shall be restored except in conformity with the regulations of this Title.

5-1P-3 USE STOPPED OR DISCONTINUED. In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of two (2) years, the use of the same shall thereafter conform to the regulations of the district in which it is located.

5-1P-4 USE EXTENDED. A nonconforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use, previous to the adoption of this Title or any affecting amendments thereof.

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1Q ENFORCEMENT, APPLICATIONS AND PERMITS

5-1Q-1	BUILDING OFFICIAL TO ADMINISTER	5-1Q-6	EXPIRATION OF PERMIT; RENEWAL
5-1Q-2	BUILDING PERMIT REQUIRED	5-1Q-7	CERTIFICATE OF OCCUPANCY
5-1Q-3	DETAILS IN APPLICATION	5-1Q-8	POSTING OF PERMIT
5-1Q-4	BLANK FORMS FURNISHED	5-1Q-9	VIOLATION OF PENALTY FEE
5-1Q-5	RECORDS KEPT; PERMIT FEES		

5-1Q-1 BUILDING OFFICIAL TO ADMINISTER. It shall be the duty of the person designated by the City Manager as Building Official to administer and enforce the regulations contained herein.

5-1Q-2 BUILDING PERMIT REQUIRED. It shall be unlawful for a property owner or contractor to commence or to proceed with the erection, construction, reconstruction, change of use, alteration, enlargement, extension, raising or moving of any building or structure, fences located in front yard easements or parking lots, or any portion thereof, without first having applied in writing to the Building Official for a building permit to do so and a building permit has been granted therefor.

(Ord. 1091, 3-7-11)

5-1Q-3 DETAILS IN APPLICATION. Every application for a building permit shall be in writing and delivered to the Building Official and shall be accompanied by a detailed set of plans, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a permit one set of said plans shall be retained by the Building Official as a permanent record and one set shall be returned to the applicant. In cases of any building or structure to be located outside the fire districts, the Building Official may, at his/her own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.

5-1Q-4 BLANK FORMS FURNISHED. Blank forms shall be provided by the Building Official for the use of those applying for permits as provided for in this Title. Any permits issued by the Building Official shall be on standard forms for such purpose and furnished by the City.

5-1Q-5 RECORDS KEPT; PERMIT FEES. A careful record of all such applications, plans and permits shall be kept in the office of the City Manager. The fee structure for building permits shall be established by a resolution of the City Council.

5-1Q-6 EXPIRATION OF PERMIT; RENEWAL. Any building permit under which no construction work has been commenced within six (6) months after the date of issue of said permit or under which the proposed construction has not been completed within two (2) years of the date of issue shall expire by limitation; and no work or operation shall take place under such permit

after such expiration. Upon payment of ten cents (\$.10) per month for each one thousand dollars (1,000) of the construction cost of which the original permit was issued but not less than one dollar (\$1.00) per month in any case, a building permit may be once extended for a period not exceeding six (6) months by the Building Official.

**5-1Q-7 CERTIFICATE OF OCCUPANCY.** Subsequent to the effective date of this Title no change in the use of occupancy of land, nor any change of use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Official. Every certificate of occupancy shall state that the new occupancy complies with all provisions of the Title. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premise shall be occupied until such certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the office of the Building Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

**5-1Q-8 POSTING OF PERMIT.** It shall be the duty of the holder of any building permit to display said permit at the construction site in a location easily visible from the public right-of-way and to maintain such posting until construction is completed.

**5-1Q-9 VIOLATION PENALTY FEE.** A violation of its ordinance by the commencement of any unlawful act is described above or by failure to comply with any of the requirements of this ordinance shall be punishable by a fine not to exceed one hundred dollars (\$100) and each twenty-four (24) hour period from the commencement of the unlawful act or failure to comply may be prosecuted as an individual violation of this ordinance. In addition, a violation of this ordinance by the commencement of an unlawful act or a failure to comply as described above may be prosecuted as a violation of the Municipal Infractions Ordinance and shall be subject to the remedies provided by that ordinance.

In addition to the remedies set forth above, the Building Official may simply increase the fee for the building permit by twenty-five dollars (\$25.00), if the applicant has already started construction before the permit was issued.

Note: 5-1Q-1 provides that the Building Official shall enforce the regulations provided in Chapter 5-1Q.

(ORD 862, 12-18-92)

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1R CHANGES AND AMMENDMENTS

5-1R-1	PROVISIONS FOR AMMENDMENTS	5-1R-6	FILING FEE
5-1R-2	PETITION FOR CHANGE OR AMENDMENT	5-1R-7	PUBLIC HEARING
5-1R-3	DIRECTED TO ZONING COMISSION	5-1R-8	CONDITIONS
5-1R-4	ZONING COMISSION AMENDMENTS	5-1R-9	ADDITIONAL NOTICE
5-1R-5	ACTION BY ZONING COMISSION	5-1R-10	PROTESTING, CHANGE OR AMENDMENT
		5-1R-11	RENEWAL OF PETITION
		5-1R-12	NOTICE PROVISIONS

5-1R-1 PROVISIONS FOR AMENDMENT. An amendment to the zoning ordinance may be accomplished by petition, by direction of the council or by the initiative of the Zoning Commission.

5-1R-2 PETITION FOR CHANGE OR AMENDMENT. Whenever the owners of fifty percent (50%) or more of the area of the lots in any district or part thereof desire any amendment, supplement or change in any of the provisions of this title applicable to such area, they may file a petition with the City Clerk requesting the City Council to make such amendment, supplement or change. Such petition shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement or changed together with the boundaries of the said area and the names and addresses of all the owners on record in the office of the Count Recorder of Jackson County, Iowa, of lots therein and within a distance of five hundred (500) feet outside of the boundaries of said area; and such petition shall immediately be transmitted to the Zoning Commission for an investigation and report.

5-1R-3 DIRECTED TO THE ZONING COMISSION. The City Council may by resolution direct that the Zoning Commission study and make recommendations regarding a proposed amendment to the Zoning Ordinance which resolution containing the proposed amendment shall be transmitted to the Zoning Commission.

5-1R-4 ZONING COMMISSION AMENDMENTS. The Zoning Commission may by resolution propose an amendment to the Zoning Ordinance and proceed to make recommendations regarding the proposed amendment to the City Council.

5-1R-5 ACTION BY ZONING COMMISSION. The Zoning Commission upon receipt of a petition for amendment under 5-1R-2, or a resolution of the Council under 5-1R-3, or upon passing its own resolution under 5-1R-4 shall investigate and recommend to the City Council whether any amendment, supplement or change should be made to the City zoning regulations and ordinances. Within thirty (30) days of the receipt of a proposed amendment, supplement or change, the Zoning Commission shall conduct a public hearing which any and all parities of interest and citizens may attend. The Zoning Commission shall cause to be published in the Maquoketa Sentinel Press at

least one (1) notice of the meeting and the proposed amendment, supplement or change not less than seven (7) days and not more than twenty (20) days prior to the public hearing. Within ten (10) days after the public hearing regarding the proposed amendment, the Zoning Commission shall present a written report and recommendation to the City Council. If the Commission has not completed the recommendation within thirty (30) days of receipt of the petition by the Commission, it shall file with the City Council a written report detailing the progress of the commission on the investigation of the recommendation.

**5-1R-6 FILING FEE.** A petition for change or amendment to the zoning district boundaries shall be accompanied by a filing fee of seventy-five dollars (\$75.00). The fee shall be deposited in the General Fund of the City. Denial of the requested change shall not cause the fee to be refunded to the petitioner.

**5-1R-7 PUBLIC HEARING.** After receipt of the Zoning Commission's recommendation, the Council shall consider the amendment, supplement or change at a public hearing during a regularly scheduled Council meeting open to the public. Notice of this hearing shall be provided by publication in the Maquoketa Sentinel-Press at least once not less than seven (7) days and not greater than twenty (20) days prior to Council's consideration of the amendment, supplement or change. Said public hearing shall not take place sooner than the first regularly scheduled Council meeting after notice is published.

**5-1R-8 CONDITIONS.** The Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

**5-1R-9 ADDITIONAL NOTICE.** The City of Maquoketa may, at its discretion, provide additional notice by regular mail to record owners of property located within the property subject to the amendment and to record owners of property within two hundred (200) feet of the exterior boundaries of property subject to the amendment.

**5-1R-10 PROTESTING, CHANGE OR AMENDMENT.**

1. A protest against any proposed amendment, supplement or change may be filed with the City Clerk prior to the public hearing of the Zoning Commission or with the City Council at the public hearing considering the amendment, supplement or change.

2. The protest must be written and if signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet or more of the exterior boundaries of the property for which the change or repeal is proposed, then the change or repeal shall not become effective except by the favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of all the members of the Council.

5-1R-11 RENEWAL OF PETITION. Whenever a petition requesting an amendment, supplement or change of any regulation prescribed by this title has been denied by the City Council, such petition cannot be renewed for one (1) year thereafter, unless, it be signed by at least fifty percent (50%) 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 at any time provided in this chapter.

5-1R-12 NOTICE PROVISIONS. For the purposes of this subchapter, notice of the Planning and Zoning Commission hearings and the City Council meetings regarding amendment, supplements and changes to zoning properties shall include the following information: The date, time and place of the hearing, the proposed amendment, statement that a written protest to the amendment may be presented at the meeting; and that the proposed change shall not become law unless passed by a three-quarter ( $\frac{3}{4}$ ) vote of all members of the council if the protest is signed by the owners of twenty percent (20%) or more of the area of the lots within the area of the proposed changed or twenty percent (20%) of the area of the lots within two hundred (200) feet of the exterior boundaries of the property for which the change is proposed. The notice must also state that the Council may impose reasonable restrictions are presented in writing at the hearing before the Council.

(Ord. 759, passed 8-19-91)



TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1T SPECIAL USE PERMITS FOR WIND TURBINES

5-1T-1	PURPOSE AND GENERAL OBJECTIVES.	5-1T-12	NOISE.
5-1T-2	DEFINITIONS.	5-1T-13	AIR SAFETY.
5-1T-3	SPECIAL USE PERMIT REQUIRED.	5-1T-14	SIGNAL INTERFERENCE.
5-1T-4	APPLICATION SUBMITTALS.	5-1T-15	SIGNS.
5-1T-5	APPLICATION FEE AND OTHER CITY COSTS.	5-1T-16	UTILITY NOTIFICATION.
5-1T-6	APPLICATION PROCESS.	5-1T-17	INSURANCE.
5-1T-7	BOARD DETERMINATION.	5-1T-18	NEW WIND TURBINES.
5-1T-8	SETBACKS.	5-1T-19	NEW BUILDINGS OR STRUCTURES.
5-1T-9	SETBACK WAIVER.	5-1T-20	EXCEPTIONS.
5-1T-10	INSTALLATION.	5-1T-21	REVOCATION OF A SPECIAL USE PERMIT.
5-1T-11	FENCING, COLOR, AND GROUND CLEARANCE.	5-1T-22	REMOVAL.

5-1T-1 PURPOSE AND GENERAL OBJECTIVES. In adopting this Chapter, the purpose of this ordinance is to provide for the regulation of any structure designed to harness, use, or store energy from wind power designed and built as either freestanding structures or structures that are attached to a primary or accessory building. It is a subject of legitimate concern for the City to use its zoning powers to preserve the quality of life, preserve the City's neighborhoods, and to effectively meet the increasing encroachments of this type of technology upon the quality of life within the City.

5-1T-2 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. "Wind Turbine" shall mean any structure that is supported, wholly or in part, by the ground or another structure that is designed to harness, use, or store energy from wind power. This term may be used in any of these forms: capitalized, uncapitalized, singular, or plural.

2. "Wind Turbine Height" shall mean the vertical distance measured from the base of the structure to the top of the tallest blade when the blade is parallel and extending over the base structure.

5-1T-3 SPECIAL USE PERMIT REQUIRED. Wind Turbines are declared to be a permitted use in any zoning district within the City of Maquoketa. However, Wind Turbines and their support structures shall not be permitted unless a special use permit is approved by the Board of Adjustment.



5-1T-4 APPLICATION SUBMITTALS. A person or entity seeking a special use permit shall submit the following information to the city clerk:

1. building permit application on forms provided by the City.
2. A special use permit application on forms provided by the City.
3. A detailed site plan which shall include:
  - (1). The location of any proposed wind turbine (including any guy lines and anchors)
  - (2). The proposed location of any proposed supporting structure
  - (3). All existing buildings and their dimensions
  - (4). The locations of all property lines and the physical dimensions of the property
  - (5). The right-of-way of any public road that is contiguous with the property
  - (6). The location of any overhead utility lines
  - (7). Dimensions between the objects within the site plan
  - (8). Demonstrated compliance to all setback requirements as set forth in 5-1T-8

#### SETBACKS

4. Four different photographs of the surrounding area from the proposed base, one facing each cardinal direction.

5. Product information about any proposed wind turbine, including, but not necessarily limited to:

- (1). Wind system specifications, including manufacturer and model
- (2). Noise output as measured in decibels
- (3). Rotor diameter
- (4). Tower height
- (5). Tower type (freestanding or guyed)
- (5). Wind turbine blueprint or drawing
- (6). Wind turbine tower foundation blueprint or drawing.

6. A written engineering analysis of the wind turbine and tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer.

7. Documentation that shows that the wind turbine's electrical components and their manner of installation will conform to the National Electrical Code.

8. Documentation that demonstrates that, to the reasonable satisfaction of the Board of Adjustment, the proposed wind turbine is safe and the surrounding areas will not be negatively affected by “thrown” ice.

5-1T-5 APPLICATION FEE AND OTHER CITY COSTS. The application fee for a special use permit is \$100. The applicant is also obligated to pay to city, within thirty (30) days of billing, all legal, engineering, and/or surveying charges the city incurs as a part of his/her application process.

#### 5-1T-6 APPLICATION PROCESS.

1. A special use permit shall not be granted by the Board of Adjustment unless and until the following requirements are met:

a. A building permit application, a special use permit application, and all information set out in 5-1T-4 are submitted for review.

b. Notice of public hearing shall be given at least four (4) and not more than twenty (20) days in advance of public hearing. Notice of public hearing shall occur in the same manner as required by law for variances.

c. The Board of Adjustment shall consider the following criteria in granting or denying a special use permit, together with any additional criteria the Board finds necessary to protect the public health, safety, and general welfare in accordance with the intent of this title:

(1). That the proposed location, design, construction, and operation of the proposed use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.

(2). That the proposed construction and use are in compliance with the requirements of this Ordinance.

(3). That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

(4). That such use shall not unduly create a threat of damage to either public or private property.

(5). That such use shall not diminish or impair established property values in adjoining or surrounding property; and

(6). That such use will not unduly burden public utilities.

5-1T-7 BOARD DETERMINATION. The Board of Adjustment may approve the special use permit as submitted, or before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board of Adjustment deems necessary to preserve the intent and purpose of this title in order to promote the health, safety, and general welfare of the community.

5-1T-8 SETBACKS. Wind Turbines must comply with the following minimum setback requirements:

1. The minimum distance between the wind turbine's base and any property line shall be 110% of the Wind Turbine Height.
2. Except for wind turbines with outputs of 10 kW and less, no primary or accessory building shall be within 110% of the Wind Turbine Height.
3. No other wind turbine shall be located within twice the distance of the Wind Turbine Height of the proposed structure.
4. Guy wires and guy wire anchors may extend no closer than ten (10) feet to the property boundaries of the installation site.

5-1T-9 SETBACK WAIVER. The Board of Adjustment may reduce any minimum setback distance between structures or property lines if the applicant can provide evidence or documentation that such a waiver is justified.

5-1T-10 INSTALLATION. Installation shall be conducted in compliance with industry and state standards.

5-1T-11 FENCING, COLOR, AND GROUND CLEARANCE. Wind turbines must comply with the following requirements:

1. All wind turbine towers, including any climbing aids, shall be secured against unauthorized access by means of a locked barrier or security fence 6 feet in height.
2. Wind turbines must be non-reflective and neutral in color.
3. Wind turbines shall maintain at least a 25-foot buffer between the bottom of any blade and the ground.

5-1T-12 NOISE. When measured from the property line, wind turbines shall not emit more than 60 dB in residential zones and 75 dB in any other zone. This shall be proven through provided engineered specifications.

5-1T-13 AIR SAFETY. Lighting shall be minimized and allowed only when complying with FAA or other federal or state safety regulations.

**5-1T-14 SIGNAL INTERFERENCE.** The owner of a wind energy system must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with cellular, radio or television signals caused by the wind energy system.

**5-1T-15 SIGNS.** No wind turbine, tower, building, or other structure associated with a wind energy system may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner identification, may be placed on a wind turbine, tower, building, or other structure associated with a wind energy system so as to be visible from any public road.

**5-1T-16 UTILITY NOTIFICATION.** No wind turbine shall be installed until evidence has been given that the utility company has been informed of the applicant's intent to install an interconnected customer-owned generator and has received approval from the utility to proceed.

**5-1T-17 INSURANCE.** The owner-operator of a wind turbine shall maintain casualty and liability insurance in amounts of not less than \$500,000.00 for any one accident with limits of \$500,000.00 for property damage.

**5-1T-18 NEW WIND TURBINES.** Any new wind turbine shall obtain a Special Use Permit, regardless if a Permit was obtained for a previous system in the same location.

**5-1T-19 NEW BUILDINGS OR STRUCTURES.** No new primary or accessory structure shall be built within the 110% setback area of an existing wind turbine without a variance from the Board of Adjustment.

**5-1T-20 EXCEPTIONS.** This ordinance shall not include decorative windmills that are incapable of producing or storing energy.

**5-1T-21 REVOCATION OF A SPECIAL USE PERMIT.** Once a special use permit has been granted, it may be revoked, upon notice and warning, for a violation of any of the conditions imposed therein.

**5-1T-22 REMOVAL.** If any wind turbine is not used for a period of one year or is in a state of disrepair as determined by the City Council, it shall be the duty and obligation of the party then in possession and control of the site to have the unused structure completely dismantled and removed from the site.

(Ord. 1084, Passed 04-05-2010)

## TITLE V LAND USE REGULATIONS

### SUBCHAPTER 1U SPECIAL USE PERMITS FOR QUALIFIED STORAGE BUILDINGS IN RESIDENTIALLY ZONED DISTRICTS

5-1U-1	PURPOSE AND GENERAL OBJECTIVES.	5-1U-8	WAIVERS: SETBACKS, HEIGHT, DISTANCES BETWEEN BUILDINGS, AND LOT SIZE.
5-1U-2	DEFINITIONS.	5-1U-9	RIGHT OF ENTRY.
5-1U-3	SPECIAL USE PERMIT REQUIRED.	5-1U-10	VIOLATION OF A SPECIAL USE PERMIT.
5-1U-4	APPLICATION SUBMITTALS.	5-1U-1	PURPOSE AND GENERAL OBJECTIVES.
5-1U-5	APPLICATION FEE AND OTHER CITY COSTS.		
5-1U-6	APPLICATION PROCESS.		
5-1U-7	BOARD DETERMINATION.		

5-1U-1 PURPOSE AND GENERAL OBJECTIVES. In adopting this Subchapter, the purpose of this ordinance is to provide for the regulation of Qualified Storage Buildings in residential zones that are not subordinate to, incidental to, or customary in connection with a principal building (such as a dwelling) on the same lot. It is a subject of legitimate concern for the City to use its zoning powers to balance the need for such structures with the need to preserve the City's existing neighborhoods along with the quality of life within the City.

5-1U-2 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. "Qualified Storage Building" or "Building" shall mean a structure that has all of the following characteristics and satisfies all of the following requirements:

a. The building is located on a lot in a residential district (R-1, R-2, or R-3) but its use is not subordinate to, incidental to, or customary in connection with a principal building on the same lot as required for "Accessory Buildings" or an "Accessory Use," as defined in 5-1A-2.

b. The owner of the lot upon which the building shall be constructed owns and resides upon another residential lot located no more than 500 feet from the nearest points of the two lots, with each lot being subject to recorded covenants providing that no interest in either lot shall be sold, leased, or otherwise conveyed separate or apart from the other for a period of no less than five (5) years from the date construction of the Building is completed.

c. The building shall not be used as a dwelling; shall be ineligible for use with respect to any Home Occupation; and shall not be put to any use which would constitute a violation within the R-1, R-2, or R-3 Zoning Districts if the building were located on the same lot as the owner's residence.

d. The minimum lot line setbacks shall not be less than those of a principal building in the applicable Residential district in which the building is to be located.

e. The building may be constructed up to twenty-five feet high at its roof peak.

f. The minimum distance between the proposed building and any other building on the lot shall not be less than ten feet from the nearest points of each.

g. The maximum number of buildings per lot shall be as follows: two (2) for any lot sixty (60) feet wide or less; or three (3) for any lot more than sixty (60) feet wide.

h. The proposed location, design, construction, and use of the proposed building is harmonious with the surrounding area and is not detrimental to the health, safety, and/or general welfare of persons residing or working in or on adjacent or surrounding lots.

i. The use of the building shall not create a threat of damage to either public or private property.

j. The building shall not unduly increase congestion upon public streets.

k. The building shall not unduly burden public utilities.

l. The building shall be of new construction, consisting of new (i.e. previously unused) materials.

**5-1U-3 SPECIAL USE PERMIT REQUIRED.** Qualified Storage Buildings are declared to be special uses within the R-1, R-2, and R-3 zoning districts within the City of Maquoketa. No such Buildings shall be permitted unless a special use permit is approved by the Board of Adjustment following a public hearing. No application for a special use permit shall be approved unless it satisfies all conditions of this ordinance.

**5-1U-4 APPLICATION SUBMITTALS.** A person or entity seeking a special use permit pursuant to this ordinance shall submit the following information to the city clerk:

1. A building permit application on forms provided by the City.
2. A special use permit application on forms provided by the City.
3. The applicant's written description of the Building's intended use.
4. A detailed site plan which shall include, though not necessarily be limited to:
  - a. The location of the proposed Building along with its dimensions, including its height.
  - b. All existing buildings on the same lot and their dimensions.

- c. The locations of all property lines and the physical dimensions of the property.
  - d. The right-of-way of any public street that is contiguous to the property.
  - e. The dimensions and locations of any easements on the property.
  - f. Dimensions between buildings located on the site plan.
  - g. Demonstrated compliance to all setback requirements as set forth herein.
  - h. A plan for storm water management, if the City determines that it is necessary.
5. Four different photographs of the surrounding area from the Building's proposed location, one facing each cardinal direction.
6. An accurate visual representation showing the proposed Building's appearance upon its completion (for example elevation drawings for the actual Building and/or photographs or drawings of a substantially similar building or buildings).
7. Information concerning the materials to be used in the construction of the Building.
8. One recorded copy, or alternatively one fully executed original copy of restrictive covenants providing that no interest in either the lot upon which the Building is proposed to be constructed or the lot upon which the owner presently resides shall be sold, leased, or otherwise conveyed separate or apart from the other for a period of no less than five (5) years from the date construction of the Building is completed.
9. Any documentation demonstrating that, to the reasonable satisfaction of the Board of Adjustment, the proposed Building is safe and the surrounding areas will not be negatively affected.

**5-1U-5 APPLICATION FEE AND OTHER CITY COSTS.** The application fee for a special use permit is \$100. The applicant is also obligated to pay to the City, within thirty (30) days of billing, all legal, engineering, and/or surveying charges the City incurs as a part of his/her application process, if applicable.

**5-1U-6 PUBLIC NOTICE.** A notice relative to an application for a special use permit pursuant to this ordinance shall be published in accordance with the requirements of Iowa Code Section 362.3. Additionally, within the same period of time required for publication of notice pursuant to Iowa Code Section 362.3, the City shall send public hearing notices by regular mail to owners of property located within two hundred (200) feet of the exterior boundaries of the subject property.

**5-1U-7 BOARD DETERMINATION.** The Board of Adjustment may approve the special use permit as submitted, or before approval, may require that the applicant modify, alter, adjust, or

amend the proposal as the Board of Adjustment deems necessary to preserve the intent and purpose of this ordinance in order to promote the health, safety, and general welfare of the community.

**5-1U-81 WAIVERS: SETBACKS, HEIGHT, DISTANCES BETWEEN BUILDINGS, AND LOT SIZE.** If the applicant can provide evidence or documentation satisfactory to the Board of Adjustment that such a waiver is justified and will not prejudice adjacent property owners, the Board of Adjustment may, in its discretion, reduce any of the minimum or maximum requirements for:

1. Lot line setbacks;
2. Building height; and/or
3. Distances between structures.

**5-1U-9 RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any provisions of this Subchapter, or whenever the City Manager or any authorized agent have reasonable cause to believe that there exists conditions in any building or structure in violation of a special use permit issued under this Subchapter, the City Manager and authorized agents may enter such building or structures at all reasonable times to inspect the same or perform any duty imposed by this Subchapter.

1. The City Manager or his agent shall first make a reasonable effort to locate the owner(s) or person in control of the building or structure to request entry.

2. If entry is refused, the City Manager or his agent shall have recourse to every remedy provided by law to secure entry, including but not limited to inspection warrants.

3. When the Enforcement Officer or his agent have obtained such warrant or other remedy provided by law to secure entry no owner or occupant shall fail or neglect, after proper request is made, to promptly permit entry for the purpose or inspection or examination pursuant to a special use permit issued under this Subchapter.

**5-1U-10 VIOLATION OF A SPECIAL USE PERMIT.** The violation of a special use permit or any provision of this Subchapter shall constitute a violation of the City of Maquoketa Code of Ordinances, thus subjecting the violator to the following penalties:

1. Any owner who violates a provision of this Subchapter shall be guilty of a simple misdemeanor.

2. Any violation of this Subchapter or failure to perform any act or duty or requirement of this Subchapter shall constitute a municipal infraction under Title III, Chapter 17 of this Code of Ordinances.

3. The foregoing provisions concerning enforcement of this Subchapter are not exclusive but are cumulative to any other remedies available under state law or local ordinance.



(Ord. 1131, Passed April 18, 2016)

TITLE V LAND USE REGULATIONS  
SUBCHAPTER 1V WIRELESS COMMUNICATIONS FACILITIES

5-1V-1	PURPOSE	INSTALLATION OF
5-1V-2	DEFINITIONS	TRANSMISSION EQUIPMENT
5-1V-3	ZONING AND LAND USE	ON WIRELESS SUPPORT
5-1V-4	SPECIAL USE PERMIT REQUIRED	STRUCTURES, MODIFICATION
5-1V-5	SPECIAL USE PERMIT APPLICATION PROCESS	OF AN EXISTING TOWER OR
5-1V-6	EXCEPTIONS	EXISTING BASE STATION
5-1V-7	APPLICATION REVIEW FOR ALL APPLICATIONS	THAT CONSTITUTES A
5-1V-8	APPLICATION REVIEW FOR APPLICATIONS IDENTIFIED AS ELIGIBLE FACILITIES REQUESTS	SUBSTANTIAL CHANGE, OR
5-1V-9	APPLICATION REVIEW FOR APPLICATIONS IDENTIFIED FOR NEW TOWER CONSTRUCTION	OTHER REQUESTS FOR
5-1V-10	APPLICATION REVIEW FOR APPLICATIONS IDENTIFIED FOR THE INITIAL PLACEMENT OR	CONSTRUCTION OR
		PLACEMENT OF
		TRANSMISSION EQUIPMENT
		THAT DO NOT CONSTITUTE
		ELIGIBLE FACILITIES
		REQUESTS
		5-1V-11 PROPRIETARY LEASING OF
		CITY OWNED OR
		CONTROLLED PROPERTY
		5-1V-12 REMOVAL OF ABANDONED
		WIRELESS COMMUNICATION
		FACILITIES

5-1V-1 PURPOSE. This Chapter implements Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order and Iowa Code Chapter 8C. This Chapter does not apply to Micro or Small Wireless Facilities as defined pursuant to the provisions of Iowa Code Chapter 8C; FCC licensed amateur (ham) radio facilities; satellite dishes and/or antennas used for private television reception not exceeding one meter in diameter; or Towers or Transmission Equipment erected by the City, County, or State for public safety or other public purposes.

5-1V-2 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. “Applicant” means any person engaged in the business of providing wireless telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an Application.

2. “Application” shall mean a request submitted by an Applicant to the City for the following:

- a. an Eligible Facilities Request,
- b. to construct a new Tower,
- c. for the initial placement of Transmission Equipment on a Wireless Support Structure,
- d. for the modification of an existing Tower or existing Base Station that constitutes a Substantial Change to an existing Tower or existing Base Station, or
- e. any other request to construct or place Transmission Equipment that does not meet the definition of an Eligible Facilities Request.

3. “Base Station” shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a Tower as defined herein or any equipment associated with a Tower. Base Station includes, without limitation:

- a. Equipment associated with wireless communications services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- c. Any structure other than a Tower that, at the time the relevant Application is filed with the City under this section, supports or houses equipment described in paragraphs (3)(a)-(3)(b) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant Application is filed with the City under this section, does not support or house equipment described in (3)(a)-(3)(b) of this section.

4. “Collocation” means the mounting or installation of Transmission Equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

5. “Electric Utility” shall mean any owner or operator of electric transmission or distribution facilities subject to the regulation and enforcement activities of the Iowa Utilities Board relating to safety standards.

6. “Eligible Facilities Request” shall mean any request for modification of an existing Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station, involving:

- a. Collocation of new Transmission Equipment;
- b. Removal of Transmission Equipment; or
- c. Replacement of Transmission Equipment.

7. “Eligible Support Structure” shall mean any Tower or Base Station as defined in this section, provided it is existing at the time the relevant Application is filed with the City under this section.

8. “Wireless Support Structure” shall mean a structure that exists at the time an Application is submitted and is capable of supporting the attachment or installation of Transmission Equipment in compliance with applicable codes, including, but not limited to, water towers, buildings, and other structures, whether within or outside the public right-of-way. “Wireless Support Structure” does not include a Tower or existing Base Station.

9. “Existing” shall mean a constructed Tower or Base Station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

10. “FAA” means the Federal Aviation Administration of the United States

11. “FCC” means the Federal Communications Commission of the United States.

12. “Initial Placement or Installation” shall mean the first time Transmission Equipment is placed or installed on a Wireless Support Structure.

13. “Monopole Construction” shall mean a Tower consisting of a single vertical structure not supported by radiating guy wires or support structure, and distinguishable from a lattice or truss tower.

14. “Site” shall mean Towers not in the public right-of-way, the current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the site, and, for other Eligible Support Structures other than towers, that are in proximity to the structure and to other Transmission Equipment already deployed on the ground.

15. “Substantial Change” means a modification substantially changes the physical dimensions of an Eligible Support Structure if it meets any of the following criteria:

- a. For Towers other than Towers in the public rights-of-way, it increases the height of the Tower by more than 10% or by the height of one additional antenna array with separation from

the nearest existing antenna not to exceed twenty feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

b. For Towers other than Towers in the public rights-of-way, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

c. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for Towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current Site;

e. It would defeat the concealment elements of the Eligible Support Structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (13)(a)-(13)(f) of this section.

g. Height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops. Otherwise, height shall be measured from the dimensions of the Tower or Base Station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act, Pub. L. No. 112-96, Tit. VI.

16. "Transmission Equipment" shall mean equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.

17. "Tower" shall mean any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and the associated Site.

18. “Wireless Facility” means equipment at a fixed location that enables the transmission of wireless communications or information of any kind between user equipment and a communications network, except that Wireless Facility does not include coaxial or fiberoptic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

19. “Wireless Support Structure” means a structure that exists at the time an Application is submitted and is capable of supporting the attachment or installation of Transmission Equipment in compliance with applicable codes, including, but not limited to, water towers, buildings, and other structures, whether within or outside the public right-of-way. “Wireless Support Structure” does not include a Tower or existing Base Station.

5-1V-3 ZONING AND LAND USE. The City exercises zoning, land use, planning, and permitting authority regarding the siting of Transmission Equipment within the City’s territorial boundaries and within the two-mile limit of the City’s territorial boundaries, subject to the provisions of Iowa Code Chapter 8C and federal law.

5-1V-4 SPECIAL USE PERMIT REQUIRED. All Applications, except for Applications for Eligible Facilities Requests, shall require a Special Use Permit. Applications for the construction of new Towers shall be limited to the City’s A-1, B-1, I-1, I-2 or I-3 zoning districts. All other Applications shall be limited to the City’s A-1, B-1, I-1, I-2, I-3 or B-2 zoning districts. The Zoning Board of Adjustment may, following public hearing, and subject to applicable state and/or federal requirements, approve, approve with conditions, or deny requests for Special Use Permits relative to an Application.

#### 5-1V-5 SPECIAL USE PERMIT APPLICATION PROCESS.

1. A Special Use Permit shall not be considered by the Zoning Board of Adjustment unless and until the following requirements are met:

a. An Application for Special Use Permit and all information set out in Section 5-1V-7(6) are submitted for review, which the Zoning Board of Adjustment will consider in approving, approving with conditions, or denying a Special Use Permit. In the event of a conflict between provisions of this Subchapter and provisions generally applicable to a Special Use Permit, the provisions of this Subchapter shall control. Further, the written protest provisions set forth in Section 5-1V-3 shall not apply to Special Use Permits considered under this Subchapter.

2. Notice of a public hearing on an application for Special Use Permit shall be published in accordance with the provisions of Iowa Code Section 362.3 not less four (4) and not more than twenty (20) days in advance of such hearing. Additionally, the City shall send public hearing notices by regular mail to owners of property located within two hundred (200) feet of the exterior boundaries of the Site.

5-1V-6 EXCEPTIONS. The Zoning Board of Adjustment may, in approving a Special Use Permit, grant exceptions from the criteria set forth in 5-1V-7(6) if Applicant submits a technical study acceptable to the Zoning Board of Adjustment which confirms the exception is essential to the provision of service and no alternative is available that conforms to the criteria in question.

#### 5-1V-7 APPLICATION REVIEW FOR ALL APPLICATIONS.

1. Application. Applicant shall complete an Application form and indicate whether its Application and intended use is for:

- a. an Eligible Facilities Request;
- b. construction of a new Tower;
- c. initial placement of Transmission Equipment on a Wireless Support Structure;
- d. modification of an existing Tower or existing Base Station that constitutes a Substantial Change to an existing Tower or existing Base Station; or
- e. any other request to construct or place Transmission Equipment that does not meet the definition of an Eligible Facilities Request.

2. Application Fee. The Application fee, including all City and third-party fees for review or technical consultation, shall be reasonably related to actual and direct administrative costs according to Iowa law and are as follows;

- a. Up to \$500 for Eligible Facilities Request;
- b. Up to \$3,000 for New Tower;
- c. Up to \$3,000 for Initial Placement or Installation of Transmission on a Wireless Support Structure;
- d. Up to \$3,000 for Modification of an Existing Tower that Constitutes a Substantial Modification;
- e. Up to \$3,000 for any other Application to construct or place Transmission Equipment.

3. Third-Party Review or Technical Consultation. The City may retain the services of third-party entities of its choosing to provide review or technical consultation of Applications, including, but not limited to, attorneys, surveyors, and engineers. Such third-party review may include without limitation:

- a. The accuracy and completeness of Applications, including items submitted therewith;
- b. The validity of analysis, techniques, and methodologies proposed by Applicant;
- c. The validity of conclusion reached by Applicant; and

d. Whether the Application satisfies applicable approval criteria set forth in this Chapter.

4. Review Process. The Zoning Board of Adjustment shall apply the following criteria, as applicable, in approving, approving with conditions, or denying a Special Use Permit relative to an Application:

a. Height, Setback, Fall Zone, and Lot Area Requirements.

(1) No Tower shall exceed a height of one hundred fifty (150) feet above grade, unless otherwise approved by the Zoning Board of Adjustment. A lightning rod, not to exceed ten (10) feet in height, shall be not be included within the height limitation.

(2) No Transmission Equipment, Wireless Facilities, or Base Stations installed upon or affixed to a Wireless Support Structure shall exceed the height of the Wireless Support Structure, at its highest point, by more than twenty-five (25) feet, unless otherwise approved by the Zoning Board of Adjustment.

(3) Towers and Base Stations shall be located so the distance from the base of the Tower (or distance from guy wires if used in conjunction with a Tower) and to any adjoining property satisfies the minimum building setback requirement for the zoning district in which the Tower is located. Base Stations shall similarly comply with such minimum building setbacks.

(4) Notwithstanding compliance with minimum building setback requirements for the zoning district in which a Tower is located, all Towers shall be situated to provide a sufficient fall zone such that the distance from the base of the Tower to the nearest occupied structure, public right-of-way, residential zoning district, and/or property designated for residential use by the City's comprehensive plan, exceeds the height of the Tower. Provided, if the Tower is constructed utilizing breakpoint design technology, the minimum distance for purposes of this subparagraph shall be equal to 110% the distance from the top of the Tower to the designed breakpoint. For example, on a 100-foot monopole Tower with a breakpoint at eight (80) feet, the minimum distance would be twenty-two (22) feet (100% of 20 feet, the distance from the top of the Tower to the breakpoint).

(5) For the purposes of determining compliance with setbacks, lot coverage, and other such requirements for the zoning district in which a Tower and Base Station are located, the dimensions of the entire lot or parcel shall control, even if located on a leased area situated within such lot or parcel.

b. Compliance with State and Federal Requirements. Towers, Transmission Equipment, and Base Stations must meet or exceed current standards and regulations of the FCC, FAA, and any other state or federal agency with the authority to regulate Towers.

c. Compliance with Applicable Building Codes/Safety Standards. Towers, Transmission Equipment, and Base Stations shall be constructed, installed, and maintained in



compliance with standards set forth in applicable state or local building codes and industry safety standards and subject to all applicable permitting and approvals.

d. Collocation. In furtherance of the City's objective of encouraging collocation, Towers exceeding eighty (80) feet in height must be designed and constructed to accommodate additional communication antennas when technically feasible.

e. Design and Construction. All Towers shall be of monopole construction and equipped with anti-climbing devices, unless otherwise approved by the Zoning Board of Adjustment.

f. Fencing. Towers (and guy wires if used in conjunction with a Tower) shall be enclosed by a security fence not less than six (6) feet in height, provided this requirement shall not prevent fencing required to satisfy state or federal requirements.

g. Lighting. Towers and Transmission Equipment shall not be illuminated unless required to conform to FCC, FAA, or other state or federal requirements. If lighting is required, the lighting alternative or design chosen must cause the least disturbance to surrounding views and/or surrounding properties. Security lighting may be provided around the base of a Tower if zero cut-off luminaries with a maximum mounting height of twelve (12) feet are used to limit lighting to the Tower site.

h. Finishing. Towers shall be painted or coated silver or have a galvanized finish, or be painted a neutral color to reduce visual obtrusiveness to the maximum extent possible, unless otherwise required by state or federal requirements. Towers and Transmission Equipment shall not be painted in such a manner as to convey a company identity, and all Transmission Equipment shall be of a color that matches the Tower, unless otherwise required by state or federal requirements.

i. Signage. No signage, logos, decals, symbols, or messages of a commercial nature may be displayed upon a Tower, Base Station, Wireless Support Structure, or required fencing, except for warning and identification signs and notifications, and such other signs as may be required by local, state, or federal requirements

j. Landscaping/Buffering.

(1) Towers and associated Base Stations shall be landscaped with a buffer of plant material that effectively screens from view the base of the Tower and Base Station from adjacent properties and/or streets. The plantings installed shall be of a size and species that can achieve a height of six (6) feet and seventy-five percent (75%) opacity during at least three seasons.

(2) In locations where the visual impact of the Tower and Base Station would be minimal, as determined by the Zoning Board of Adjustment, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Natural growth around the perimeter of the site may

be considered a sufficient buffer for a Tower and Base Station, as determined by the Zoning Board of Adjustment.

k. Concealment.

(1) Transmission Equipment or Base Stations installed upon or affixed to a Wireless Support Structure shall be installed so as to camouflage, disguise, or conceal them to make them closely compatible with and blend into the setting and/or Wireless Support Structure.

(2) Transmission Equipment or Base Stations installed upon or affixed to a building shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the architectural features of the building, shall be proportional to the building, and shall utilize materials of a similar quality finish, color, and texture as the building.

(3) Roof-mounted Transmission Equipment or Base Stations shall be set back from all roof edges to the maximum extent feasible with need for light-of-sign transmission and reception of signals.

l. Outdoor Storage Prohibited. Except during a reasonable period during construction or maintenance, as determined by the City Manager or the City Manager's designee, outdoor storage of vehicles, equipment, tools, supplies, materials, and other items at Sites is prohibited.

m. Vehicular Access. All Sites shall have vehicular access to and from the Site and a public street.

5. Required Submissions. Applications submitted pursuant to this Subchapter, excluding Application's for Eligible Facilities Requests (unless otherwise noted), shall include the following materials:

a. Identifying Information. The legal name of Applicant and name, title, mailing address, telephone number, and email address of the individual responsible for filing and processing Applicant's Application.

b. Application Designation. An attestation from Applicant stating whether the Application constitutes an Eligible Facilities Request, and Application for new Tower construction; or an Application for the initial placement or installation of Transmission Equipment on Wireless Support Structures, modification of an existing Tower or Existing Base Station that constitutes a substantial change, or other requests for construction or placement of Transmission Equipment that do not constitute an Eligible Facilities Request.

c. Explanation Regarding Request for New Tower. An explanation regarding the reason for choosing the proposed location for construction of a new Tower and the reason Applicant did not choose Collocation. The explanation shall include a sworn statement from an individual who has responsibility over placement of the Tower attesting that Collocation within the area determined by Applicant to meet Applicant's radio frequency engineering requirements for the

placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to Applicant.

d. FCC Documentation. Applicant shall provide a copy of Applicant's FCC license or registration.

e. FAA Documentation. An affidavit attesting conformity with applicable FAA lighting and marking requirements.

f. Evidence of Site Control. A legally binding document demonstrating Applicant has control of the Site for purposes set forth in Applicant's Application.

g. Site Plan. Complete and accurate plans and drawings, drawn to scale, prepared signed and sealed by an Iowa-licensed engineer, land surveyor and/or architect, including:

(1) Depiction of all proposed Transmission Equipment, Wireless Facilities, Towers, Base Stations, and/or Wireless Support Facilities;

(2) Elevation drawings demonstrating compliance with applicable height requirements;

(3) A depiction of required fencing, landscaping, and/or screening;

(4) A depiction of all proposed utility runs and points of contact; and

(5) A depiction and description of the leased or licensed area showing the relative location of all proposed Transmission Equipment, Wireless Facilities, Towers, Base Stations, and/or Wireless Support Facilities, with all rights-of-way and/or easements for access and utilities clearly identified.

h. Visual Analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction/installation views from at least four angles, together with a map indicating the location of each view.

i. Design Justification. A clear and complete written analysis that explains how the proposed design complies with applicable designed standards set forth in the Chapter 9 to the maximum extent feasible and identifies all applicable design standards complete with a factually detailed explanation of how and why the proposed design either complies or cannot feasibly comply.

j. Structural Assessment. A structural assessment of the proposed Tower or Wireless Support Structure conducted by an Iowa-licensed engineer.

k. Compliance Statement. A certificate, report, or plan containing a statement by an Iowa-licensed engineer indicating compliance with applicable Building Codes and/or Safety Standards.

1. Other Published Materials. All other information or materials the City may reasonably require from time to time, provided notice of the same is made publicly available and designated as part of the application requirements.

m. Limitation of Information. The information requested for an Application shall not include information about, or evaluate Applicant's business decisions with respect to its Application, Applicant's designed service, customer demand for service, or quality of Applicant's service to or from a particular area or Site.

6. Disclosure of Public Records. All records, documents, and electronic data submitted by Applicant in the possession or custody of the City are subject to the provisions of Iowa Code Chapter 22. Disclosure of such records shall be consistent with applicable law.

7. Duration of Approval. The duration of the approval shall not be limited, except that construction of the approved structure or facilities shall be commenced within two (2) years of final approval, including the disposition of any appeals, and diligently pursued to completion.

8. Final Inspection.

a. A certificate of occupancy will only be granted upon satisfactory evidence Applicant's work pursuant to a granted Application substantially complies with approved plans, submissions, and specifications.

b. If it is found Applicant's work does not substantially comply with the approved plans, submissions, and specifications, Applicant shall make all changes required to bring such work into compliance promptly and prior to operation.

9. Limitation of Review for Other Potential Locations or Collocation. The City's review will not:

a. Include evaluating the availability of other potential locations for the placement or construction of a Tower or Transmission Equipment; or

b. Require Applicants to establish other options for Collocation instead of the construction of a new Tower or modification of an existing Tower or existing Base Station that constitute a Substantial Change to an existing Tower or existing Base Station.

10. Transmission Equipment and Technology. The City shall not dictate the type of Transmission Equipment or technology to be used by Applicant or discriminate between different types of infrastructure or technology.

11. Radio Frequency and Environmental Impacts. The City shall not:

a. Deny an Application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions, as provided in 47 U.S.C. §332(c)(7)(B)(iv);

b. Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality; or

c. Impose environmental testing, sampling or monitoring requirements or other compliance measures for radio frequency emissions from Transmission Equipment that are categorically excluded under FCC rules for radio frequency emissions pursuant to 47.C.F.R. §1.1307(b)(1).

12. Removal. The City shall not require the removal of existing Towers, Base Stations, or Transmission Equipment, wherever located, as a condition to approval of an Application.

13. Emergency Power Systems. The City shall not prohibit the placement of emergency power systems that comply with federal and state environmental requirements.

14. Zoning for Airports and Airspace. The City may administer and enforce airport zoning pursuant to the provisions of Iowa Code Chapter 329 for the protection of navigable airspace.

15. Surety Requirements. The City shall not impose surety requirements, including bonds, escrow, deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused Towers or Transmission Equipment can be removed.

16. Tower Space. The City shall not condition the approval of an Application on Applicant's agreement to:

a. Provide space on or near the Tower, Base Station, or Wireless Support Structure for the City or local governmental or nongovernmental services at less than the market rate for such space, or

b. Provide other services via the structure or facilities at less than the market rate for such services.

17. Historic Properties and Districts. The City may administer and enforce zoning regulations to approve or deny applications for proposed alterations to exterior features of designated local historic landmarks. Applicants shall also comply with federal and state historic property laws.

18. Discrimination. The City shall not discriminate based on the ownership, including ownership by the City, of any property, structure, or Tower when promulgating rules or procedures for siting wireless facilities or for evaluating Applications.

19. Remedies. Applicants and the City may bring claims related to this ordinance to any court of competent jurisdiction.

5-1V-8 APPLICATION REVIEW FOR APPLICATIONS IDENTIFIED AS ELIGIBLE FACILITIES REQUESTS.

1. Application for Eligible Facilities Requests. For those Applications identified by Applicant and determined by the City to be an Eligible Facilities Request, the Application shall be limited to the information necessary for the City to consider whether an Application is an Eligible Facilities Request. The Application may not require Applicant to demonstrate a need or business case for the proposed modification.

2. Type of Review. Upon receipt of an Application for an Eligible Facilities Request pursuant to this Chapter, the City Manager or the City Manager's Designee shall review such Application to determine whether the Application so qualifies.

3. Timeframe for Review. Within sixty (60) days of the date Applicant submits an Application seeking approval under this Chapter, the City Manager or the City Manager's Designee shall approve the Application unless it determines the Application is not covered by this Chapter.

4. Tolling of the Timeframe for Review. The 60-day review period begins to run when the Application is filed with the City, and may be tolled only by agreement between the City and Applicant, or in cases where the City Manager or the City Manager's Designee determines that the Application is incomplete. The timeframe for review is not tolled by a moratorium on the review of Applications.

a. To toll the timeframe for incompleteness, the City must provide written notice to Applicant within thirty (30) days of receipt of the Application, specifically delineating all missing documents or information required for the Application.

b. The timeframe for review begins running again when Applicant makes a supplemental submission in response to the City's notice of incompleteness.

c. Following a supplemental submission, the City will notify Applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Paragraph 4 of this Section IV. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

d. The City shall make its final decision to approve or disapprove the Application in writing within the timeframe provided (accounting for any tolling).

5. Interaction with Section 332(c)(7) of the United States Federal Code. If the City determines Applicant's request is not an Eligible Facilities Request, the City shall notify Applicant in writing the Application is being construed otherwise and the basis of its determination. The timeframes under Sections V and VI will begin to run from the issuance of the City's decision that the Application is not an Eligible Facilities Request. To the extent such information is necessary, the City may request additional information from Applicant to evaluate the Application under Sections V and VI, pursuant to the limitations applicable to said Sections.

6. Failure to Act. In the event the City fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until Applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the Application has been deemed granted.

#### 5-1V-9 APPLICATION REVIEW FOR APPLICATIONS IDENTIFIED FOR NEW TOWER CONSTRUCTION.

1. Application. For those Applications identified by Applicant and determined by the City to propose construction of a new Tower, Applicant shall submit the necessary copies and attachments of the Application to the City Manager or the City Manager's Designee and comply with applicable local ordinances concerning land use and the appropriate permitting processes.

2. Explanation for Proposed Location. Notwithstanding the provisions of Section 5-1V-7(9), the City may require Applicant to provide an explanation regarding the reason for choosing the proposed location for construction of a new Tower and the reason Applicant did not choose Collocation. The explanation shall include a sworn statement from an individual who has responsibility over placement of the Tower attesting that Collocation within the area determined by Applicant to meet Applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to Applicant.

3. Timeframe for Review. Within one hundred fifty (150) days of the date on which Applicant submits an Application seeking approval to construct a new Tower, the City shall approve or deny the Application, unless another date is specified in a written agreement between the City and Applicant. The City Manager or the City Manager's Designee shall review the Application for conformity with applicable local zoning regulations, building permit requirements, and consistency with Iowa Code Chapter 8C.

4. Tolling of the Timeframe for Review. The 150-day review period begins to run when the Application is filed, and may be tolled only by agreement between the City and Applicant, or in cases where the City Manager or the City Manager's Designee determines that the Application is incomplete. The City Manager or the City Manager's Designee shall review the Application for conformity with applicable local zoning regulations, building permit requirements, and consistency with this Chapter. The timeframe for review is not tolled by a moratorium on the review of Applications.

a. To toll the timeframe for incompleteness, the City must provide written notice to Applicant within thirty (30) days of receipt of the Application, specifically delineating all missing documents or information required for the Application. The City's timeframe to review is tolled beginning on the date the notice is sent.

b. The City's timeframe of one hundred fifty (150) days for review begins running again when the Applicant makes a supplemental submission in response to the City's notice of incompleteness.

c. The City's 150-day timeframe for review does not toll if the City requests any information the City may not lawfully consider pursuant to the provisions of Iowa Code Section 8C.3.

d. Following a supplemental submission, the City will notify Applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Paragraph 4 of this Section V. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

e. The City shall make its final decision to approve or disapprove the Application in writing within the timeframe provided (accounting for any tolling).

5. Failure to Act. In the event the City fails to approve or deny a request seeking approval under this Section V within the timeframe for review (accounting for any tolling), the request shall be deemed granted.

#### 5-1V-10 APPLICATION REVIEW FOR APPLICATIONS IDENTIFIED FOR THE INITIAL PLACEMENT OR INSTALLATION OF TRANSMISSION EQUIPMENT ON WIRELESS SUPPORT STRUCTURES, MODIFICATION OF AN EXISTING TOWER OR EXISTING BASE STATION THAT CONSTITUTES A SUBSTANTIAL CHANGE, OR OTHER REQUESTS FOR CONSTRUCTION OR PLACEMENT OF TRANSMISSION EQUIPMENT THAT DO NOT CONSTITUTE ELIGIBLE FACILITIES REQUESTS.

1. Application. For those Applications identified by Applicant and determined by the City to be for the Initial Placement or Installation of Transmission Equipment on Wireless Support Structures, modification of an existing Tower or existing Base Station that constitutes a Substantial Change, or other requests for construction or placement of Transmission Equipment that do not constitute Eligible Facilities Requests an Eligible Facilities Request, Applicant shall submit the necessary copies and attachments of the Application to the City Manager or the City Manager's Designee and comply with applicable local ordinances concerning land use or regulations concerning land use and zoning and the appropriate local permitting processes.

2. Timeframe for Review. Within ninety (90) days of the date on which Applicant submits an Application seeking approval to construct a new Tower, the City shall approve or deny the Application, unless another date is specified in a written agreement between the City and Applicant. The City Manager or the City Manager's Designee shall review the Application for conformity with applicable local zoning regulations, building permit requirements, and consistency with Iowa Code Chapter 8C.

3. Tolling of the Timeframe for Review. The 90-day review period begins to run when the Application is filed, and may be tolled only by agreement by the City and Applicant, or in cases



where the City Manager or the City Manager's Designee determines that the Application is incomplete. The City Manager or the City Manager's Designee shall review the Application for conformity with applicable local zoning regulations, building permit requirements, and consistency with this Chapter. The timeframe for review is not tolled by a moratorium on the review of Applications.

a. To toll the timeframe for incompleteness, the City must provide written notice to Applicant within thirty (30) days of receipt of the Application, specifically delineating all missing documents or information required in the Application and the City's timeframe to review is tolled beginning the date the notice is sent.

b. The City's timeframe of ninety (90) days for review begins running again when Applicant makes a supplemental submission in response to the City's notice of incompleteness.

c. The City's 90-day timeframe for review does not toll if the City requests information regarding any of the considerations the City may not consider as described in Iowa Code Section 8C.3.

d. Following a supplemental submission, the City will notify Applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Paragraph 4 of this Section VI. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

e. The City shall make its final decision to approve or disapprove the Application in writing within the timeframe.

4. Failure to Act. In the event the City fails to approve or deny a request seeking approval under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted.

#### 5-1V-11 PROPRIETARY LEASING OF CITY OWNED OR CONTROLLED PROPERTY.

1. Leasing of City Owned or Controlled Property. The City reserves all rights to leasing of City owned or controlled property, but shall offer the market rate value for use of the property.

2. Lease Term. Leases shall be for no less than twenty (20) years, but all or a portion of the property may be subject to release for public purposes after fifteen (15) years.

3. Appraisal Process for Market Value Determination. If the City and Applicant cannot agree on the market rate for a lease on real property or structures owned by the City, the City and Applicant shall follow the process set forth in Iowa Code Section 8C.6.

5-1V-11 REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES. There shall be a rebuttable presumption that any Tower, Transmission Equipment, and/or Wireless Facilities regulated pursuant to this Chapter that are not operated for a continuous period of twelve

(12) months shall be considered abandoned. This presumption may be rebutted by showing the same serves as auxiliary, backup, or emergency equipment or is otherwise not abandoned. For any Tower, Transmission Equipment, and/or Wireless Facilities deemed abandoned, all related equipment shall be removed within ninety (90) days following receipt of notice from the City to remove the same. Irrespective of any agreement between them to the contrary, the owner or operator of the abandoned facilities and the owner of the land or building to which they are affixed, shall be jointly and severally responsible for their removal. If the abandoned Tower, Transmission Equipment, and/or Wireless Facilities are not removed within ninety (90) days of written notice from the City, the City may remove the same and recover from the owner or operator of the same, or the owner of the land or building, all costs incurred by the City as a result, including reasonable attorneys' fees and court costs. If there are two (2) or more users of a Tower, Transmission Equipment, and/or Wireless Facility, the same shall not be considered abandoned until all users cease using the same.

(Ord. 1141, Passed May 7, 2018)

TITLE V LAND USE REGULATIONS  
CHAPTER 2 FLOOD HAZARD AREAS

5-2-1	STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE	5-2-3	STANDARDS FOR FLOOD PLAIN DEVELOPMENT
5-2-2	GENERAL PROVISIONS	5-2-4	ADMINISTRATION
		5-2-5	DEFINITIONS

5-2-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

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 performance 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 Maquoketa are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

b. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

c. This ordinance applies to Panel Numbers 19097C0429D, 433D, 434D, 437D, 441D and 442D of the "Flood Insurance Rate Map" (FIRM), Jackson County, Iowa and incorporated areas".

3. Statement of Purpose.

a. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Maquoketa and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 1B2 with provisions designed to:

(1). 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.

(2). 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.

(3). Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

(4). Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

#### 5-2-2 GENERAL PROVISIONS.

1. Lands to Which Ordinance Applies. The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of Maquoketa. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for Jackson County and Incorporated Areas, the City of Maquoketa, dated 12/17/10, as amended, which is hereby adopted and made a part of this Ordinance.

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 City Manager shall make the necessary interpretation.

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 Ordinance 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 to State statutes.

6. Hearing and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for the 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 Maquoketa 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.

### 5-2-3 STANDARDS FOR FLOOD PLAIN DEVELOPMENT.

1. All uses shall meet the following applicable performance standards. Where needed, the Department of Natural Resources shall be contacted to compute 100-year flood elevation and floodway data.

a. All development within the special flood hazard areas shall:

(1). Be consistent with the need to minimize flood damage.

(2). Use construction methods and practices that will minimize flood damage.

(3). Use construction materials and utility equipment that are resistant to flood damage.

(4). Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Structures:

a. New or substantially improved residential structures shall have the lowest floor (to include basement) elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, 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 shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

(Ord. 786, 6-15-92)

b. New or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be 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 100-year flood; and that the structure below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the National

Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

(Ord. 786, passed 6-15-92)

c. All new and substantially improved structures:

3. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designated to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. 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.

5. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6. Factory-Built Homes:

a. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement.

b. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

7. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this Section.

8. Utility and Sanitary Systems:

a. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters.

b. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

c. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

d. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damaged or impaired systems.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion.

10. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or:

a. Not be subject to major flood damage and be anchored to prevent movement due to flood water, or;

b. Be readily removable after flood warning;

#### 11. Accessory Structures

a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

(1) The structure shall not be used for human habitation.

(2). The structure shall be designed to have low flood damage potential.

(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 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 100-year flood level.

b. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

## 12. Recreational Vehicles

a. Recreational vehicles are exempt from the requirements of Section 5-2-2-3(3) 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 (Section III E) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

## 5-2-4 ADMINISTRATION

### 1. Appointment, Duties and Responsibilities of Flood Plain Administrator

a. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

b. Duties of the Administrator shall include, but not necessarily be limited to the following:

(1). Review all flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.

(2). Review flood plain development applications to assure that all necessary permits have been obtained from Federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

(3). Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

(4). Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been floodproofed.



(5). Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

(6). Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

## 2. Flood Plain Development Permit

a. Permit Required: A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to 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, track, street address or similar description) that will readily identify and locate the work to be done.

(3). Indication of the use of occupancy for which the proposed work is intended.

(4). Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings.

(5). For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvement.

(6). For developments involving more than five (5) acres, the elevation of the 100-year flood.

(7). Such other information as the Administrator deems necessary for the purpose of this Ordinance.

c. Procedure for Acting on Permit. The Administrator shall make a determination as to whether the flood plain development, as proposed, meets the applicable provisions of Section III and shall approve or disprove the application. In reviewing proposed development, the Administrator shall obtain, review and reasonably utilize any available flood plain information or data from Federal, State or other sources.

3. Subdivision Review. The administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this Ordinance and shall advise the City Council of the potential conflicts. Flood plain

development in connection with a subdivision (including installation of public utilities) shall require a Flood Plain Development Permit as provided in Section 5-2-3 (5). For proposals greater than fifty (50) lots, the subdivider shall be responsible for providing flood elevation data.

a. The Zoning Board of Adjustment 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.

(1). Variances shall only be granted upon:

(i) a showing of good and sufficient cause,

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that:

(1) 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

(2) such construction increases risks to life and property.

d. Factors upon which the decision of the 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:

(1). The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2). The danger that materials may be swept on to other land or downstream to the injury of others.

(3). The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4). The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- (5). The importance of the services provided by the proposed facility to the City.
- (6). The requirements of the facility for a floodplain location.
- (7). The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9). The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (10).The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11).The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- (12).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.
- (13).Such other factors which are relevant to the purpose of this Ordinance.

e. Conditions Attached to Variances – Upon consideration of the factors listed above, the Board 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:

- (1). Modification of waste disposal and water supply facilities.
- (2). Limitation of periods of use and operation.
- (3). Imposition of operational controls, sureties, and deed restrictions.
- (4). 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.
- (5). Floodproofing measures.

#### 4. Nonconforming Uses

a. A structure or the use of a structure or a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

(1). If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

(2). Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

## 5. Penalties for Violation.

a. Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a municipal infraction. 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) and shall be subject to the penalties provided for in Maquoketa Ordinance 1-3-1. Nothing herein contained prevent the City of (City of Maquoketa) from taking such other lawful action as is necessary to prevent or remedy violation.

(Ord. 1142, Passed June 2, 2018)

5-2-5 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter be defined as follows: “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”

1. “Development” is any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filing, grading, paving, excavation or drilling operations.

2. “Factory Built Home” means 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 park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred and eighty (180) consecutive days.

3. “Factory Built Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more factory-built home lots for sale or rent.

4. “Flood” means a temporary rise in stream’s flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from a source.

5. "Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

6. "Floodway" means the channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

8. "Lowest Floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of 5-2-3(2)(c)(1) and;

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and is used solely for low damage potential uses such as building access, parking, or storage, and;

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least 1.0 ft. above the 100-year flood level, and;

d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

9. "Special Flood Hazard Area" means the land within a community subject to a one percent (1%) or greater chance of flooding in any given year. This land is identified as Zone A on the Flood Insurance Rate Map.

10. "Structure" means anything constructed or erected on the ground or attached to the ground including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

11. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(Ord. 786, passed 6-15-92)

12. "Substantial Improvement" means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include either:

(Ord. 786, passed 6-15-92)

a. 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 officer and which are the minimum necessary to assure safe living conditions, or

b. Any alteration will not preclude the structure's continued designation as a "historic structure."

(Ord. 786, passed 6-15-92)

c. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed on or 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.

13. "100 Year Flood" is a flood, the magnitude of which has a one percent (1%) change of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

(Ord. 689, passed 8-1-88)

14. "Existing Construction" is any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

15. "Existing Factory Built Home Park or Subdivision" is 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.

16. "Expansion of Existing Factory Built Home Park or Subdivision" means 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).

17. "Flood Elevation" is the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

18. "Flood Insurance Rate Map (FIRM)" is 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.

19. "Floodplain" is any land area susceptible to being inundated by water as a result of a flood.

20. “Floodway Fringe” are those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

21. “Minor Projects” are small development activities (except for filling, grading and excavating) valued at less than \$500.

22. “New Construction” (new buildings, factory-built home parks) are those structures or developments for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

23. “New Factory Built Home Park or Subdivision” is 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.

24. “One Hundred (100) Year Flood” is a flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

25. “Recreational Vehicle” 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.

26. “Routine Maintenance of Existing Buildings and Facilities” means 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.

25. “Variance” is a grant of relief by a community from the terms of the floodplain management regulations.

26. “Violation” is the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

(Ord. No. 1090, 12-6-10)



## TITLE V LAND USE REGULATIONS

### CHAPTER 3 SUBDIVISIONS

5-3-1	SHORT TITLE	5-3-13	FINAL PLAT – REVIEW AND APPROVAL
5-3-2	PURPOSE	5-3-14	IMPROVEMENT GUARANTEES
5-3-3	APPLICATION	5-3-15	INSTALLATION OF IMPROVEMENTS
5-3-4	APPROVALS	5-3-16	SUBDIVISION DESIGN STANDARDS
5-3-5	DEFINITIONS	5-3-17	BLOCKS AND LOTS
5-3-6	SUBDIVISIONS CLASSIFIED	5-3-18	STREETS
5-3-7	STAFF REVIEW OF SIMPLE SUBDIVISIONS	5-3-19	EASEMENTS AND UTILITIES
5-3-8	PLANNING CONFERENCE	5-3-20	CURBS
5-3-9	PRELIMINARY PLAT – FILING – CONTENT	5-3-21	SIDEWALKS
5-3-10	PRELIMINARY PLAT – REVIEW AND APPROVAL	5-3-22	PLANNED UNIT DEVELOPMENTS
5-3-11	COMMERCIAL OR INDUSTRIAL SUBDIVISIONS		
5-3-12	FINAL PLAT – FILING – CONTENT AND ATTACHMENTS		

5-3-1 SHORT TITLE. This Ordinance shall be known as and may be cited as the “Subdivision Ordinance of the City of Maquoketa, Iowa.”

5-3-2 PURPOSE. The purpose of this Ordinance is to provide minimum standards for the design, development and improvements for all new subdivisions and re-subdivisions of land; to protect existing land uses; to provide for the regulation and control of the extension of public improvements, public services, and utilities; to insure that growth occurs in an orderly manner, consistent with the City’s Comprehensive Plan as amended; and to promote the public health, safety and general welfare of the citizens of Maquoketa, Iowa; all as authorized by Iowa Code Chapter 354, including the purposes set forth in said Chapter.

5-3-3 APPLICATION. This Ordinance shall apply to all subdivisions or re-subdivisions which occur on or after the date of publication of this Ordinance. Any subdivisions or re-subdivisions which occur prior to that date are governed by the previous “Subdivision Regulations” of the City of Maquoketa, Iowa.

5-3-4 APPROVALS.

1. Any proposed subdivision or re-subdivision of land as defined in this Ordinance, lying within the city limits of the City of Maquoketa or lying within two (2) miles of the city limits of the City of Maquoketa, shall be subject to the provisions of this Ordinance. No proposed subdivision plats, whether preliminary or final, shall be recorded as provided in Iowa Code Chapter

354 until all provisions of Iowa Code Chapters 354 and 355 as amended, and this Ordinance, have been complied with.

2. No officer, agent or employee of the City shall take any action to issue any building permit or permit for any water or sewer connection for any building or structure constructed or proposed to be constructed on land subdivided contrary to the provisions of this Ordinance. No officer, agent or employee of the City shall perform or cause to be performed any construction or maintenance upon any area purporting to be a street or public right of way by virtue of being shown on a subdivision plat, and no public funds shall be spent for such improvements, until such plat shall have been approved and recorded as required by this Ordinance.

3. When a preliminary subdivision plat or a final subdivision plat is submitted to the Planning and Zoning Commission or City Council for approval, and the plat is not approved by the Planning and Zoning Commission or City Council, the resolution of disapproval shall state how the subdivision plat is objectionable. The Planning and Zoning Commission and City Council shall consider the factors contained in this Ordinance, the City's Comprehensive Plan, and the factors set forth in Iowa Code §354.8 in considering a subdivision plat for approval. The Planning and Zoning Commission or City Council shall approve or disapprove a subdivision plat within sixty (60) days from the date of application for approval of the plat. The City Council shall not issue final approval of a subdivision plat unless the subdivision plat conforms to Iowa Code §§354.6, 354.11, and 355.8. The applicant for approval shall have the right to appeal set forth in Iowa Code §354.10.

4. If a proposed subdivision lies outside the city limits of the City of Maquoketa but within two (2) miles of said city limits, the developer shall comply in all respects with this ordinance. All required documents shall be submitted to both the City of Maquoketa and either Jackson County or Clinton County as appropriate for approval. The City shall apply the standards of this Ordinance and Iowa Code Chapters 354 and 355 to such plats.

5. The City may enter into a Iowa Code Chapter 28E agreement with Jackson County or Clinton County to establish mutual standards and conditions for review of subdivision plats or plats of survey for division or subdivision in areas of overlapping jurisdiction. In the event such a 28E agreement is adopted, the city shall apply the standards and procedures set forth in the 28E agreement to such plats rather than the provisions of this Ordinance.

6. The city council may waive the right to review a subdivision or waive city standards or conditions for approval of subdivision plats. Such waiver shall be by resolution, which shall be certified and recorded with the subdivision plat. The city council may not waive any requirements for subdivision plats contained in §§354.6, 354.11, and 355.8.

7. The city council shall not issue final approval of a subdivision plat unless the subdivision plat conforms with Iowa Code Chapters 354 and 355 as those Chapters may from time to time be amended.

8. If the subdivision plat and all matters related to final approval conform to the standards and conditions established by this Ordinance and Iowa Code Chapters 354 and 355, the city council shall approve the plat by resolution, which shall be certified and recorded with the plat.

5-3-5 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. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

2. "Alley" means a minor way, dedicated to public use, which is based primarily for vehicular access to the back or the side of properties which otherwise abut a public street.

3. "Auditor's plat" means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

4. "Block" means the smallest piece or parcel of land entirely surrounded by public highways, streets, streams, parks, or a combination thereof.

5. "Building" means any structure designed, built, or intended for the shelter, enclosure or protection of persons, personal property, vehicles, or animals.

6. "Building Setback Line" means a line within a lot or parcel of land designated on the plat of the proposed subdivision, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited.

7. "City" means the City of Maquoketa, Iowa.

8. "City Attorney" means the city attorney of the City of Maquoketa, Iowa.

9. "City Council" means the city council of the City of Maquoketa, Iowa.

10. "City Engineer" means a registered professional engineer authorized by the City to review engineering data outlined in these subdivision regulations.

11. "City Manager" means the city manager of the City of Maquoketa, Iowa, or his designated representative.

12. "Comprehensive Plan" means the plan or series of plans made for the future development of an area within the City of Maquoketa or within two (2) miles of the city limits of the City of Maquoketa.

13. “Conditional Approval” means the approval given to the layout of streets and lots in a subdivision set forth in a preliminary plat which forms the basis for preparation of the final plat.

14. “Conveyance” means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

15. “Cul-De-Sac” means a minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

16. “Developer” means the owner or agent under legal authority of the owner who undertakes to cause a parcel of land to be designed, constructed and recorded as a subdivision.

17. “Division” means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this Ordinance.

18. “Easement” means a grant by the property owner to the public, persons, or a corporation or association, of the use of a parcel of land for a specific purpose.

19. “Final Plat” means a subdivision plat with the attachments required by Iowa Code §354.11, submitted for approval by the planning and zoning commission and city council.

20. “Flood Hazard Area” means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood, as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

21. “Floodway” shall mean the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

22. “Forty-acre Aliquot Part” shall mean one-quarter of one-quarter of a section.

23. “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting one side between an intersecting street and the dead end of the street.

24. “Government Lot” shall mean a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

25. “Grading Plan” means a drawing of a proposed subdivision on a contour or topographic map showing existing and proposed contours at a contour interval of not more than five (5) feet and a scale of not less than one hundred (100) feet to the inch.

26. “Half Street” means a street having a width less than required by these subdivision regulations.

27. "Highway" shall mean a right of way for vehicular traffic which traverses a nonurban area and is usually a state or federal numbered route.

28. "Improvements" mean changes and additions to land necessary to prepare it for building sites; including, but not limited to, street surfacing, curb and gutter, grading, monuments, drainage ways, sanitary sewers, storm sewers, fire hydrants, water mains, sidewalks, pedestrian ways, recreational trails, and other public and private works and appurtenances.

29. "Individual Subsurface Sewage Treatment Facility" means a sewage disposal system designed to function on an individual lot basis.

30. "Iowa Code" means the Code of Iowa as from time to time amended.

31. "Land Remnant" shall mean any portion of a tract of land which cannot be developed after the tract has been subdivided.

32. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

33. "Maintenance Guarantee" shall mean a surety bond, cash deposit, irrevocable letter of credit, escrow account or certificate of deposit, pledged to the City of Maquoketa in an amount so as to insure that for a period of two (2) years from acceptance date, the developer shall be responsible to maintain improvements dedicated to the public in good repair.

34. "Metes and Bounds Description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

35. "Official plat" shall mean either an auditor's plat or a subdivision plat that meets the requirements of this Ordinance and Iowa law, and has been filed for record in the offices of the recorder, auditor, and assessor.

36. "Parcel" shall mean a part of a tract of land.

37. "Performance Guarantee" means a surety bond, cash deposit, irrevocable letter of credit, escrow account or certificate of deposit, pledged to the City of Maquoketa in an amount equal to the full cost of the improvements which are required by this Ordinance; said cost to be estimated by the City, and said amount being legally sufficient to secure to the City that the said improvements will be constructed in accordance with the requirements of this Ordinance.

38. "Person" means an individual, partnership or other legal entity.

39. "Planning and Zoning Commission" means the Planning and Zoning Commission of the City of Maquoketa, Iowa, as established under the authority of Iowa Code §414.6, also referred to as the "Commission."

40. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

41. "Preliminary Plat" means a plat submitted to the planning and zoning commission for review in accordance with the provisions of this Ordinance.

42. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

43. "Public Improvement" includes the principal structures, works, component parts and accessories of any of the following:

- a. Sanitary, storm and combined sewers;
- b. Drainage conduits, channels and levees;
- c. Street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil, oil and gravel or chloride;
- d. Street lighting fixtures, connections and facilities;
- e. Sewage pumping stations, and disposal and treatment plants;
- f. Underground gas, water, heating, sewer and electrical connections located in streets for private property;
- g. Sidewalks and pedestrian underpasses or overpasses;
- h. Drives and driveway approaches located within the public right of way;
- i. Waterworks, water mains and extensions;
- j. Traffic-control devices, fixtures, connections and facilities.

44. "Re-plat" or "Re-subdivision" means a subdivision of land which has been previously platted or subdivided into lots or parcels of land. It may include all or any part of a previous subdivision or plat.

45. "Reserve Strip" means a narrow parcel of land between a street adjacent to the property line and the adjacent property, the strip being retained in private ownership to prevent access of neighboring property to an improved and dedicated street.

46. “Sketch Plan” means a sketch to designate the scale of a proposed layout or alternate layout of lots, blocks and public ways, for the purpose of facilitating discussions and review between a developer and city officials prior to the filing of a preliminary plat.

47. “Street” means property, dedicated to the public, not an alley, intended for vehicular traffic. It may provide for vehicular and pedestrian access to properties adjacent to it, and may also provide space for the location of utilities, either above or below ground.

48. “Street Pavement Width” means the horizontal distance of the roadway measured from back-of-curb to back-of-curb.

49. “Subdivision” means one of the following:

- a. A tract of land divided into two (2) or more lots;
- b. A plat establishing or dedicating a street, highway, or alley, regardless of the number of lots created;
- c. A re-platting or re-subdividing of a parcel of land previously subdivided; however, the sale or exchange of small parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be considered as a subdivision of land;
- d. “Subdivision Plat” means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

50. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Iowa Code Chapter 542B.

51. “Tract” means an aliquot part of a section, a lot within an official plat, or a government lot.

52. “Utilities” means the systems for the distribution or collection of water, gas, wastewater, stormwater, electricity, and telephone and cable television service.

5-3-6 SUBDIVISIONS CLASSIFIED. A subdivision shall be classified as a simple, minor or major subdivision as set forth in this ordinance.

1. Simple subdivision. Any subdivision in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, where no floodplains or wetlands exist, and which contains fewer than three (3) lots, shall be classified as a “simple subdivision”.

2. Minor subdivision. Any subdivision in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, where no

floodplains or wetlands exist, and which contains three (3) or more lots, shall be classified as a “minor subdivision”.

3. Major subdivision. Any subdivision which is not a simple subdivision or a minor subdivision shall be classified as a “major subdivision”.

5-3-7 STAFF REVIEW OF SIMPLE SUBDIVISIONS. Simple subdivisions shall be reviewed by the City Manager, City Engineer and City Attorney to determine compliance with the Subdivision Ordinance of the City of Maquoketa, Iowa, and Iowa law. Review by the Planning and Zoning Commission shall not be required. The City Manager may set conditions to provide that the division meets the requirements of all applicable city codes. A simple subdivision plat shall be a Plat of Survey and no Final Plat shall be required. Plat attachments are not required for a simple subdivision. No plat of a simple subdivision shall be recorded unless the city manager has approved the plat.

#### 5-3-8 PLANNING CONFERENCE.

1. A planning conference is mandatory for a major subdivision. A planning conference for a minor subdivision or a simple subdivision shall only be held if requested by the city, the developer or the developer’s engineer.

2. The planning conference shall be informal and shall be for the purpose of determining the general requirements to be included in the subdivision. Participants may include the developer, his engineer, his surveyor, the city manager, the city engineer, and any other city official deemed by the city manager to have input or an interest in the layout or facilities to be furnished in the subdivision. Any of the above participants may designate a representative to confer on their behalf.

3. The time and place of the planning conference shall be set by the city manager and all parties shall be notified.

4. The developer shall furnish a sketch plan of the proposed subdivision to the city manager at least five (5) days prior to the planning conference.

5. The proceedings of the planning conference shall be informal. During the conference the city manager shall strive to assist the developer in the subdivision process. Any tentative agreements reached between the city and the developer during the planning conference shall be subject to ratification by the planning and zoning commission or city council as appropriate.

#### 5-3-9 PRELIMINARY PLAT – FILING – CONTENT.

1. The developer shall file a preliminary plat for any major subdivision. The city manager, in his discretion, may require the filing of a preliminary plat for a minor subdivision. No preliminary plat shall be required for a simple subdivision.

2. The preliminary plat shall be conspicuously marked as such and shall be at a scale of not less than one hundred feet to the inch (100' = 1"), and shall include the following information:



- a. The subdivision name, scale, north arrow and date;
- b. The name and address of the proprietor and developer, and the name and address of the person or firm preparing the preliminary plat;
- c. A key map showing the general location of the subdivision in relation to surrounding streets and development;
- d. All adjacent streets and subdivisions and the names of all the owners of record of all adjacent property;
- e. The legal description of the property included in the proposed subdivision;
- f. The approximate total area of the proposed subdivision and the approximate total area proposed for streets, highways or alleys;
- g. The zoning of the proposed subdivision and adjoining properties;
- h. The layout, numbers, approximate dimensions and area of proposed lots;
- i. The layout, numbers or letters, and proposed dimensions of any land remnant included within the subdivision;
- j. The existing and proposed topography of the subdivision showing contours at appropriate vertical intervals not exceeding four (4) vertical feet;
- k. The location of all existing easements, buildings, watercourses, tree masses and other features located within one hundred (100) feet of the subdivision, including floodways and flood hazard areas;
- l. The location, width, dimensions, approximate grades and proposed names of all public streets proposed to be dedicated for public use and of all private streets proposed to be provided for by perpetual easement;
- m. The location of present and proposed utility systems and other facilities located within one hundred (100) feet of the plat;
- n. Proposed perpetual easements, showing locations, widths and purposes;
- o. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or public or semi-public purposes;
- p. A preliminary grading and erosion control plan;

- q. All front building setback lines and side building setback lines on intersecting street sides of corner lots;
- r. Typical cross-sections of the proposed streets showing roadway location, type of curb and gutter, base and surface course materials to be used and sidewalks to be installed;
- s. Construction plans for all public improvements to be constructed by the developer;
- t. A complete listing of all existing covenants which apply to the land to be subdivided;
- u. Any other pertinent information as determined by the city manager.

#### 5-3-10 PRELIMINARY PLAT – REVIEW AND APPROVAL.

1. Developer shall file ten (10) copies of the preliminary plat with the city manager and shall pay the required preliminary plat review fee as established by ordinance.
2. The preliminary plat shall be filed with the city manager at least thirty (30) days prior to the next scheduled regular meeting of the planning and zoning commission.
3. Two (2) copies of the preliminary plat shall be provided to the city engineer for review, who shall report in writing to the city manager within ten (10) days with his or her comments. One (1) copy of the preliminary plat shall be provided to the city attorney for review, who shall report in writing to the city manager within ten (10) days with his or her comments.
4. The city manager shall prepare a report for the planning and zoning commission at least ten (10) days prior to the meeting at which the preliminary plat will be considered.
5. The planning and zoning commission shall hold a public meeting to consider and study the preliminary plat. The planning and zoning commission shall determine if it complies with the requirements of this ordinance. The commission shall receive and review the reports of the city manager, city engineer and city attorney. The commission shall consider the city's comprehensive plan, the city's applicable standards and ordinances, and the possible burden on public improvements. The commission shall balance the interests of the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of the subdivision. The commission may table the preliminary plat if necessary to obtain additional information from the developer or city staff.
6. The planning and zoning commission shall, within sixty (60) days of the filing of the preliminary plat with the city manager and payment of all required fees, either approve or disapprove the preliminary plat. The commission may, as a requirement of approving the preliminary plat, impose requirements for approval. The commission's approval or disapproval shall be in writing and shall be delivered to the city manager, city engineer, city attorney and developer. The commission's approval of the preliminary plat shall be a conditional approval.

7. No city council review of a preliminary plat is required.

8. The approval of a preliminary plat by the commission shall remain in effect for a period of one year, unless extended by the city council as provided in section 5-3-12(1). If the developer does not file a final plat within that time, all previous actions by the city regarding the preliminary plat are null and void.

9. The planning and zoning commission's approval of the preliminary plat shall not constitute authority to sell lots, record the plat, advertise the future or conditional sale of lots based upon the preliminary plat, nor authority to construct permanent buildings, structures or improvements in reliance upon the layout contained in the preliminary plat.

10. If the developer makes substantial alterations to the layout of the subdivision after the conditional approval of the preliminary plat, such alterations shall be subject to review and approval by the commission.

#### 5-3-11 COMMERCIAL OR INDUSTRIAL SUBDIVISIONS.

1. The street and lot layout of a subdivision for commercial or industrial purposes shall be appropriate to the land use for which the subdivision is proposed. The plat shall conform to the city's comprehensive plan, zoning ordinance, and all other ordinances and regulations of the city.

2. In addition to the principles and standards of this Ordinance, which are applicable to all subdivisions, the developer of a commercial or industrial subdivision shall demonstrate to the city that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall apply:

a. Proposed commercial or industrial parcels shall be suitable in area and dimensions to the type of development anticipated;

b. Street right-of-way and surface shall be adequate to accommodate the type and volume of traffic anticipated to be carried thereon;

c. Special requirements may be imposed by the city with respect to the installation of utilities;

d. Special requirements may be imposed by the city with respect to street, curb and gutter, and sidewalk design and construction;

e. The developer shall be required to protect adjacent residential areas from potential nuisances from the proposed commercial or industrial development, including, but not limited to, setbacks or buffer strips, barriers, or landscaping;

f. Streets designed to carry nonresidential traffic, such as truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic;

g. Adequate access shall be provided to all lots and adequate provisions for off-street parking and deliveries shall be provided;

h. Developers of commercial or industrial subdivisions shall conform and comply with all requirements of this Ordinance.

#### 5-3-12 FINAL PLAT – FILING – CONTENT AND ATTACHMENTS.

1. The developer shall file a final plat with the city manager within one (1) year of the planning and zoning commission's approval of the preliminary plat. In the event the developer does not file a final plat within one (1) year of approval of the preliminary plat, the planning and zoning commission's approval of the preliminary plat is void and of no effect. The city council may extend the deadline to file a final plat for one additional year if the developer applies in writing for an extension within the original one year period. The city manager, in his discretion, may require the developer to file a revised preliminary plat prior to submission of a final plat.

2. Plats of survey shall contain the information and be submitted in the form required by Iowa Code §355.7.

3. Subdivision plats shall contain the information and be submitted in the form required by Iowa Code §§354.6 and 355.8. In addition, a subdivision plat shall be accompanied by the following documents:

a. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body;

b. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Iowa Code §354.12, may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public;

c. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section;

d. A certified resolution by the planning and zoning commission and city council either approving the subdivision or waiving the right to review;

e. A certificate of the county treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Iowa Code §354.12;

f. A complete set of restrictive covenants proposed for the subdivision;

g. A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easements, shall be accompanied by the documents listed in subsections a, b, c, and d, and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments.

4. Ten (10) copies of the final plat, together with all required attachments, shall be submitted to the city manager together with any final plat review fee as established by ordinance. In addition, by the act of filing the final plat, the developer agrees to pay to city within thirty (30) days of billing, all legal and engineering charges the city incurs for the review of the proposed final plat, attachments, final improvement plans and specifications, and observations during the construction of the improvements.

5. The final plat shall be filed with the city manager at least thirty (30) days prior to the next scheduled regular meeting of the planning and zoning commission.

#### 5-3-13 FINAL PLAT – REVIEW AND APPROVAL.

1. Two (2) copies of the final plat and attachments shall be provided to the city engineer for review, who shall report in writing to the city manager within ten (10) days with his or her comments. One (1) copy of the final plat with attachments shall be provided to the city attorney for review, who shall report in writing to the city manager within ten (10) days with his or her comments.

2. The city manager shall prepare a report for the planning and zoning commission at least ten (10) days prior to the meeting at which the final plat will be considered.

3. The planning and zoning commission shall hold a public meeting to consider and study the final plat. The planning and zoning commission shall determine if it complies with the requirements of this ordinance. The commission shall receive and review the reports of the city manager, city engineer and city attorney. The commission shall consider the city's comprehensive plan, the city's applicable standards and ordinances, and the possible burden on public improvements. The commission shall balance the interests of the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of the subdivision. The commission may table the final plat if necessary to obtain additional information from the developer or city staff.

4. The planning and zoning commission shall, within thirty (30) days of the filing of the final plat with the city manager and payment of all required fees, either approve or disapprove the

final plat by resolution. The commission may, as a requirement of approving the final plat, impose requirements for approval. The commission's resolution shall be delivered to the city manager, city engineer, city attorney and developer.

5. The city council shall consider the final plat and the resolution of the planning and zoning commission within thirty (30) days of the resolution of the planning and zoning commission. If the city council finds that the plat has been prepared in compliance with the regulations of this Ordinance, Iowa Code Chapters 354 and 355, and in substantial compliance with the preliminary plat, where required, such final plat shall be approved by resolution. In the event the final plat is not approved, the minutes shall set forth the reasons for the denial, including how the final plat varies from this Ordinance, Iowa Code Chapters 354 and 355, or the preliminary plat.

6. One certified copy of the resolution of the planning and zoning commission and one certified copy of the resolution of the city council shall be provided to the developer. The developer shall file the final plat and all required attachments with the recorder as required by Iowa Code §354.18. The final plat shall be recorded within sixty (60) days of approval by the city council.

#### 5-3-14 IMPROVEMENT GUARANTEES.

1. Before the recording of the final plat, or as a condition of approval of the final plat, the planning and zoning commission or the city council may require and shall accept in accordance with the city standards adopted by ordinance the following guarantees:

a. The furnishing of a performance guarantee in an amount not less than one hundred ten percent (110%) of the cost of installation for public improvements; and

b. Provision for a maintenance guarantee for a period of two (2) years after final acceptance of the improvement.

2. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the city council by resolution.

3. Upon completion of all required improvements, the developer shall notify the city manager, in writing, of the completion of the improvements. The city engineer shall inspect all improvements of which such notice has been given and shall file a report, in writing, with the city manager and developer, indicating either approval or rejection of such improvements with a statement of reasons for any rejection.

4. The city council shall accept the subdivision improvements by resolution upon:

a. The developer's completion of all required improvements and the notification to the city manager in writing required above;

b. Submission to the city manager evidence of payment in full for all work performed on the public improvements;

c. Submission of “As Built Drawings” prepared by the registered professional engineer who prepared the improvement plans, and a statement from the engineer that all construction has been completed in accordance with the engineering plans and specifications approved by the city and the requirements of all ordinances and regulations of the city;

d. A maintenance guarantee as required by this section of the Ordinance;

e. The city engineer’s report that the subdivision improvements have constructed in accordance with the approved final plat and the regulations of the city;

f. Developer’s payment to city of all fees and charges for plat review, legal review, and engineering review and services.

5. Performance and maintenance guarantees may be provided by a variety of means, subject to the approval of the city council, including, but not limited to, the following:

a. Surety bond. The developer may obtain a surety bond from a surety bonding company authorized to do business in the State of Iowa; or

b. Letter of credit. The developer may provide an irrevocable letter of credit from a financial institution acceptable to the city; or

c. Escrow account. The developer may deposit cash, or cash equivalent, either with the City of Maquoketa, or with a financial institution acceptable to the city, pursuant to an escrow agreement acceptable to the city; or

d. Certificate of deposit. The developer may deposit a certificate of deposit in the name of the City of Maquoketa with a financial institution acceptable to the city.

#### 5-3-15 INSTALLATION OF IMPROVEMENTS.

1. Public improvements, including streets, sanitary sewers, storm sewers, water mains, street lighting, street trees, and sidewalks shall be installed in accordance with the city standards.

2. Utilities shall generally be located within the right-of-way on both sides of and parallel to the street, in accordance with the city standards.

3. All developers shall provide a plan to connect the development to the public water supply system, public storm sewer system and public sanitary sewer system where required by city ordinance or the city standards.

4. Preliminary and final grading and erosion control plans shall comply with city ordinances and the city standards.

#### 5-3-16 SUBDIVISION DESIGN STANDARDS.

1. The design of the subdivision shall be in conformance with the comprehensive plan, zoning ordinance and city standards.

2. To the maximum extent practicable, the subdivision shall be designed to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize the negative impacts and alteration of the natural features.

3. The subdivision shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

4. The subdivision shall be laid out to create lots which provide sufficient area for development outside utility easements. No buildings, fill, or grading shall occur within the utility easements without approval of the city.

#### 5-3-17 BLOCKS AND LOTS.

1. All blocks and lots shall be numbered systematically for identification.

2. The minimum area and dimensions for lots shall conform to the applicable requirements of the area regulations of the zoning ordinance. All lots shall front on a public street or an approved private street as permitted in the zoning ordinance. Lots with double frontages shall not be permitted unless one frontage is an arterial street without access rights. Triangular lots shall be avoided whenever possible.

3. In so far as practical, the side lot lines shall be perpendicular to the street on which the lot fronts.

4. In cases where irregularity of ownership or street lines would produce remnant lots less than the minimum area required by the zoning ordinance, such area shall be added to adjoining lots.

#### 5-3-18 STREETS.

1. The arrangement of arterial and collector streets shall conform to the comprehensive plan. For streets not shown in the comprehensive plan, the arrangement shall provide for the appropriate extension of existing streets.

2. Right-of-way.

a. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the street pavement, curbs, shoulders, sidewalks, utilities, street lighting and street trees placed within the right-of-way;



b. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street. The right-of-way width shall vary with street classification according to the city standards;

c. Dedication of half-streets (right-of-way) is discouraged but may be approved by the planning and zoning commission and city council to serve the public interest. Lots abutting on such right-of-way shall be nonbuildable until the remainder of the street is dedicated to the public.

3. Street classification.

a. Streets shall be classified by the city engineer as arterial, collector, local or alley. The street hierarchy shall be defined by the city engineer based on road function and average daily traffic in accordance with the city standards.

b. Each street shall be classified and designed for its entire length to meet the standards for one of the street types defined in the city standards.

c. The developer shall demonstrate to the planning and zoning commission's and city council's satisfaction that the distribution of traffic to the proposed street system will not exceed the requirements set forth in the city standards.

4. Street width. Street width shall consider possible limitations imposed by sight distances, climate, terrain, and maintenance needs. To minimize street costs, the minimum width assuring satisfaction of needs shall be selected. Street widths for each street classification shall conform to the city standards.

5. Pavement standards. Street pavement thickness shall vary by street classification, subgrade properties and pavement type as specified in the city standards.

6. Street alignment. Arterial and collector streets shall be continued in as direct an alignment as topography and other conditions permit. Local streets shall conform to the prevailing topography of the subdivision.

7. Street grades. Street grades shall be within the city standards.

8. Names of streets. Streets that are aligned with existing or platted streets, or essentially so aligned, shall bear the names of the existing streets. Names for new streets shall not duplicate in spelling, nor sound phonetically similar to existing street names in the City of Maquoketa. Street names shall be approved by the planning and zoning commission and the city council.

9. Reserve strips. No privately owned reserve strip, except open space proposed to be deeded to the city or to a homeowners association within the subdivision, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

10. Streets – Access to 17th Street and Carlisle Street in the City of Maquoketa is hereafter limited to the driveways and field entrances existing at the passage of this ordinance. Such accesses to 17th Street are identified by these station coordinates in the plans and specifications for the paving of 17th Street as approved by the City Council on October 5, 2011:

Field Entrance at Station 5 + 25 feet, south side  
Field Entrance at Station 9 + 45 feet, south side  
Field Entrance at Station 10 + 46 feet, north side  
Gravel Driveway at Station 12 + 70 feet, north side  
Gravel Driveway at Station 14 + 30 feet, north side

Any property owner of abutting property requesting additional access to 17th Street and Carlisle Drive shall be required to have their property annexed to the City of Maquoketa.

(Ord. 1098, Passed 12-19-11)

5-3-19 EASEMENTS. Easements shall be provided as determined necessary for public utility requirements. Public utility easements shall measure at least ten (10) feet on either side of the utility line and may vary as needed. Storm sewer easements, sanitary sewer easements and water main easements shall be at least twenty (20) feet in width.

#### 5-3-20 CURBS.

1. Curb requirements and construction shall be in accordance with the city standards.
2. Where curbing is not required, as in planned developments or within two (2) miles of the city limits, edge definition and stabilization shall be furnished as recommended by the city engineer. Shoulders and swales shall be reviewed on a case-by-case basis with the city engineer.
3. Curbing shall be designed to provide a ramp for wheelchairs and handicapped access as required by the Code of Iowa and the city standards.

#### 5-3-21 SIDEWALKS.

1. Sidewalks shall be required on all public street frontages and shall be constructed in accordance with the city standards.
2. Sidewalks shall be placed four (4) feet behind the curb parallel to the street, unless an exception has been permitted by the city engineer to preserve topographical or natural features or to provide visual interest, or unless the developer shows that an alternative pedestrian system provides safe and convenient circulation.

#### 5-3-22 PLANNED UNIT DEVELOPMENTS.

1. A Planned Unit Development (PUD) is a subdivision process established to allow variation from traditional development standards identified in the Subdivision Ordinance of the City of Maquoketa, Iowa. The process is intended to allow flexibility in the development process

in exchange for creative design alternatives, greater variety and innovation in land uses and structural appearances, larger expanses of parks and open spaces, more extensive landscaping, and higher protection of natural features and unique resources.

2. A PUD shall not be construed solely as a mechanism to waive requirements of this Ordinance. A PUD must be determined to be in the interest of and to protect the health, safety and general welfare of the public. A PUD must be consistent with the comprehensive plan and the general intent of this Ordinance.

3. A PUD may only consist of properties that contain either R-1 (as defined in City of Maquoketa Code of Ordinances Title V Chapter 1D) or R-2 (as defined in City of Maquoketa Code of Ordinances Title V Chapter 1E) zoning classifications and property uses, or both.

4. A PUD shall have a common open space, accessible to all lots or units, equal to a minimum of twenty-five percent (25%) of the gross area of the development site. No streets, driveways, or parking areas may be included as part of the required open space. Preservation, maintenance and ownership of required open space with a PUD shall be accomplished by: (1) dedication of the land as a public park or parkway system, if accepted as such by the city; or (2) establishment of a property owners' or homeowners' association, with bylaws or regulations governing preservation, maintenance and ownership of the open space.

5. The PUD process may be used to allow infill development or development of smaller parcels contiguous with existing developed areas of the city, where it may be appropriate to match existing lot and block patterns, street corridors, or other existing conditions. In instances of infill development, particularly smaller parcels, creative design emphasis shall be placed on architectural controls, landscaping and neighborhood compatibility, rather than subdivision design or the creation of large open spaces or common areas.

6. The PUD process is not intended to allow increases in development density. Allowable density shall be based upon a concept development layout using conventional land area requirements for each proposed use. Dimensional variations for a resulting PUD may include deviation from the conventional standards: lot width, lot depth, lot area, street setback (provided no required parking areas encroach on public right-of-way, public utilities, or within a private street or access area), setback requirements, or street right-of-way width.

7. The PUD process and the unique features of a proposed development may require that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification. The city council may approve streets, utilities, public facilities and subdivisions that are not in conformance with city standards if it finds that strict adherence to such standards or requirements is not required and so long as the health, safety and general welfare of residents of the PUD, the surrounding area, and the city as a whole, are not compromised.

8. A planning conference and a sketch plan is required for a proposed PUD. The sketch plan shall identify unique conditions that warrant consideration of a PUD process, shall illustrate the density of the development by conventional development standards, and shall include a description and illustration of the dimensional variations that are requested and any special design

features and innovations of the PUD. The process to review and approve a PUD shall be comparable to the preliminary and final platting process and shall include all platting documentation in addition to PUD documentation.

9. A preliminary plat is required following review of the sketch plan by the city. A preliminary plat shall illustrate the conceptual development patterns for the entire site controlled by the developer. The preliminary plat shall include all information required by this ordinance for subdivisions. In addition, the developer shall file with the preliminary plat: (1) a statement of the rationale for utilizing the PUD process; (2) identification of the city standards or ordinances which may be subject to waiver or variation; (3) the special features of the development which qualify it as a PUD; (4) a written narrative of the proposed development; and (5) calculations showing that the minimum required open spaces have been designated and set aside.

10. A final plat must be prepared, consistent with the conditions of the preliminary plat, for review and approval by the planning and zoning commission and the city council. The process for approving a final plat shall be the same as the process for approval of a final subdivision plat. The final plat must include the entire site controlled by the developer and shall include:

- a. The zoning classification requested;
- b. Site plans illustrating lot dimensions, minimum structure setbacks, easements, parks, trails, sidewalks, common open spaces, preservation areas, parking configurations and landscaping.
- c. The aggregate area of private lots and area of common open space stated as percentages of the total area within the PUD.
- d. Preliminary architectural styles for each building type, including, but not limited to, floor plans, unit relationships and accessory uses.

The construction and occupancy schedules of each phase of the development.

- f. Covenants, restrictions and financial assurances required for the maintenance and operation of the attached residential units, common areas, permanent open spaces, joint facilities, and private streets (of permitted).

11. Unless waived by the City Council, a developer shall execute a development agreement containing the developer's obligations under the approved final plat.

(Ord 1009, 10-3-05)

## TITLE V LAND USE REGULATIONS

### CHAPTER 4 AIRPORT ZONING REGULATIONS

5-4-1	SHORT TITLE	5-4-5	LIGHTING
5-4-2	DEFINITIONS	5-4-6	VARIANCES
5-4-3	AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATION	5-4-7	JUDICIAL REVIEW
5-4-4	USE RESTRICTIONS	5-4-8	ADMINISTRATIVE AGENCY
		5-4-9	PENALTIES

5-4-1 SHORT TITLE. This Ordinance shall be known and may be cited as “The Maquoketa Municipal Airport Height Zoning Ordinance.”

5-4-2 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. “Airport” is the Maquoketa Municipal Airport.
2. “Airport Elevation” means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be seven hundred seventy feet (770').
3. “Airport Hazard” means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal regulations sections seventy seven point twenty one (77.21), seventy seven point twenty three (77.23) and seventy seven point twenty five (77.25) as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing and takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “Airport Primary Surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in each part of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. “Airspace Height” means that in determining the height limits in all zones set forth in this Ordinance and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
6. “Control Zone” is the airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

7. “Instrument Runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

8. “Minimum Descent Altitude” is the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

9. “Minimum Enroute Altitude” The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. Minimum Obstruction Clearance Altitude” is the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

11. “Runway” is a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. Visual Runway” is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

#### 5-4-3 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATION.

1. In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the Maquoketa Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

a. Airport Height Zones:

(1) “Horizontal Zone” is the land lying under a horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by:

A. Swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of runway(s) fifteen (15) and thirty-three (33), and connecting the adjacent arcs by lines tangent to those arcs.

B. No structure shall exceed one hundred fifty feet (150') above the established airport elevation in the Horizontal Zone, as depicted on the Maquoketa Municipal Airport Height Zoning Map.

(2) “Conical Zone” is the land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20 to 1) for a horizontal distance of four thousand feet (4,000'). No structure shall penetrate the conical surface in the Conical Zone, as depicted on the Maquoketa Municipal Airport Height Zoning Map.

(3) “Approach Zone” is the land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface (NOTE: An approach surface is applied to each end of the runway based upon the type of approach available or planned for that runway end).

A. The inner edge of the approach surface is:

a.) Five hundred feet (500') wide for Runways 15 and 33.

B. The outer edge of the Approach Zone is:

a.) One thousand five hundred feet (1,500') for Runway 15.

b.) Two thousand feet (2,000') for Runway 33.

C. The Approach Zone extends for a horizontal distance of:

a.) Five thousand feet (5,000') at a slope of twenty to one (20 to 1) for Runway 15.

b.) Five thousand feet (5,000') at a slope of twenty to one (20 to 1) for Runway 33.

D. No structure shall exceed the approach surface to any runway, as depicted on the Maquoketa Municipal Airport Height Zoning Map.

E. Transitional Zone: The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one (7 to 1) from the sides of the primary surface and from the sides of the approach surfaces.

a) No structure shall exceed the transitional surface, as depicted on the Maquoketa Municipal Airport Height Zoning Map.

F. No structure shall be erected in Jackson County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway in Jackson County.

5-4-4 USE RESTRICTIONS. Notwithstanding any other provisions of Section 6-8-13 no use may be made of land or water within Jackson County or the City of Maquoketa in such manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs or use land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from the Maquoketa Municipal Airport or in the vicinity thereof.

2. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Maquoketa Municipal Airport.

3. No Operations from any use in the City of Maquoketa or Jackson County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

#### 5-4-5 LIGHTING.

1. Notwithstanding the provisions of Section 6-18-4, the owner of any structure over two hundred feet (200') above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments.

2. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine feet (949') above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.

3. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Maquoketa at its own expense to install, operate and maintain thereto such markers of lights as may be necessary to indicate to pilots the presence of an airspace hazard.

5-4-6 VARIANCE. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his/her property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Maquoketa Airport Board for their opinion as to the aeronautical effects of such a variance. If the Maquoketa Airport Board Manager does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

5-4-7 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Statutes, Section 414.15.

5-4-8 ADMINISTRATIVE AGENCY. It shall be the duty of the Maquoketa Airport Board to administer the regulation prescribed herein. Applications for permits and variances shall be made to the Maquoketa Airport Board upon a form furnished by them. Applications required by this Ordinance to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Maquoketa Airport Board.



5-4-9 PENALTIES. Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a municipal infraction, and be punishable by a fine of not more than one hundred dollars (\$100.00) and any other penalty provided for by Maquoketa Ordinance 1-3-.1 Each day a violation continues to exist shall constitute a separate offense.

(Ord. 1142, Passed June 2, 2018)

TITLE V LAND USE REGULATIONS  
CHAPTER 5 INDUSTRIAL PARK COVENANTS

5-5-1	INDUSTRIAL PARK BOUNDARIES	5-5-4	PARKING AND DOCKAGE
5-5-2	DEVELOPMENT AND PLANNING	5-5-5	UTILITIES
5-5-3	OUTSIDE AREAS	5-5-6	NUISANCES AND HAZARDS
		5-5-7	SIGNS

5-5-1 INDUSTRIAL PARK BOUNDARIES. A parcel of property located in the following described real estate, known as the Second Industrial Park and described as:

1. Parcel I:

a. The Northeast Quarter of the Northeast Quarter of Section 30, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, excepting therefrom the Northerly 60 feet thereof.

2. Parcel II:

a. The Southerly 644.6 feet of the Southeast Quarter of the Southeast Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, excepting therefrom the following:

(1) The Southerly 60 feet of said Southeast Quarter of the Southeast Quarter of said Section 19.

(2) The Easterly 60 feet of the Southerly 644.6 feet of said Southeast Quarter of the Southeast Quarter of said Section 19.

(3) A triangular shaped portion of said Southeast Quarter of said Section 19, more particularly described as follows: Beginning at the Southeast corner of said Southeast Quarter, thence Northerly along the Easterly line thereof a distance of 230 feet, thence Southwesterly to a point on the Southerly line of said Southeast Quarter, said point being 230 feet Westerly of said Southeast corner, thence Easterly along said Southerly line a distance of 230 feet to the point of beginning, excepting the Southerly 60 feet and the Easterly 60 feet thereof, containing 0.14 of an acre, more or less.

3. Parcel III:

a. All that part of the following described real estate: Commencing at the Southeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 19. Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, and running thence north 80 rods, thence West 420 feet, thence South 600 feet, thence in a Southeasterly direction along the line of the Davenport and St. Paul Railroad (later known as Chicago, Milwaukee, St. Paul and Pacific Railroad) to the South Line of said Section 19, thence East 170 feet to the place of beginning.

Lying and being located South of the South line of one certain easement for railroad track and utility purposes dated May 11, 1963, and recorded in Book I, Page 333, Office of the Recorder of Jackson County, Iowa, and subsequently assigned to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, by instrument dated January 13, 1964, and recorded in Book J, Page 364, Office of the Recorder aforesaid.

Excepting therefrom all that part of the Southerly 60 feet of said Southwest Quarter of the Southeast Quarter of said Section 19, which lies East of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad shall be subject to restrictive covenants listed in this Chapter.

#### 5-5-2 DEVELOPMENT AND PLANNING.

1. Approval of Plans. Before commencing the construction or alteration of any buildings, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to any site or lot, the property owner shall first submit site plans and plans and specifications thereof to the City of Maquoketa for its written approval. In the event that the City shall fail to approve or disapprove such building plans, specifications, and site plans within ten (10) days after they have been submitted to it, such approval shall not be required and this covenant will be deemed to have been complied with.

2. Replatting or Subdividing. The owner of any lot or parcel within this development shall never at any time, replat, subdivide, or resub divide any lot into a smaller lot or parcel or in any other manner change this plat without first obtaining the prior written approval of the City.

3. Operations within Enclosed Buildings. All operations and activities shall be conducted or maintained within completely enclosed buildings except:

- A. Off-street parking and loading spaces;
- B. Employee recreational facilities;
- C. Outdoor exterior storage.

4. Time for Construction/Repurchase. Any purchaser of real estate in this subdivision or a purchaser's successor in interest shall begin good faith construction of a permanent building within two years from the date title is transferred to the purchaser. If such good faith construction is not started within said period, the City of Maquoketa shall have the right to repurchase the real estate for the purchase price paid by the initial purchaser and the purchaser or the purchaser's successor in interest shall execute all instruments necessary to re-convey the property to the City. The City may agree in writing to extend the time construction is to commence upon written application of the purchaser or the purchaser's successor in interest.

5. Land Area Coverage. The following chart sets forth the maximum and minimum land area coverage for various lot sizes.

Maximum percentage of total lot area available for lot area	Combined maximum percentage of lot area	Minimum percentage of total lot area to be left open,
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coverage by building related features.	available for land area coverage by building and vehicle related features.	without construction of any kind.
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TOTAL LOT AREA			
0 to 5 Acres	50%	60%	40%
5.01 to 10.00	55%	65%	35%
10.01 to 20 Acres	60%	70%	30%

### 5-5-3 OUTSIDE AREAS.

1. Landscaping. All property shall be properly landscaped and maintained in a park-like, well-kept condition with suitable shrubs, trees and/or ground cover. The areas created by observance of setback requirements shall be landscaped or used for green areas.

2. Outside Storage. Outside open storage is allowed in the side or rear yard when the area is properly screened from view from all sides by means of an opaque fence or wall, minimum of 6 feet high, or to a height at least equal to the materials or equipment stored, whichever is greater. Such storage shall be confined to locations in the rear or at the side of said building and behind the front line of said building as extended and shall be constructed within the applicable setback lines, as outlined in the City of Maquoketa Zoning Ordinance, Subchapter 1K, as amended.

3. Maintenance of Undeveloped Areas. That portion of each tract that is not improved with buildings, parking facilities, loading facilities, and lawn areas shall be seeded to a cover planting which grows to a height not to exceed approximately eighteen (18) inches, and at all times shall be attractively maintained. No part of any of the land area shall be planted in cultivated row crops.

4. Maintenance of Developed Areas. No building or structure above ground shall extend beyond the building lines prescribed above and it is hereby declared that the yards or areas created by the observance of the building or setback lines established in the Maquoketa Zoning Ordinance, Subchapter 1K, may be used or developed either for attractive open landscape and green areas or for off-street, dust-free, stabilized parking areas. All landscaping shall be properly maintained in a sightly and well-kept condition. Parking areas shall be likewise maintained in a sightly and well-kept condition. Materials may be stored outside in setback areas in accordance with 5-5-3-(2).

5. Waste. No garbage or decomposable animal or vegetable waste shall be placed in storage upon any lot or tract except in tightly covered metal or plastic containers. All of the refuse shall be placed in containers or enclosures in a manner not constituting a nuisance by reason of wind-litter, disorderly appearance, or abnormal fire hazards. The owners shall be responsible for the removal of garbage and other refuse from the premises at least once a week.

6. Fences. All fencing or screening, for security or for other purposes, shall be attractive in appearance and shall be of all metal industrial type or galvanized or nonferrous material. No fence, masonry wall, hedge, or mass planting shall be permitted to extend beyond the building setback lines as set forth above except with the prior written approval of the City.

### 5-5-4 PARKING AND DOCKAGE.

1. Building Construction. The outside walls of all buildings shall be of masonry construction or pre-engineered metal buildings and/or their equivalent attractively erected and painted. Attractive appearance and durability shall be used as criteria by the City in judging equivalency. Building construction and design shall be used to create a structure with four (4) attractive sides of high quality, rather than place all emphasis on the front elevation of the building while neglecting or downgrading the aesthetic appeal of the side and rear elevations of the building.

2. Docks. It is contemplated that truck loading docks will be installed at each building in such location and in such quantity to permit trucks to load and unload or to wait to do so without hindering traffic upon public or park streets. No curb cut or entrance shall be constructed within 75 feet of the nearest intersection. The radii of curb cuts shall not be less than 25 feet.

3. Parking. The owner or user of any building site or lot shall provide for adequate stabilized, dust-free parking for employees. This parking area shall be located upon the owner's or user's lot or building site. Similar off-street parking spaces for visitors shall also be provided upon said lot or site.

#### 5-5-5 UTILITIES.

1. Stormwater. The area of watersheds after development shall remain the same as pre-development watersheds. Individual site grading plans will be developed to assure proper control of storm water. Such plans will be submitted to the City for approval as part of the building plan.

2. Easement. Easements may be used for the construction, installation, maintenance and location of underground electric or communication cables, storm sewage or sanitation sewers, pipe line for supplying gas, water, or heat, including mains and service pipes.

The purchasers of lots and tracts within this development shall at their own cost and expense keep and preserve that portion of the easement and right-of-way within their property lines at all times in good condition of repair and maintenance.

3. Sewer Discharge. No occupant of the Industrial Park shall discharge a volume of sanitary sewage greater than five thousand gallons per day for each acre of the property owned by such occupant without the expressed written consent of the City. Sewage discharge of other than domestic waste, or of volumes in excess of five thousand gallons per acre per day, or of EPA or DNR controlled substances may be made only with written permission of the City of Maquoketa.

#### 5-5-6 NUISANCES AND HAZARDS.

1. No occupant of the Property shall manufacture, process, produce, handle or store any product or item or engage in any activity which shall at any time produce or possess the potential to produce a nuisance or hazard, beyond the limits of the lot, to the public health, safety, or welfare. All users shall operate in conformance with the limitations set forth in the City of Maquoketa Ordinances, State of Iowa laws and rules, and federal laws and regulations, whichever is more restrictive.

2. General Restrictions. No noxious or offensive trade or activity shall be carried on, nor shall anything be done thereon which may be or may become an unreasonable annoyance or nuisance to the said Maquoketa Industrial Park hereby restricted, or the surrounding area, whether said annoyance or nuisance be by reason of unsightliness or the excessive vibration, glare and heat, noise, fire hazards or industrial wastes.

3. In Addition. Auto wrecking, salvage yards, used materials yards, storage or baling of waste or scrap paper, rags, scrap metals, bottles or junk, shall not be permitted except as they may become necessary as an incident of a permissible use of the premises.

5-5-7 SIGNS. No billboards or advertising signs other than those identifying the name, business and product of the person or firm occupying the premises shall be permitted. In addition to the above, one sign not exceeding 10 X 20 feet in area advertising the premises for sale or rent, and accessory signs giving directions for the delivery of goods, parking, etc., may be erected.

(Ord., 758, 8-5-91)

TITLE V LAND USE REGULATIONS  
CHAPTER 6 STORM WATER MANAGEMENT

5-6-1 PURPOSE AND GENERAL  
OBJECTIVES  
5-6-2 DEFINITIONS  
5-6-3 EXEMPTIONS

5-6-4 APPLICATION  
5-6-5 STORM WATER MANAGEMENT  
REQUIREMENTS  
5-6-6 FEES ESTABLISHED

5-6-1 PURPOSE AND GENERAL OBJECTIVES.

1. It is the purpose of the Chapter to establish policies to comprehensively manage and control storm water runoff in a safe and economical manner in developing areas for the purpose of promoting the health, safety and general welfare of the population, and for the protection of property.

2. It is also the intent of this Chapter to provide for storm water storage within the city where detention basin facilities have been determined to be beneficial in reducing the peak runoff to subservient lands.

3. Requirements shall be established by this Chapter in an effort to manage storm water runoff from development sites. Except as exempted in this chapter, a storm water management plan, as set forth herein, will be required as part of proposed development activities.

4. It is a further purpose of this Chapter to adopt engineering methods and techniques for estimating storm water runoff which can be updated as technology improves, and to systematically monitor the effectiveness of the storm water management program.

5-6-2 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. “Capacity of a Storm Water Facility” means the maximum volume or rate of conveyance available in a Storm Water Management Facility, including freeboard, to store or convey storm water without damage to public or private property.

2. “City” shall mean the City of Maquoketa, Iowa.

3. “City Manager” shall mean the city manager of Maquoketa, Iowa.

4. “City Council” shall mean the City Council of Maquoketa, Iowa.

5. “City Engineer” means the engineer designated by the City Council to review a Storm Water Management Plan.

6. “Civil Engineer” shall mean a professional engineer licensed in the State of Iowa to practice in the field of civil works.

7. “Control Structure” means that part of a Storm Water Management Facility designated to regulate the Storm Water Runoff Release Rate.

8. “Detention Basin” shall mean a Storm Water Management Facility designed, constructed or modified to provide short term storage of Storm Water Runoff, which reduces the peak outflow to a rate less than the peak inflow.

9. “Development” means either:

a. The subdivision of real estate as defined in section 5-3-5(40);

b. Any improvement, development or redevelopment of a site one-half acre or larger;  
or

c. The improvement, development or redevelopment of an area greater than five thousand square feet if it is located in the B-2 Central Business District as defined in section 5-1G-1 of the City of Maquoketa Code of Ordinances.

10. “Drainage Area” means an area of land contributing to Storm Water Runoff.

11. “Site” means a lot, parcel, or tract of land, or portion thereof, where development is occurring or has occurred.

12. “Storm Sewer System” shall mean facilities for the conveyance of Storm Water Runoff, typically a series of conduits and appurtenances, to accommodate frequent storms not generating large peak discharges. These facilities usually include conduits, street gutters and swales.

13. “Storm Water Management Facilities” mean any buildings, structures, Detention Basins or other facilities for the management of Storm Water Runoff as required by a Storm Water Management Plan.

14. “Storm Water Management Plan” is a site plan, certified by a Civil Engineer, including materials, construction phasing, grading activities, and methods used for mitigation of increased storm water runoff from a Site.

15. “Storm Water Runoff” is the flow of water resulting from precipitation upon a surface area, not absorbed by the soil or plant material.

16. “Storm Water Runoff Release Rate” is the amount of Storm Water Runoff discharged from dominant land to servient land. Elevation shall determine which land is dominant and which is servient.

5-6-3 EXEMPTIONS. The following are exempt from the requirements of this Chapter:



1. Agricultural use of land.
2. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
3. Land within flood plain areas as designated in the Federal Emergency Management Agency maps in effect at the time of development, or determined to be in a flood plain by the City Engineer at the time of development.
4. Areas where it is otherwise demonstrated that the proposed development will not produce any significant change to the existing pre-application hydrology; except that this exemption shall not be available for property located in the B-2 Central Business District as defined in section 5-1G-1 of the City of Maquoketa Code of Ordinances.
5. Areas deemed appropriate by the City Engineer.

#### 5-6-4 APPLICATION.

1. The requirements of this Chapter shall apply to all Development within the City.
2. Storm Water Detention Basins intended to serve single family or multi-family residential developments shall be constructed by a developer and shall be privately owned and maintained following their inspection and acceptance by the City, unless otherwise approved by the City.
3. Storm Water Detention Basins intended to serve commercial development shall be constructed by a developer and shall be privately owned and maintained unless otherwise approved by the City.

#### 5-6-5 STORM WATER MANAGEMENT REQUIREMENTS.

1. For purposes of obtaining approval of a Storm Water Management Plan, a plan for the site shall be submitted to the City Manager for review and approval by the City Engineer. All design criteria and plan details shall be in conformance with generally recognized engineering principles and the Maquoketa Storm Water Management Policy.
2. Construction of Storm Water Management Facilities shall be in conformance with the approved Storm Water Management Plan for the site.
3. The Storm Water Management Plan, including on-site water detention facilities, shall be reviewed and approved by the City Engineer prior to the issuance of building permits for the site. The improvements shall be constructed prior to occupancy. The requirements of this paragraph may be deferred at the discretion of the City.
4. For sites on which privately owned and maintained storm water detention and/or conveyance facilities are located, the property owner shall be responsible for the following:
  - a. All future grading, repairs, and maintenance.

b. Maintenance of the minimum storm water detention volume, as approved by the City Engineer.

c. Maintenance of the Detention Basin control structure(s) and discharge pipe(s) to insure the maximum theoretical Storm Water Runoff Release Rate, as approved by the City Engineer, is not increased.

5. The City Council may require the formation of a property owner's association to assume responsibility for Storm Water Management Facilities.

6. The property owner shall place no fill material, nor erect any buildings, obstructions, or other improvements on the area reserved for storm water detention purposes, unless approved otherwise by the City Engineer.

7. The City Council may, in its discretion, require the property owner to dedicate to the City of Maquoketa, Iowa, by instrument or final platting, any property on which public Storm Water Detention Basins will be located. Ingress-egress easements for maintenance of public facilities shall be provided prior to final plat approval.

8. The City Engineer may inspect any public or private Site at any time to determine compliance with these regulations. If deemed necessary by the City Engineer, the property owner shall provide certification by a Civil Engineer verifying the minimum storm water detention volume and the maximum theoretical Storm Water Runoff Release Rate, as required by section 5-6-5(4), are in conformance with the approved design.

9. Upon determination that a site is not in compliance with these regulations, the City Manager may issue an order to comply. The order shall describe the problem and specify a date by which compliance must be achieved. The City may pursue all legal and equitable remedies available in the event of noncompliance by the deadline contained in such a notice, which remedies may include, but not be limited to, a municipal infraction. The City's remedies may be cumulative.

10. Except as provided in this Chapter, no person shall engage in construction of Storm Water Management Facilities unless a Storm Water Management Plan has been reviewed and approved by the City Engineer.

5-6-6 FEES ESTABLISHED. For any development, a storm water plan fee shall be charged which shall be calculated to reimburse the city for all costs associated with the review and approval of the developer's Storm Water Management Plan, including, but not limited to, expenses for the City Engineer, City Attorney and the reasonable cost of city staff time devoted to review and approval of the Storm Water Management Plan and construction of the required Storm Water Management Facilities.

(Ord. 1008, 10-3-05)

## TITLE V LAND USE REGULATIONS

### CHAPTER 7 REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS

#### 5-7-1 PURPOSE AND GENERAL OBJECTIVES

#### 5-7-2 DEFINITIONS

#### 5-7-3 RESTRICTIONS ON LOCATION OF ADULT MOVIE THEATERS, ADULT BOOKSTORES AND ADULT ENTERTAINMENT FACILITIES

5-7-1 PURPOSE AND GENERAL OBJECTIVES. In adopting this Chapter, it is recognized that adult entertainment establishments have certain objectionable side effects which render those adult facilities incompatible with residential and family-oriented uses when the adult establishments are located directly adjacent to such uses. This ordinance seeks to ensure that residential and family-oriented uses, and adult entertainment establishments, will be located in separate and compatible locations. It is a subject of legitimate concern for the City to use its zoning powers to preserve the quality of life, preserve the City's neighborhoods, and to effectively meet the increasing encroachments of urbanization upon the quality of life within the City.

5-7-2 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. "Adult Movie Theater" shall mean an enclosed building used for presenting motion picture films, DVDs, videocassettes, cable television, or any other visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as described below, for observation by persons therein. For purposes of this section, the size and description of the viewing room shall not affect characterization of the building as a theater; however, nothing in this section shall be deemed to regulate the viewing habits of persons in the privacy of their homes.

2. "Adult Bookstore" shall mean a retail store for the sale, rental, or exchange of books, magazines, videocassettes, or DVDs, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined below. Adult bookstores do not include businesses which sell, rent or exchange such videocassettes or DVDs as a sidelight or adjunct to sales or rental of videocassettes or DVDs not relating to "specific sexual activities" or "specified anatomical areas."

3. "Adult Entertainment Facility" shall mean a building in which:

a. Entertainers routinely remove all or portions of their clothing as a part of their performance, regardless of whether the business has a license to sell alcohol; or

b. Entertainers allow patrons to observe “specific sexual activities” or “specified anatomical areas” involving such entertainers.

c. For the purpose of this section, an entertainer shall be a person who either works as an employee of the business, is an agent of the business, or is an independent contractor who has been hired or is allowed by the business to perform for the apparent pleasure or gratification of the patron.

d. Examples of adult entertainment facilities would include, but not be limited to, gentlemen’s clubs, strip bars, “full-nudity” juice bars, and nude modeling clubs.

4. “Specific Sexual Activities” shall mean:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of actual or simulated human masturbation, sexual intercourse or sodomy;

c. Fondling or other touching of human genitals, pubic region, buttock or female breast;  
and

d. Minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.

5. “Specified Anatomical Areas” shall mean:

a. Less than completely and opaquely covered human genitals, human buttocks, or human female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**5-7-3 RESTRICTIONS ON LOCATION OF ADULT MOVIE THEATERS, ADULT BOOKSTORES AND ADULT ENTERTAINMENT FACILITIES.**

1. Adult movie theaters, adult bookstores and adult entertainment facilities are prohibited in any B-1, R-1, R-2, R-3 and residential PUD zones.

2. No adult movie theater, adult bookstore or adult entertainment facility shall be located within five hundred (500) feet of any other adult movie theater, adult bookstore, or adult entertainment facility.

(Ord. No. 1053, 03-17-08)

TITLE V    LAND USE REGULATIONS  
CHAPTER 8    GROUND FLOOR DWELLINGS

5-8-1    DEFINITIONS

5-8-2    GROUND FLOOR  
          DWELLINGS  
          PROHIBITED

5-8-1    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.    “Dwelling” shall be defined as a building or portion of a building which is arranged, occupied or intended to be occupied for residential purposes.

2.    “Ground Floor Dwelling” shall be defined as any dwelling located at street level or on the first floor of a commercial building.

3.    “Commercial Building” shall be defined as a building utilized for retail sale of goods or other business purposes, or arranged or intended for use for the retail sale of goods or other business purposes, on the effective date of this Ordinance.

4.    “Commercial Zone” shall be defined as follows:

- a.    The east and west sides of Main Street from Quarry Street to Maple Street; and
- b.    The north and south sides of Platt Street from Niagara Street to Olive Street.

5-8-2    GROUND FLOOR DWELLINGS PROHIBITED. It shall be unlawful to construct, rent, lease or occupy a ground floor dwelling within the commercial zone.

(Ord. 1074, 10-05-09)

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 1 ELECTRIC UTILITIES

ARTICLE A ELECTRIC RATES

6-1A-1 RATES

6-1A-1 RATES. The rates for electric service shall be set by Resolution of the Utility Board of Trustees as set forth in Section 2-23-8 of this Code.

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 1 ELECTRIC UTILITIES  
ARTICLE B ELECTRIC CONSTRUCTION

6-1B-1 PURPOSE

6-1B-2 SCOPE

6-1B-3 DEFINITIONS

6-1B-4 COMPLIANCE

6-1B-5 CONSTRUCTION STANDARDS

6-1B-6 DUTIES OF A COMPANY

6-1B-1 PURPOSE. In order to protect the public health, safety, and welfare, to promote a pleasing aesthetic appearance, and to facilitate the provision of city services, it is the purpose of this Ordinance to regulate within the City the construction, operation, and maintenance of facilities for the transmission and distribution of electricity to the public for compensation, and to keep the City apprised to the operation of electric utilities within the City.

6-1B-2 SCOPE. The provisions of this Ordinance shall apply to all Companies, as defined in Section 3 of this Ordinance.

6-1B-3 DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When, not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

1. "City" shall mean the City of Maquoketa, a municipal corporation of the State of Iowa.
2. "Company" shall mean any individual, partnership, co-operative, business association, or corporation owning or operating, within the corporate limits of the City, any facilities for furnishing electricity to the public for compensation.
3. "Council" shall mean the City Council of the City of Maquoketa, Iowa.
4. "Facilities" shall mean any overhead or underground electrical transmission or distribution line, along with related equipment and appurtenances.
5. "Person" shall mean an individual, partnership, co-operative, association, organization, corporation, or any lawful successor, transferee, or assignee of said individual, partnership, co-operative, association, organization, or corporation.
6. "Shall" and "Must" each is mandatory and not merely directory.
7. "Street" shall include each of the following which have been, or in the future are, dedicated to the public, maintained under public authority, and located within the City limits:

streets, roadways, highways, avenues, lanes, alleys, sidewalks, city-owned easements, rights of way, and similar public ways and extensions and additions thereto.

8. “Superintendent” shall mean the superintendent of the City Electric Distribution System of the City.

6-1B-4 COMPLIANCE. It shall be unlawful for any Company to construct, operate, or maintain on City property any facilities, or to cause the construction, operation, or maintenance on City property of any facilities, without having fully complied with the provisions of this Ordinance.

6-1B-5 CONSTRUCTION STANDARDS. All Company facilities constructed, reconstructed, erected, relocated, or repaired within the corporate limits of the City shall:

1. When occupying City property, be located so as to cause minimum interference with proper use of City property and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any City property.

2. Be located so as to provide adequate sight distances and so as not to obstruct any traffic signals or signs. If any sight distances are inadequate or any traffic signals or signs are obstructed the Company shall, at no expense to the City and in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways relocate either its facilities or the traffic signals or signs.

3. Be located at least six feet (6') from any fire hydrant. If any facilities are not so located the Company shall, at no expense to the City, relocate its facilities.

4. Be constructed so as to provide for safe underbuilding of and located so as not to endanger or interfere with any facilities of another Company and with any other public utilities, including, but not limited to, natural gas pipelines, telephone wires, cable television wires, telephone or cable television underground conduits, fire hydrants, water pipes, sanitary sewers, and storm sewers. To these ends, the superintendent may, after consultation with affected persons and Companies, promulgate rules establishing utility corridors on City property and standardized placement of public utilities within those corridors.

5. Be kept and maintained in a safe, adequate, and substantial condition in accordance with all applicable federal, state, and local safety codes.

6-1B-6 DUTIES OF A COMPANY.

1. Safety. A Company shall at all times employ care and shall install and maintain in use commonly accepted methods and devices, as prescribed by the Iowa Electrical Safety Code, for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, or other warning and protective devices shall be used at such times and places as are reasonably required for the safety of the members of the public.



2. Restoration. A Company shall, at no expense to the City and in a manner approved by the superintendent, restore any damage to or disturbance of City property resulting from the Company's operations, or construction, reconstruction, erection, relocation, or repair on the Company's behalf, so that the City property is in as good a condition as before the work was commenced. The Company shall guarantee and maintain such restoration against defective materials or workmanship for a period of two (2) years. Because of impending work by the City or another public utility, the superintendent and the Company may agree to a less stringent arrangement.

3. Relocation. A Company shall, at no expense to the City, protect, support, temporarily disconnect, relocate or remove temporarily or permanently, any of its facilities when, in the opinion of the superintendent, the same is required by reason of traffic condition, public safety, street vacation, street construction, change or establishment of street grade, installation of storm sewers, sanitary sewers, drains, water pipes, natural gas pipelines, power lines, signal lines, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies whether acting in a governmental or proprietary capacity, and any general program under which the City shall undertake to cause all such facilities to be located underground.

4. Location and exposure. If requested to by the superintendent because of impending construction, reconstruction, or maintenance, a Company shall locate and expose any of its underground facilities, at no cost to the City. In an emergency situation the Company shall immediately locate and expose the facilities. In a routine situation the Company shall locate and expose the facilities within twenty-four (24) hours of the superintendent's request. No construction permit shall be required for work under this paragraph.

5. Moving buildings. A Company shall, on the request of any person holding a building moving permit issued by the City, temporarily move any of its facilities to permit the moving of buildings. The expense of such temporary moves shall be paid by the person requesting the same. A Company shall be given not less than three (3) days advance notice to arrange for such temporary moves of its facilities.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 2 SEWER SYSTEMS

6-2-1	DEFINITIONS	6-2-5	USE OF PUBLIC SEWERS
6-2-2	USE OF PUBLIC SEWERS REQUIRED	6-2-6	PROTECTION FROM DAMAGE
6-2-3	PRIVATE SEWAGE DISPOSAL	6-2-7	POWERS AND AUTHORITY OF INSPECTORS
6-2-4	BUILDING SEWERS AND CONNECTIONS	6-2-8	ENFORCEMENT

6-2-1 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. "Act" means the Federal Water Pollution Control Act, as amended, 33U.S.C., et seq.
2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
3. "Approving Authority" shall mean the City Council of the City of Maquoketa; acting by and through the City Manager being their duly authorized agent or representative.
4. "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 twenty degrees (20°) Centigrade, expressed in milligrams per liter.
5. "Building Inspector" shall mean the Building Inspector of the City of Maquoketa.
6. "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 or other approved point of discharge, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.
7. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
8. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
9. "Compatible Pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacterial.
10. "Control Manhole" shall mean a structure located on a site from which industrial wastes

are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a “Control Manhole” is to provide access for a City representative to sample and/or measure discharges.

11. “Director” means the chief administrative officer of a state water pollution control agency or interstate agency. In the event responsibility for water pollution control and enforcement is divided among two (2) or more state or interstate agencies, the term “Director” means the administrative officer authorized to perform the particular procedure to which reference is made.

12. “Easement” shall mean an acquired legal right for the specific use of land owned by others.

13. “Federal Grant” shall mean the U.S. government participation in the financing of the construction of treatment works as provided by Title II, Grants for Construction of Treatment Works of the Act.

14. “Floatable Oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

15. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and the handling, storage, and sale of produce.

16. “Incompatible Pollutant” means any pollutant which is not a compatible pollutant as defined in subsection 9.

17. “Industrial Waste” shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

18. “Major Contributing Industry” shall mean an industrial user of the publicly owned treatment works that: a) has a flow of fifty thousand (50,000) gallons or more per average work day; b) has a flow greater than five percent (5%) of the flow carried by the Municipal system receiving the waste; c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of the Act; or d) is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

19. User Types:

a. “User Class” shall mean the type of user of wastewater facilities, either “residential

or commercial” (non-industrial) or “industrial” as defined herein.

b. “Residential or Commercial” or “Non-industrial” user, shall mean any user of the wastewater facilities not classified as an industrial user or excluded as an industrial user as provided for in this Section.

c. “Industrial User” shall mean any non-governmental user of publicly owned wastewater facilities identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget as the same may now or hereafter be amended and supplemented, under the following divisions:

- (1) Division A-- Agriculture, Forestry, and Fishing
- (2) Division B-- Mining
- (3) Division D-- Manufacturing
- (4) Division E-- Transportation, Communications, Electric, Gas and Sanitary  
Services
- (5) Division I—Services

A user in the divisions listed may be excluded as an industrial user if it is determined by the Director that such user will introduce into the wastewater system primarily segregated domestic wastes or wastes from sanitary conveniences rather than industrial wastes.

20. Milligrams Per Liter shall mean a unit of the concentration of water or wastewater constituent. It is one one-thousandth (0.001) gram of the constituent in one thousand (1,000) milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

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

22. NPDES Permit means any permit or equivalent document or requirements issued by the Administrator, or, where appropriate, by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Act.

23. Person shall mean any and all persons, natural or artificial including any individual, firm, company, Municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

24. PH shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in grams per liter of solution. It shall be determined by one of the procedures outlined in "Standard Methods."

25. PPM shall mean parts per million by weight.

26. Population Equivalent is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing seventeen-hundredths (0.17) pound of BOD and twenty-hundredths (0.20) pound of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of the three (3) parameters. Impact on a stream is the higher of the BOD and suspended solids parameters.

27. Pretreatment shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

28. Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ( $\frac{1}{2}$ " (1.27 centimeters) in any dimension.

29. Public Sewer shall mean a sewer provided by or subject to the jurisdiction of the City of Maquoketa. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary or combined sewer system, even though those sewers may not have been constructed with City funds.

30. Replacement shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

31. Sanitary Sewer shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

32. Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

33. Sewage Treatment Plant shall mean any arrangement of devices, structures and equipment for treating sewage.

34. Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage as well as the sewage treatment facilities.

35. Sewer shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

36. Sewerage shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

37. Shall is mandatory; “may” is permissible.

38. 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 a period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration and /or flows during normal operations.

(Ord. 792, passed 8-3-92)

39. Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water, Sewage, and Industrial Wastes,” published jointly by the American Public Health Association and American Water Works Association and the Federal of Sewage and Industrial Wastes Associations.

40. Storm Sewer shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

41. Stormwater Runoff shall mean that portion of the rainfall that is drained into the sewers.

42. Superintendent shall mean the Chief licensed operator of the Maquoketa Waste Treatment System.

43. Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in “Standard Methods.”

44. Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

45. Wastewater shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquids and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

46. Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

47. Wastewater Treatment Works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant.”

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

49. City shall mean the City of Maquoketa, and any reference to “within the City” shall mean all territory within the perimeter of the City of Maquoketa boundaries.

#### 6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. Unlawful Discharge of Wastes: It shall be unlawful to discharge to any natural outlet, watercourse or storm sewer 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 the following Sections.

2. Unlawful Construction of Sewage Facilities: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sewage.

3. Mandatory Sewer Hook-up: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer within ninety (90) days after the official notice to do so, provided that said public sewer is within two hundred feet (200') (61 meters) of the property line.

4. Variances: The City Council hereby reserves the authority to vary the strict application of the provisions of this article herein contained, but such variance shall be granted under the following conditions:

a. The Jackson County Sanitarian or appropriate City or County Health Official has inspected the applicant’s private disposal system and has declared in writing that such system meets the minimum requirements of the County’s Private Sewage Disposal Standards. (Jackson County Ordinance No. 29)

b. The length of such variance is limited to a period of ten (10) years or when the applicant’s private sewage disposal system no longer meets the minimum requirements of the County’s Private Sewage Disposal Standards, whichever comes first. The applicant at that time shall be required at his expense to connect such facilities directly with the proper public sewer within ninety (90) days after the official notice to do so.

c. The granting of the variation will not be detrimental to public safety, health or welfare or injurious to other property or improvements in the area in which the property is located.

d. The appropriate official of the Jackson County Health Department shall re-inspect the applicant's private sewage disposal system every two years after the variance has been granted and every two years thereafter.

#### 6-2-3 PRIVATE SEWAGE DISPOSAL.

1. Where a sanitary or combined sewer is not available under the provisions of Section 6-2-2 (3) of this Chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

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

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He/she 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 forty-eight (48) 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 County and City Health Officers and the Iowa Department of Environmental Quality. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

5. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 6-2-2 (3), 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, cleaned, and filled with suitable material.

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 approving authority.



#### 6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. Permit Required. No unauthorized person shall uncover, make any connection 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 services, and b) for service to establishments producing industrial wastes. In either case, the owner or his/her 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. An inspection fee of twenty-five dollars (\$25.00) shall be paid to the City at the time the application is filed. This inspection fee is in addition to any connection fee or user fees.

All service connections and backflow preventers shall be inspected by the wastewater superintendent or their designee before said connection is covered up or same shall be unearthed for proper inspection at the contractor's expense. All inspections will take place during normal working hours (8am – 3pm) Monday – Friday.

(Amended during 2019 codification)

3. Cost Borne By Owner. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. Prohibited Connections. Every house, store, or other building connected with the public sewer must have a direct connection therewith. In no case shall two (2) or more buildings be allowed to make such connections through one pipe. In no case shall a building be connected to the public sewer through a pipe laid beneath or through property owned by another person. In no case shall any person be permitted to maintain, without the consent of the approving authority, any sewer connection connecting a building owned by him/her to the public sewer across or under the property of another.

5. Variances, General. The City Council hereby reserves the authority to vary the strict application of the provisions of this article herein contained, but such variance shall be granted under the following conditions:

a. The purpose of the variation is not based exclusively upon a desire for financial gain; and

b. The conditions creating the need for a variance are unique and are not applicable generally to other property and have not been created by any person having an interest in the property; and

c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to; and

d. The granting of the variation will not be detrimental to public safety, health or welfare or injurious to other property or improvements in the area in which the property is located.

6. Building Sewer, Materials-- Construction. Methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules of the City.

a. Existing wyes shall be used to connect building sewers to public sanitary or combined sewers. Except for lined concrete sanitary sewers, the Building Inspector may approve a sewer tap at a location where no wye was originally installed. The person making the connection shall make an opening in the Main Sewer similar to the interior diameter of the "Y" branch and then properly cement and attach a saddle in place. The saddle shall have a suitable curvature to conform to the outside diameter of the public sewer.

b. Building sewers shall not be less than four inches (4") nor more than six inches (6") in internal diameter of cast iron schedule 40 PVC equal in quality to the best pipe laid in the public sewers. Where vitrified clay pipe and cast iron is used, it shall have a minimum diameter of four inches (4").

(Amended during 2019 codification)

c. Building sewers between the public sewer and curb line shall be laid on a grade of not less than one foot to ninety-six feet (1'/96'). No deviation will be permitted from this grade unless by special permission of the approving authority.

d. Whenever the grade from the curb to the house connection is less than one foot to ninety-six feet (1'/96'), all discharge pipes leading from kitchen sinks, laundry and stationary wash tubs, or any other receptacles likely to contain grease in any form, shall make direct connection with and discharge their contents into receiving basins; and in all cases bath tubs, water closets, hand basins, and other such receptacles shall connect directly with the main drain.

e. Every person using the public sewers of the City shall provide such fixtures as will allow a sufficient quantity of water to flow into the lateral drain or private sewer and shall keep such private sewer at all times unobstructed.

f. All connections with sewers or drains used for the purpose of carrying off refuse from water closets, or slops from kitchens, shall be provided with fixtures allowing for sufficient water flow to properly carry off such matter.

g. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Building Inspectors to meet all requirements of this Ordinance.

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

i. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer.

j. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. Any deviation from the prescribed procedures and materials must be approved by the Building Inspector before installation.

k. The applicant for the building sewer permit shall notify the Wastewater 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 Wastewater Superintendent or his/her representative. The fee for such connection shall be one hundred dollars (\$100.00).

l. Any person filling in an excavation without first having received the written approval of the Sewer or Building Inspector as provided in this Chapter, shall, in addition to suffering the fine herein imposed, expose the sewer for inspection by the Sewer or Building Inspector at no cost to the City, during normal work hours from 8:00am to 3:00 pm Monday through Friday. In any case where the Inspector finds the work on any sewer not done in a satisfactory manner as herein provided he shall serve a written notice on the person to whom the permit is issued, stating wherein such work is deficient, and ordering said person to remedy such defect within seventy-two (72) hours. In the event such person fails to comply therewith, the Inspector shall cause such defect to be corrected at the expense of the person to whom the permit was issued. The sum of twenty-five dollars (\$25.00) as herein provided shall be paid the City as a fee for the performance of the Inspector, and it shall be the duty of the Inspector to inspect any sewer connection or sewer pipe within the City during normal work hours from 8:00am to 3:00 pm Monday through Friday. It shall also be the duty of said Inspector to inform the approving authority of any violation of this Section, and to assist in the prosecution of offenders.

(Amended during 2019 codification)

m. All excavations for building sewer installation shall be adequately protected with barricades and lights according to City and State regulations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to its original condition.

n. All excavations shall be properly shored or an applicable protective system in place before a City agent or employee can enter to perform work or an inspection.

(Amended during 2019 codification)

o. All building sewer connections to the City's sanitary sewers shall be equipped with a check valve or some equivalent type of device which will prevent the backflow of wastewater or drainage water from the public sanitary sewer into the building sewer.

p. Property owners are required, at the owner's expense, to immediately and completely replace any orangeburg tile whenever it is encountered during the course of any excavation of any public right-of-way or public utility easement. Orangeburg tile must be replaced with suitable materials as identified by the City's Standard Specifications.

(Ord. 1003, Passed May, 16, 2005)

7. Connection Fee. If the property described in the application has not been assessed or is not subject to an assessment of special tax for the payment of the cost of construction of the sewer or portions of the sewer including interceptor sewers, lift stations, cross sewers or lateral sewers to which connection is made, a connection fee shall be collected by the Superintendent before a permit shall be issued. The connection fee shall be equal to the special tax that would have been assessed against the property, had the outlet sewer for the property been a cross sewer, lateral sewer, interceptor sewer or lift station. The amount of this fee shall be determined by the Superintendent on an estimate of the cost of construction of such lateral.

a. The following schedule of fees for connection charges has been established in certain areas and has been determined to be established in certain areas reasonable and equitable and therefore shall be paid to the City by every person whose premises will be served by connecting to the City sewer system in the following areas:

(1) Fees: \$100.00 each connection.

7. Area Description:

a. Starting at a point 298.1 feet west of the west line of Western Avenue, thence south 1470 feet to a point 150 feet south of the northwest corner of O.L. 51, thence west to the present corporation line, then north along this said corporation line to a point 1641 feet north of Platt Street, then northeasterly to a point 2150 feet north of Platt Street and 167 feet east of the west line of Lot 41, then southeast to a point 217.5 feet west of Arcade Street extended and 1750 feet north of Platt Street, thence south to Platt Street, thence west on the centerline of Platt Street to the point of beginning.

8. City Participation on Extensions: The City may construct or authorize construction of sewer extensions within the service area, but the City shall not be required to make such extensions.

a. All sewer extensions to new subdivision developments shall be done in accordance with Chapter 3, Subdivisions, of Title V, Land Use Regulations, of this Code of Ordinances and the City's Standard Specifications. Customers and/or developers of subdivisions shall be responsible for the entire cost of the installation.

b. Sewer extensions to previously platted and recorded sections or areas within the corporate limits of the City shall be the responsibility of the customer. However, the City Council may approve the payment of a portion of the cost of such extensions.

c. The City may reimburse the customer for the additional cost to increase the size of the sewer from the standard four inch (4") lateral connection to an eight inch (8") sanitary sewer for only that portion of the sewer line that is located within the City's right-of-way or easement. Such extensions shall be installed in accordance with the City's Standard Specifications. The City's portion shall be for material costs only and shall not include labor for installation. The City may designate a sanitary sewer greater than eight inches.

d. All sewer line extensions shall be evidenced by a contract signed by the City and the customer for such extension. Such contracts shall be approved by the City Council.

e. All decisions in connection with the method of installation of any extension in the public right-of-way or easement and the maintenance thereof shall remain the exclusive control of the City. Such extension shall be the property of the City and shall be maintained by the City and no other person shall have any right, title, or interest therein.

f. The City may refuse service to persons not presently customers, when in the opinion of the City Council the capacity of the municipal sewer system will not permit such service.

9. Sanitary sewer will be abandoned by:

a. If the original lateral connection was made with a factory "wye" and the "wye" is intact and undamaged shall be sealed appropriately to prevent material or water intrusion.

b. If the original lateral connection was made in any other fashion besides a factory "wye" or the factory "wye" is damaged, then the active sewer main section shall be replaced to eliminate the existing connection point in order to adequately seal the main.  
(Amended during 2019 codification)

#### 6-2-5 USE OF PUBLIC SEWERS.

1. Storm and Unpolluted Waters Not Allowed. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Discharge of Storm and Unpolluted Waters. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as 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, or natural outlet.

3. Prohibited Waste. No person shall discharge or cause to be discharged into any public sewer the following described substances, materials, waters, or wastes:

a. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant; and, any waters or wastes that would result in the contamination of the City sewage treatment plant sludge which would limit sludge uses or disposal practices.

c. Any waters or wastes having a pH lower than six and five-tenths (6.5) or in excess of nine and five-tenths (9.5), or having any other corrosive property capable of causing damage to structures, equipment or personnel of the sewage works.

d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings metal, glass, rags, feathers, tar, plastics, wool, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

4. Discharge Prohibited Except by Permit. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes without a permit from the Superintendent. A permit will not be granted if it appears likely in the opinion of the Superintendent that such discharges can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endangered life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these discharges, 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 degrees (150°) Fahrenheit, sixty-five degrees (65°) Centigrade.

b. Any water or waste containing fats, wax, grease, oils, or other substances that may solidify or become viscous at temperatures between thirty-two degrees (32°) Fahrenheit and one hundred fifty degrees (150°) Fahrenheit and zero degrees (0°) Centigrade and sixty-five degrees (65°) Centigrade.

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 and seventy-six hundredths (0.87) horsepower metric or greater shall be subject to the review and approval of the Superintendent.

d. Any waters or wastes containing acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not that exceed the acceptable concentration of substances as established in Paragraph 4(e) below.

e. The City Manager and/or Wastewater Treatment Plant Superintendent as authorized by the City Council is hereby authorized to establish maximum acceptable concentrations of waste or chemical substances for discharge into the City sewers:

Waste or Chemical Substance	Concentration - mg/l
Arsenic (total)	0.25
Barium (total)	2.0
Boron	1.0
Cadmium (total)	0.15
Chlorine	5.0
Chromium (hexavalent)	0.3
Chromium (trivalent)	1.0
Copper (total)	1.0
Cyanide	0.05
Fluoride (total)	2.5
Iron (total)	2.0
Iron (dissolved)	0.5
Lead (total)	0.1
Manganese (total)	1.0
Mercury (total)	0.0005
Nickel (total)	1.0
Oil (hexane solubles or equivalent)	15.0
Phenols	0.3
Selenium (total)	1.0
Silver	0.1
Zinc (total)	1.0

5. ANY OTHER WASTES OR SUBSTANCES NOT ENUMERATED ABOVE which are similarly objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage of the sewage treatment works would exceed the maximum concentration allowed by the City Manager and/or Wastewater Treatment Plant Superintendent as authorized by City Council.

6. Substances which are objectionable under this sub-section include:

a. waste or water containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l which are discharged to the sewer system downstream from a grease trap or other pretreatment installation required under the terms of this code section.

7. Any person, partnership, cooperation, or business entity that intends to discharge any of the above named substances into the City sewers; and, any such person or business entity that has

been notified by the Superintendent that it is in fact discharging one of the above substances into the City sewers shall make application to the Superintendent of the Maquoketa Waste Treatment System for a permit to discharge such substances and shall apply for a determination by the City Manager and/or Wastewater Treatment Plant Superintendent as authorized by City Council of the maximum acceptable concentration of the substances to be discharged.

8. Upon receipt of the Application by the person or business entity for a permit to discharge a substance named above and for a determination of the maximum acceptable concentration of that substance to be discharged to the City's sewers, the Superintendent shall first make a determination whether or not the waste discharged or to be discharged may have a deleterious effect upon the sewage works, processes, equipment or receiving waters; or, that the waste discharged or to be discharged will create a hazard to life or constitute a public nuisance. The City manager and/or Wastewater Treatment Plant Superintendent as authorized by City Council shall then determine upon a remedy set forth in Title VI, Chapter 2, Paragraph 5; and, if the wastes are not rejected and a permit is to be granted, the City Manager and/or Wastewater Treatment Plant Superintendent as authorized by City Council shall determine a maximum acceptable concentration of the substance as allowed in the standards promulgated by the Environmental Protection Agency of the United States of America and approved by the Department of Natural Resources of the State of Iowa.

The determinations of the City Manager and/or Wastewater Treatment Plant Superintendent as authorized by City Council made under this Section shall be communicated in writing to the applicant not less than 10 days following the date that the Iowa DNR makes its determination regarding the substance to be discharged.

If the applicant feels that he/she wishes to appeal any determination of the Superintendent, City Manager and City Council under this paragraph, the applicant shall have twenty (20) days to serve a Notice in Writing of his Appeal on the City Manager at City Hall in Maquoketa, Iowa. The Appeal shall be entitled: **APPEAL FROM THE DETERMINATION OF THE CITY MANAGER AND/OR WASTEWATER TREATMENT PLANT SUPERINTENDENT AS AUTHORIZED BY CITY COUNCIL**, and it shall state what errors the Superintendent has made in his/her determination upon the application. The City Manager shall have a period of thirty (30) days from the receipt of the appeal to place the matter on the agenda for the City Council. Upon review by the City Council of the application and the determination of the Superintendent and all matters presented on behalf of applicant and the Superintendent, the City Council shall by Resolution uphold the determination of the Superintendent or reverse the determination of the Superintendent with instructions for the Superintendent to reconsider the application.

Upon receiving a resolution upholding the determination of the Superintendent, the applicant may seek relief in the courts of the State of Iowa in such manner as may seem appropriate.

The City Manager and/or Wastewater Treatment Plant Superintendent as authorized by City Council is also authorized to redetermine maximum acceptable concentrations of substances discharged to the City's sewers and to revoke a permit to discharge a specific concentration of a substance named above which revocation shall become effective upon ten (10) days Notice in writing to the person or business entity discharging the substance. A person or entity aggrieved



by a redetermination of the Superintendent, City Manager and City Council or any action taken by the City Manager and/or Wastewater Treatment Plant Superintendent as authorized by City Council under this Chapter to enforce the redetermined acceptable concentration may appeal to the Council and the Courts of Iowa as set forth in this Chapter.

f. It shall be a violation of this Ordinance to discharge a substance described in 6-2-5(e) above unless the person or entity responsible for the discharge has obtained a permit for the discharge and a determination of the acceptable concentration of the substance discharged as set forth in (e) above.

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 nine and five-tenths (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 wastes constituting "slugs" as defined herein.

j. Waters or wastes, containing substances which are not amenable to 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.

k. All exhaust from steam engines and all blow offs from steam boilers shall be first connected with a proper catch basin, and shall not be allowed to connect directly with the public sewers without special permission from the approving authority.

(5) Deleterious Waste. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 6-2-5(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 qualities and rates of discharge.
- D. Surcharge extra strength discharges to cover the added costs of handling and treating of such discharges not covered by existing taxes of sewer charges.

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) A grease trap that complies with the requirements of this section shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment in the following establishments: restaurants, cafes, lunch counters, cafeterias, bars, taverns and clubs, hotel, hospital, sanitarium, factory or school kitchens, or other establishments where food is prepared for distribution to the public or is prepared for sale or for compensation. A grease trap shall be installed in any other building at which grease or oil may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal. A grease trap is not required for individual dwelling units or for any private living quarters. A grease trap required by this section shall be installed and its operation and maintenance shall be according to the requirements of Chapter 10 and Appendix H of the Uniform Plumbing Code 1994 as adopted by the Iowa Building Code Commissioner and as that code may from time to time be amended by the Iowa Building Code Commissioner.

The use of enzymes to clean or flush a grease trap is prohibited and any means of cleaning a grease trap other than the means required by this ordinance is prohibited.

(7) PredischARGE Facilities Maintenance. Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) Sampling Control Manhole. Each industrial user shall be required to install a sampling control manhole, and when required by the Superintendent, the owner of any property serviced by an existing building sewer carrying industrial or commercial wastes shall install a suitable sampling control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes, The industry's sampler shall be a unit which can be set to gather a minimum of four (4) samples per hour and have the capability to gather flow proportioned samples. The industry's wastewater flow meter shall have the capability of pacing a flow proportion sampler, said flow meter will be calibrated by a qualified technician yearly. The sampling control manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by

the Superintendent. The manhole and equipment shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 792, passed 8-3-92)

(9) Measurements, Tests, and Analyses. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water," published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation, now named the Water Environment Federation, and shall be determined at the control manhole provided, or upon suitable samples taken at said manhole. The measurements, tests and analyses of waters and wastes to which is made in this Chapter shall be completed by a laboratory certified by the President of the Iowa Water Pollution Control Association. 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 analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.) Normally, but not always BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Any person discharging wastes having concentrations greater than the "normal" concentrations as set forth herein shall upon notification by the approving authority install a composite sampler with a compatible pacing (metering) device for monitoring said substances. The pacing and sampling devices shall be of a type approved by the Superintendent.

(Ord. 792, passed 8-3-92)

(10) Right To Contract For Treatment of Industrial Wastes. No statement contained in this Section 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 approval of the industrial wastes characteristics by the City and subject to any payment therefor by the industrial concern.

(Ord. 931, passed 2-21-00)

6-2-6 PROTECTION FROM DAMAGE. Prohibited Acts. No unauthorized person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

6-2-7 POWERS AND AUTHORITY OF INSPECTORS.

1. Inspections. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this Ordinance. A key to the industry's sampling building and/or manhole, will be

provided to the City for the purpose of entering this area to inspect the sampler, gather and composite the sample and complete all other necessary work to monitor the waste leaving the industry when the sample will be composite, if the industry requests such notification. The Superintendent or his/her 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. The Superintendent will be allowed to tour the industry's processing plant, after giving notice and allowing a short time, no more than one day, to schedule such a tour.

(Ord. 792, passed 8-3 92)

2. Inspection on Easements: 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.

3. Indemnity of User. While performing the necessary work on private properties referred to in this Chapter, the Superintendent or other authorized representative shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless for injury or death to the City employees and the City shall indemnify the user against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as any of such as may be caused by negligence of the user, its agents or employees to maintain safe conditions.

#### 6-2-8 ENFORCEMENT.

1. Notice to Correct. Any person found to be violating any provisions of this Chapter except Section 6-2-6 shall be served by the Superintendent with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such notice may be given by certified mail or by personal service. If given by certified mail, the notice shall be deemed given when mailed. The offender shall within the period of time stated in such notice, permanently cease all violations specified therein.

2. Violation A Municipal Infraction. Any person who shall violate any provision of this Chapter, shall be guilty of a municipal infraction, and on conviction thereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation and shall be subject to any and all other penalties provided for by Maquoketa Ordinance 1-3-1. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 1142, Passed June 2, 2018)

3. Other Remedies for Violations:

a. Any person violating any of the provisions of this Chapter shall be liable to the City for any damage, loss, cost or expense occasioned by reason of such violation.

b. A violation of any of the provisions of this Chapter shall be deemed to be a nuisance and the City Council, after reasonable notice and opportunity for hearing, may:

(1) Order the Superintendent to take necessary measures to correct and abate such violation, and the Superintendent is authorized to enter on private property to do so. A key to the industry's wastewater treatment plant will be provided to the Superintendent to be used to enter and inspect and correct and abate such violation.

(2) In the event a violation of the provisions of this Chapter creates an immediate hazard to the wastewater facilities or to the operation thereof, to the health and safety of any person, or to the preservation and protection of any property, the Superintendent is authorized and directed to perform all necessary acts, without prior notice or hearing, to correct and abate such violations and may enter on private property to do so.

c. The cost of any corrective measures required or permitted under the provisions of this Section shall be a lien on the property served by the wastewater facilities in connection with which such violation has occurred and shall be levied and collected by the City Council as ordinary taxes.

d. In addition to any other remedies provided for in this Chapter, the City may bring suit to collect any sums due it, including user charges and industrial cost recovery charges, from the person or persons incurring the liability for the payment of such charges.

(Ord. 792, passed 8-3-92)

(Ord. 505, passed 5-2-77)

#### SAMPLE REPLACEMENT SCHEDULE

<u>Year</u>	<u>Item</u>	<u>Expenditure</u>	<u>Income</u>		<u>Balance</u>
			<u>Principal</u>	<u>Int.(7%)</u>	
1			29,563	-	29,563
2			29,563	2,069	61,195
3			29,563	4,284	95,042
4			29,563	6,653	131,258
5	Raw Sewage Pumps	24,553	29,563	9,188	145,456
	Flow Meters				
	Chlorine Feed System				
	Raw Sludge Pumps				

	Sludge Recirculation Pumps				
	Emergency Pump				
	Contingencies				
6			29,563	10,182	185,201
7			29,563	12,964	227,728
8			29,563	15,941	273,232
9			29,563	19,126	321,921
10	Raw Sewage Pumps	209,486	29,563	22,534	164,532
	Flow Meters				
	Chlorine Feed System				
	Raw Sludge Pumps				
	Sludge Recirculation Pumps				
	Emergency Pump				
	Contingencies				
	Grit Collection				
	Comminutor				
	Vacuum Priming System				
	Primary Clarifiers				
	Final Clarifiers				
	Chlorine Mixing System				
	Stormwater Pumps				
	Blowers				
	Digester Cover and Equipment				
	Generator				
	General Equipment				
11			29,563	11,517	205,612
12			29,563	14,393	249,568

13

29,563      17,470      296,601

## SAMPLE REPLACEMENT SCHEDULE (continued)

<u>Year</u>	<u>Item</u>	<u>Expenditure</u>	<u>Income</u>		
			<u>Principal</u>	<u>Int.(7%)</u>	<u>Balance</u>
14			29,563	20,762	346,926
15	Raw Sewage Pumps	227,618	29,563	24,285	173,156
	Flow Meters				
	Chlorine Feed System				
	Raw Sludge Pumps				
	Sludge Recirculation Pumps				
	Emergency Pump				
	Contingencies				
	Rotating Bio-Disc Unit				
	Lagoon Aeration System				
16			29,563	12,121	214,840
17			29,563	15,039	259,442
18			29,563	18,161	307,166
19			29,563	21,502	358,231
20	Raw Sludge Pumps	412,155	29,563	25,076	715
	Flow Meters				
	Chlorine Feed System				
	Raw Sludge Pumps				
	Sludge Recirculation Pumps				
	Emergency Pump				
	Contingencies				
	Grit Collection				

Comminutor

Vacuum Priming System

Primary Clarifiers

Final Clarifiers

Chlorine Mixing System

Stormwater Pumps

Blowers

Digester Cover and Equipment

Generator

General Equipment



## CALCULATION OF ANNUAL REPLACEMENT REVENUES TO BE COLLECTED

<u>I. Today's Replacement Cost</u>	<u>5 Years</u>	<u>10 Years</u>	<u>15 Years</u>	<u>20 Years</u>
Grit Collection - replace		7,500		7,500
Comminutor - rebuild		6,000		6,000
Raw Sewage Pumps - rebuild	3,000	3,000	3,000	3,000
Vacuum Priming System - replace		2,000		2,000
Primary Clarifiers - replace		7,500		7,500
Rotating Bio-Disc Unit – replace			60,000	
Final Clarifiers - replace		7,500		7,500
Flow Meters, Samplers & Accessories				
- rebuild	2,500	2,500	2,500	2,500
Chlorine Feed System - replace	1,000	1,000	1,000	1,000
Chlorine Mixing System – rebuild		2,500		2,500
Stormwater Pumps - rebuild	20,000	20,000		
Blowers - rebuild		10,000		10,000
Lagoon Aeration System - replace		5,000		
Raw Sludge Pumps – rebuild	2,000	2,000	2,000	2,000
Digester Cover and Equipment- replace		10,000		10,000
Sludge Recirculation Pumps – rebuild	3,000	3,000	3,000	3,000
Generator, Fuel Tank and Transfer				
Switch – rebuild		10,000		10,000
Emergency Pump - rebuild	1,000	2,000	1,000	2,000

General Equipment (lab furniture, equipment, etc.) - replace		5,000		5,000
Contingencies	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
	17,500	106,500	82,500	106,500

## II. Future Replacement Cost

(assume 7% inflation)

Present Cost (interest factor)	(1.403)	(1.967)	(2.759)	(3.870)
5-year cycle - \$17,500	24,553	34,423	48,283	67,725
10-year cycle - \$89,000	-	175,063	-	344,430
15-year cycle - \$65,000	-	-	179,335	-
20-year cycle - \$0.00	-	-	-	-
Future Replacement Cost	<u>24,553</u>	<u>209,486</u>	<u>227,618</u>	<u>412,115</u>

## III. Annual Requirements

	<u>5 Years</u>	<u>10 Years</u>	<u>15 Years</u>	<u>20 Years</u>
Future Replacement Costs		209,805	227,700	412,115
		<u>- 24,556 *</u>	<u>- 24,556 *</u>	<u>- 24,556*</u>
5-Yr. @ 7%: $(0.17389)**(24,553)=$ \$4,270				
		185,249	203,144	387,599
		<u>-185,249</u>	<u>- 77,106 *</u>	<u>- 77,106*</u>
10-Yr.@ 7%: $(0.07238)**(184,249)=$ \$13,408				
		0	126,038	310,493

	<u>-126,038</u>	<u>- 28,840*</u>
15-Yr. @ 7%: $(0.03979)**(126,038)=$		
\$5,015		
	0	281,653
	<u>-281,653*</u>	
20-Yr. @ 7%: $(0.02439)**(281,653)=$		
\$6,870		0

Total Annual Requirement = \$29,563

\* Value of sinking fund at terminal date  $(5.75074) \times$  Future Replacement Cost

\*\* Uniform series end-of-period equal to future sum.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 3 SEWER USER FEES

6-3-1	PURPOSE	6-3-5	DENIAL OF BENEFIT OF CITY SERVICES
6-3-2	DEFINITIONS	6-3-6	USER CHARGE REVIEW
6-3-3	OPERATION AND MAINTENANCE	6-3-7	SEWER ADJUSTMENT
6-3-4	USER CHARGE RATES		APPENDIX "A"
6-3-4	DEFICIT		APPENDIX "B"
6-3-5	BILLING, LATE CHARGES	6-3-8	RESERVED
6-3-9	RESERVED		

6-3-1 PURPOSE It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's wastewater treatment facility. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment facility.

6-3-2 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 (mg/l).

2. "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 221 mg/l and a suspended solids concentration of not more than 268 mg/l.

3. "Operation and Maintenance" shall mean all expenditures during the useful life of the wastewater treatment facility for materials, labor, utilities, and other items which are necessary for managing and maintaining the wastewater treatment facility to achieve the capacity and performance for which such facilities were designed and constructed.

4. "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.

5. "Residential Contributor" shall mean any contributor to the City's wastewater treatment facility whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

6. "Shall and Will" are mandatory: "May" is permissive.

7. “SS” (denoting 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.

8. “Wastewater Treatment Facility” shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

9. “Useful Life” shall mean the estimated period during which a wastewater treatment facility will be operated.

10. “User Charge” shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment facility.

11. “Water Meter” shall mean a water volume measuring and recording device, furnished and/or installed by the City of Maquoketa or furnished and/or installed by a user and approved by the City of Maquoketa.

#### 6-3-3 OPERATION AND MAINTENANCE.

1. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement and bonded capital associated with financing the wastewater treatment facility which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the wastewater treatment facility shall be established by this ordinance.

2. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in 6-3-4, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

a. An account designated for the specific purpose of defraying operation and maintenance costs excluding replacement of the wastewater treatment facility (Operation and Maintenance Account).

b. An account designated for the specific purpose of ensuring replacement needs over the useful life of the wastewater treatment facility (Replacement Account). Deposits in the

replacement account shall be made at least annually from the operation, maintenance and replacement revenue in the amount of \$80,000 annually.

3. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted to respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

#### 6-3-4 USER CHARGE RATE.

1. Each user shall pay for the services provided by the City based on his/her use of the wastewater treatment facility as determined by water meter(s) acceptable to the City.

2. For residential contributors, quarterly user charges will be based on average quarterly water usage during the first quarter. If a residential contributor has not established a quarterly average, his/her quarterly user charge shall be the median charge of all other residential contributors.

3. For industrial and commercial contributors, user charges shall be based on water used during the current quarter. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.

4. The Wastewater Department shall charge and collect starting on the designated dates, the following prices and rates for separate service, which rate shall include rate and all service rendered:

August 1993 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$8.37
Over 300 cu. ft.	\$0.92 per 100 cu. ft.
Non-Metered Trailers	\$11.75/month
January 1994 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$9.55
Over 300 cu. ft.	\$0.92 per 100 cu. ft.

Non-Metered Trailers	\$13.40/month
July 1994 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$11.36
Over 300 cu. ft.	\$1.13 per 100 cu. ft.
Non-Metered Trailers	\$15.91/month
	(ORD. 815, passed 7-19-03)
January 1994 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$15.60
Over 300 cu. ft.	\$1.40 per 100 cu. ft.
Non-Metered Trailers	\$22.60/month
	(ORD, 850, passed 1-3-95)
December 1995 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 30 cu. ft.	\$18.60
Over 300 cu. ft.	\$1.40 per 100 cu. ft.
Non-Metered Trailers	\$26.60/month
	(ORD, 859, passed 11-6-95)
March 1996 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$21.43
Over 300 cu. ft.	\$1.40 per 100 cu. ft.
Non-Metered Trailers	\$28.43/month
	(ORD 867, passed 3-4-96)
July 2009 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$21.75
Over 300 cu. ft.	\$1.421 per 100 cu. ft.

Non-Metered Trailers	\$28.86
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July 2010 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$22.08
Over 300 cu. ft.	\$1.442 per 100 cu. ft.

Non-Metered Trailers	\$29.29
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July 2011 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$22.41
Over 300 cu. ft.	\$1.464 per 100 cu. ft.

Non-Metered Trailers	\$29.73
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July 2012 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$22.75
Over 300 cu. ft.	\$1.486 per 100 cu. ft.

Non-Metered Trailers	\$30.18
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July 2013 Billing Cycle	Rate Per 100 cu. ft.
Basic Service plus 300 cu. ft.	\$23.09
Over 300 cu. ft.	\$1.508 per 100 cu. ft.

Non-Metered Trailers	\$30.63 (Ord. No. 1067, 4-20-09)
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Sewer Billing Rates\*†

2019 Billing Cycle (Upon Adoption)	Rate Per 100 Cu. Ft.
Basic Service plus 300 cubic feet	\$27.708
Over 300 cubic feet	\$1.81 per 100 cu. Ft. (\$ .0181 per cu. ft)
Non-Metered Trailers	\$36.756

\* All sewer billing rates reflect a one-time 20% increase from previous billing rates

† All sewer billing rates shall be increased by 2.0% each year following adoption of this ordinance to account for cost of living increases.

(Ord. 1149, Passed February 18, 2019)



### Storm Sewer Billing Rates\*

2019 Billing Cycle (Upon Adoption)	Rate Per 100 Cu. Ft.
Minimum Bill (Residential)	\$4.00
Minimum Bill (Commercial)	\$7.50
Minimum Bill (Industrial)	\$15.50

\* All storm sewer rates reflect a \$0.50 increase to the minimum billing rate

(Ord. 1149, Passed February 18, 2019)

6-3-4A DEFICIT. The line item for reduction of budget deficit, shall be eliminated from the Maquoketa City Budget after four (4) years.

(ORD. 817, passed 8-16-93)

1. (Reference is made to Appendix A). For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

\$0.40 per pound BOD

\$0.09 per pound SS

2. Any user which discharges any other pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's wastewater treatment facility, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the wastewater treatment facility, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the City Council.

3. The user charge rates established in this article apply to all users, regardless of their location, of the City's wastewater treatment facility, and shall supersede all previous user charges.

4. Sewer Adjustment. Each customer is allowed a one-time adjustment on his or her sewer bill for each residence with a cap of \$500.00. This adjustment will be calculated by using the previous twelve months to get an average usage. Water, landfill and tax will be paid in full.

(Ord. 897, 5-18-1998)

### 6-3-5 BILLING, LATE CHARGES.

1. All users shall be billed monthly. Payments are due when the billings are made. Any payment not received within twenty (20) days after the billing is made shall be delinquent.

a. Bill payments are received by the City on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty of 1.5% per month of the past due amount.

b. Each account shall be granted one complete forgiveness of a late payment penalty in each calendar year. The customer shall be informed of the use of the automatic forgiveness in one of the following ways; a) by phone or in person; b) by posting to the next bill; or, c) by separate mailing.

2. The billing and collection of sewer user fees, including the collection of delinquent accounts and the perfection of liens on property for delinquent accounts, shall be governed by the procedures of Iowa Code §384.84.

(Ord. 965, Passed 5-20-2002)

#### 6-3-5A DENIAL OF BENEFIT OF CITY SERVICES.

1. The City may withhold City services or disconnect City services with appropriate notice and in accordance with Iowa law to any premises if the premise has an outstanding debt and the person responsible for the outstanding debt owns, occupies, or receives the benefit of any City services provided at that location.

2. If a delinquent amount is owed by an account holder for one or more City services associated with a prior property or premises, the City may withhold City services or disconnect City services with appropriate notice and in accordance with Iowa law to any new property or premises owned or occupied by that account holder, or to any location at which that account holder receives the benefit of any City services.

3. As used in this section, "City services" include, but are not limited to, services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, and solid waste disposal.

(Ord. 975, Passed 8-5-2002)

#### 6-3-6 USER CHARGE REVIEW.

1. The City will review the user charge system (at least every two years), and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

2. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance, including replacement, of the wastewater treatment facility.

6-3-7 SEWER ADJUSTMENT. Each customer is allowed a one-time adjustment on his/her sewer bill for each residence with a cap of \$500.00. This adjustment will be calculated by using the previous twelve months to get an average usage. Water, landfill and tax will be paid in full.  
(Ord. 897, passed 5-18-98)

6-3-8 Reserved

6-3-9 Reserved

## APPENDIX “A” TO USER CHARGE ORDINANCE

### (Actual Use Rate Structure)

(NOTE: The charges developed in this ordinance and appendix follow Model Nos. 1 and 2 of Appendix B to 40 CFR 35, dated September 27, 1978. It would also be acceptable to develop charges using Model No. 3, the quantity/quality formula, outlined in the referenced federal regulations.)

This appendix presents the methodology to be used in calculating user charge rates and surcharges and illustrates the calculations followed in arriving at the first year’s user charges and surcharges. The unit costs established in this appendix are based on estimates of expenses and loadings. The actual expenses and loadings that occur may differ from these estimates and certainly they will change as time passes. Therefore, the unit costs must be re-established whenever necessary to reflect actual expenses and loadings. Once the system is in use, the expenses and loadings can be determined from operating records and the unit costs can be adjusted based on these figures.

1. Expenses: The total annual expenses associated with the treatment works, as defined in Article II, Section 8, are estimated as follows:

Item	Annual Expenses
Billing and Collections	\$ 23,000
Administrative	\$ 25,350
Power	\$ 0 (1)
Labor (including fringe benefits)	\$ 216,830 (1)
Material Costs	\$ 0 (1)
Replacement Costs (See Appendix B)	\$ 80,000
(Debt Service)	\$ 198,245
Other (Potential 503 Sludge Project)	\$ 52,023
TOTAL	\$590,448

Item	Annual Expense
Billing and Collections	\$23,000
Administrative	\$25,350
Power	\$0 (1)

Labor (including fringe benefits)	\$216,830
Material Costs	\$0 (1)
Replacement Costs (See Appendix B)	\$80,000
(Debt Service)	\$198,245
Other (Potential 503 Sludge Project	\$52,023
TOTAL	\$591,448

1. Plant is operated under contract by PeopleService. These costs are lumped under “Labor” category.

2. Allocation of Expenses The total operation and maintenance including replacement expense is allocated to the appropriate pollutants in the following manner. (NOTE: If debt service allocation is to be addressed in this ordinance, it may be allocated in the same manner or it may be allocated in any other manner that the grantee desires.)

Annual \$ to Treat Annual Flow                      % annual cost allocated to flow x (total annual O&M budget minus billing & collection)

Annual \$ to Treat Annual BOD                      = % annual cost allocated to BOD x (total annual O&M budget minus billing & collection.)

Annual \$ to Treat Annual SS                      = % annual cost allocated to SS x (total annual O&M budget minus billing and collection.)

Annual \$ to Treat Annual                      = % annual cost allocated to pollutant x (total Other Pollutant (Specify) annual O&M budget minus billing & collection.)

(NOTE: The billing and collection expense is deducted from the total O&M budget at this point because each user will pay the same for this expense per billing period. See paragraph 5 below, In some situations other appropriate expenses may be handled in the same manner.)

### 3. Loadings.

- a. The initial hydraulic loading is estimated to be 279,860,000 gal/year.
- b. The initial BOD loading is estimated to be 400,114 lbs/year.
- c. The initial SS loading is estimated to be 421,731 lbs/year.
- d. The initial other pollutant loading is estimated to be lbs/year.

### 4. Unit Costs.

- a. Initial unit cost for flow in \$/gallons                      = annual \$ to treat annual flow

0.0014 gal                      Estimated annual hydraulic loading

Initial unit cost for BOD in \$/pound                      =annual \$ to treat annual BOD

\$0.40/lb BOD                      Estimated annual BOD loading

Initial unit cost for SS in \$/pound                      =annual \$ to treat annual SS

\$0.09/lb TSS                      Estimated annual SS loading

Initial unit cost for other pollutants = annual \$ to treat other annual pollutants

pollutants in \$/pound loading Estimated annual other pollutant loading

The unit costs for BOD, SS and Other Pollutants are to be inserted in Article IV, Section 4, of the ordinance.

#### 5. Minimum Charge:

Annual billing and collection cost = \$ -----

Annual cost to treat infiltration/inflow = \$ -----

(assumed clear water) = unit cost to treat flow x annual infiltration/inflow

TOTAL Annual Minimum Cost = \$322,697.12 Allocated as 55% of total costs.

Minimum Charge/User/Billing Period = \$ 11.36

This minimum charge/user/billing period is to be inserted in Article IV, Section 3, of the ordinance.

(NOTE: The above procedure allocates the cost of transporting and treating infiltration/inflow according to the number of users. Other acceptable means of distributing this cost include allocation based on flow volume of the users or allocation based on the land area of the users.)

6. Residential User Unit Charge The residential user unit charge is calculated as follows using the pollutant concentrations defining normal domestic wastewater in

Article II, Section 2, of this ordinance.

Residential unit charge = unit flow charge

+ (unit BOD charge) (BODNO) (.00834)

+ (unit SS charge) (SSNO) (.00834)

where: Residential unit charge is in \$/1000 gal

unit flow charge is in \$/1000 gal from paragraph 4

unit BOD charge is in \$/lb BOD from paragraph 4

unit SS charge is in \$/lb SS from paragraph 4

BODNO is the normal domestic BOD strength in milligrams per liter (mg/l)

as defined in Article II, Section 2, of the ordinance

SSNO is the normal domestic SS strength in mg/l as defined in Article II, Section 2, of the ordinance and .00834 is a unit conversion factor.

7. Extra Strength Users: For users who contribute wastewater that has greater strength than normal domestic wastewater, the user charge will be calculated as follows:

Total monthly charge to extra strength user = charge to residential user + surcharge for BOD (if appropriate) + surcharge for SS (if appropriate)

Total monthly charge to extra strength user =

minimum charge

+v(residential unit charge)

+v(unit BOD charge)(BODES - BODND)(.00834)

+v(unit SS charge)(SSES - SSND)(.00834)

Where: Total monthly charge to extra strength user is in dollars.

Minimum charge is in dollars as calculated in paragraph 5 of this Appendix "A"

v is the volume of wastewater in 1000 gallons discharged by the extra strength user during the month

Residential unit charge is in \$/1000 gal, as calculated in paragraph 6 of this Appendix "A"

Unit BOD charge is in \$/lb. BOD from paragraph 4

Unit SS charge is in \$/lb. SS from paragraph 4

BODES is the average BOD concentration in milligrams per liter (mg/l) contributed by the extra strength user during the month

SSES is the average SS concentration in mg/l contributed by the extra strength user during the month

BODND is the normal domestic BOD strength in mg/l as defined in Section 3-4-1.50 of this ordinance.



SSND is the normal domestic SS strength in mg/l as defined in Section 3-4-1.50 of this ordinance and .00834 is a unit conversion factor.

An example user charge calculation for an extra strength user of the Maquoketa wastewater treatment facility follows:

Assuming: monthly flow = 56,900 gallons

monthly average BOD concentrations = 1500 mg/l

monthly average SS concentrations = 2700 mg/l

Example monthly charge for extra strength user:

\$2.71

+ 56.9 (0.975)

+ 56.9 (0-150)(1500 mg/l - 221 mg/l)(0.00834)

+ 56.9 (0.086)(2700 mg/l - 268 mg/l)(0.00834)

= \$248.48

CITY OF MAQUOKETA  
APPENDIX B  
EQUIPMENT REPLACEMENT SCHEDULE

		Income		Balance
Year		Price	Interest 7%	
1		\$80,000		\$80,000
2		\$80,000	\$5,600	\$165,600
3		\$80,000	\$11,592	\$257,192
4		\$80,000	\$18,003	\$355,195
5	Replace CL2, SO2 (1.05)6 x (45,000) Systems = \$57,432  Rebuild Raw Sewage, SBR, NWLS, and S. Slope Pumps  (1.05)6 x (40,625 + 28,000 + 9,000) = \$99,360	\$80,000	\$24,863	\$303,266
6		\$80,000	\$21,228	\$404,494
7		\$80,000	\$28,314	\$512,808
8		\$80,000	\$35,896	\$628,704
9		\$80,000	\$44,009	\$752,713
10	Replace CL2, SO2, Replace Pumps and Blowers and Raw Sewage, SBR, NWLS, SSLs, Sludge, Storm. Rebuild Heat Exchanger (1.05)18 x (45,000 + 160,000 + 81,250 + 22,500 + 70,000 + 25,000 + 15,000 + 15,000) = \$707,012	\$80,000	\$52,689	\$178,389
11		\$80,000	\$12,487	\$270,876
12		\$80,000	\$18,961	\$369,837
13		\$80,000	\$25,888	\$475,725
14		\$80,000	\$33,300	\$589,025
15	Replace CL2, SO2. Rebuild Raw Sewage, SBR, NWLS	\$80,000	\$41,231	\$455,196

	And S. Slope Pumps $(1.05)^{16} \times (45,000 + 40,625 + 9,000) = 255,060$			
16		\$80,000	\$31,863	\$567,059
17		\$80,000	\$39,694	\$686,753
18		\$80,000	\$48,072	\$814,825
19		\$80,000	\$57,037	\$951,862
20	Replace CL2, SO2, Replace Pumps and Blowers and Raw Sewage, SBR, NWLS, SSLs, Sludge, Storm. Rebuild Heat Exchanger $(1.05)^{20} \times (45,000 + 160,000 + 81,250 + 22,500 + 70,000 + 25,000 + 15,000 + 15,000 + 45,000) = \$1,268,687$	\$80,000	\$66,630	(\$170,195)

1. Replacement Fund recommended by PNG = \$80,000/Year for Wastewater.
2. Assume Average interest rate over 20 years = 7%.
3. Replacement Periods:
 

Pumps, Blowers	Rebuild Every 5 Years
Chlorinators	Replace Every 5 Years
Miscellaneous Equipment	Replace Every 20 Years
Pumps, Blowers	Replace Every 10 Years

Assume 5% Annual Inflation

(Ord. 844, passed 09-19-94)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 4 WATER SYSTEM

6-4-1 CITY MANAGER'S DUTIES	6-4-17 EXTENSIONS
6-4-2 WATERWORKS FUND	6-4-18 RATES
6-4-3 HYDRANTS	6-4-19 FIRE FIGHTING SYSTEM
6-4-4 LIABILITY	6-4-20 RATES FOR FIRE FIGHTING SYSTEM
6-4-5 INTERFERENCE PROHIBITED	6-4-21 RATE FOR WATER NOT ENTERING SANITARY SEWER SYSTEM
6-4-6 EQUIPMENT	6-4-22 FLUORIDE TREATMENT
6-4-7 DIGGING UP PIPES	6-4-23 NON-FLUORIDE WATER SUPPLY
6-4-8 REPORTS OF VIOLATIONS	6-4-24 DISCONNECTION FOR NONPAYMENT
6-4-9 RULES AND REGULATIONS	6-4-25 REASONABLE AGREEMENT TO PAY
6-4-10 METERS	6-4-26 DENIAL OF BENEFIT OF CITY SERVICES
6-4-11 WHEN PAYABLE - LATE PAYMENT PENALTY	
6-4-12 METER TESTING	
6-4-13 METER READING	
6-4-14 WATER FOR CONSTRUCTION	
6-4-15 LOSS OR DAMAGE TO PROPERTY	
6-4-16 EASEMENT	

6-4-1 CITY MANAGER'S DUTIES. The City Manager shall have control and supervision of the waterworks system and shall have charge of the reading of meters, collection of all water bills, and receive all money therefor. He/she shall keep a correct book account, showing money received and expended by the Waterworks Department and for what purpose and have and perform all other duties under his/her management, connected with the waterworks system.

#### 6-4-2 WATERWORKS FUND.

1. There shall be an account kept by the Treasurer, known as the Waterworks Fund. All money received from the sale of waterworks 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 waterworks or from any source whatever connected with the management and operation of the waterworks system, shall be placed in the Waterworks Fund, and all salaries and disbursements connected with the management and operation of the waterworks system, shall be paid out of this fund.

2. All revenues at any time accruing to the Waterworks Fund, over and above that which is necessary for the construction, extension and operation of the waterworks, shall, on resolution passed by a majority of the members of the Council, be paid over into the Sinking Fund.

6-4-3 HYDRANTS. All hydrants erected for the purpose of extinguishing fires are hereby declared to be public hydrants, and no person, except members of the Fire Department, or waterworks or persons especially authorized by the City Manager, and then only in the exercise of authority delegated by the City Manager, shall open any of the hydrants or attempt to draw any protection from or in any manner interfere with any of the hydrants.

6-4-4 LIABILITY. The City does not guarantee a constant supply of water to any consumer and shall not be liable for damages for any failure to supply the same. The City shall not be liable for any claim or damage by reason of breaking of any service pipe, stop-cock, or other equipment, or if for any reason the supply to water shall be shut off to make repairs, connections or extensions or for any other purpose that may be found necessary. The City reserves the right to cut off the supply at any time.

6-4-5 INTERFERENCE PROHIBITED. It shall be a municipal infraction, punishable by a fine not to exceed \$100.00 in addition to any and all other penalties provided for by Maquoketa Ordinance 1-3-1, for any person, entity, or party to:

(Ord. 1142, Passed June 2, 2018)

1. Break, injure, mar or deface, interfere with or disturb any building, machinery, apparatus fixtures, attachments, or appurtenances of the Waterworks Department or any hydrant thereof, or deposit anything in any stopcock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the Council, or excepting cases herein or otherwise provided by the Manager.

2. Alter, tamper with, or deface any water meter, or to secure city water by routing the water's flow around a water meter to avoid incurring a bill for the water used.

(Ord. 821, passed 10-4-93)

6-4-6 EQUIPMENT. It shall be unlawful for any person unless authorized by the City Manager, to open hydrants, except for the purposes strictly connected with the Fire Department.

6-4-7 DIGGING UP PIPES. It shall be unlawful to make any excavation in any street or highway within six (6) feet of any laid water pipe, while the ground is frozen, or dig up or uncover so as to expose to frost any of the water pipes of the City except by special permission of the City Manager.

6-4-8 REPORTS OF VIOLATIONS. It shall be the duty of the Chief of Police and police officers to report to the City Manager all causes of leakage, waste, or unnecessary profusion in the use of water, and all violations of this chapter that come to his/her notice shall be reported to the Mayor.

#### 6-4-9 RULES AND REGULATIONS.

1. The rules, regulations and rates hereafter set out in this Chapter, shall be considered a part of the contract with every person which is supplied with water through the waterworks system, and every person by taking water shall be considered to express his/her consent. When any of the same are violated, or such others as the Council may adopt, the water shall be cut off from the building or place of such violation and shall not be turned on except by order of the City Manager or his/her duly authorized agent, and only after the payment of the expense of shutting off the water and turning it on again, and such other items as the City Manager shall determine, and in case of such violation the City Manager shall have the right to declare forfeited any payment made for water by the person committing such violation.

2. The following rules and regulations for the government of water users, licensed plumbers, and others, are hereby adopted or established.

a. Application for Service Every person desiring a supply of water must make application therefor to the City Manager on such form as may be prescribed by the Council and provided for that purpose. The application must state fully and truly all the uses to which the water is to be applied, and no different or additional use will be allowed, except by written permission issued by the City Manager upon proper application being made therefor. No more than one (1) house or premises shall be supplied from one (1) tap, unless provision is made so that each house or premises can be shut off independently on the outside of every other house or premises. The person applying for connection to the waterworks system shall pay the actual costs of such connection to the waterworks system. All service lines must be covered by at least five (5) feet of earth and except for the meter, the owner shall be responsible for all maintenance and repairs on the service line, curb stop; and plumbing of his/her premises.

b. Accounts. The billing and collection of water accounts, including the collection of delinquent accounts and the perfection of liens on the property for delinquent accounts, shall be governed by the procedures of Iowa Code §384.84.

(Ord. 965, Passed 5-20-2002)

c. Turning Water On. Water will not be turned on in any house or private service except by order of the City Manager or his/her designee. This rule shall not be construed to prohibit plumbers from turning water into any pipes to test the same for that purpose only.

d. At the point where a plumber's test for leaks has passed, the water service must be immediately turned off again. The property owner or his/her designee shall then establish a water/sewer account at City Hall. The City's Water/Wastewater Department will install a meter, and the property owner shall be required to protect the meter from any damage. The property owner will be held financially responsible for the protection of the meter.

e. The property owner will be subject to the City's municipal infractions ordinance and any other penalty available under Title VI for any violations of the provisions herein.

(Ord. 927, Passed 12-6-1999)

3. Service to One Family Only.

a. No consumer shall supply water to other families nor suffer them to take water off their premises, nor after water is introduced into any building, or upon their premises, shall any person make or employ any plumber or other person, to make any taps or connections with the pipes upon the premises for alterations, extensions or attachments without filing a regular application therefor and obtaining a permit from the City Manager.

4. Service Disconnection.

a. Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service and especially for any of the following reasons:

(1) Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.

(2) Failure to report to the City any addition to the property or fixtures to the supplies or additional use to be made of water.

(3) Resale or giving away of water.

(4) Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.

(5) Tampering with meter, meter seal, service, outside reader, or valves, or permitting such tampering by others.

(6) Connection, cross connection, or permitting same, of any separate water supply to premises which receive water from the City.

(7) Non-payment of bills.

5. A customer may discontinue water service to his/her premises for periods in which the house, building or other structure so serviced is not used for human occupancy, employment, recreation or other purposes. Any customer desiring to discontinue the water service to his/her premises for this reason must give notice of discontinuance in writing at the business office of the waterworks system, otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality.

6. Bills and notices to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

7. Meters All meters shall be so placed as to be easy of access and convenient to read and inspect. They shall also be protected from frost in such manner as to prevent freezing. The City Manager or some employee of the Waterworks Department acting under him/her shall place or superintend the setting of all meters; and all meters shall be tested when deemed necessary by the Waterworks Superintendent and all defective meters shall be repaired by or under the supervision of the Superintendent.

a. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be estimated based upon an average of the prior 12 months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

b. In the quad-style or larger multifamily dwellings there shall be a single master meter placed in the name of the property owner. However, any preexisting individual meters installed prior to March 2019, may remain in place but will be replaced with a master meter when any one of the individual meters fails to operate due to malfunction or deterioration. All master and individual meters will be placed in the name of the property owner.

(Ord. 1148, Passed January 21, 2019)

8. Removal of Meters. In no case shall licensed plumbers or others remove a meter from its setting or interfere with its reading for any cause, without first obtaining a permit from the City Manager.

9. Water Tanks. Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steamline to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice.

10. Equipment to be Maintained by Owner. All persons taking water shall keep their own service pipe, stop cocks, and apparatus in good repair and protected from frost at their own risk and expense, and shall prevent all unnecessary waste of water, and it is expressly stipulated that no claim shall be made against the City by reason of breaking of any service pipe or service cock, or if for any cause the supply of water should fail or from damage arising from shutting off the water to repair mains, making connections or extensions, or for any other purpose that may be deemed necessary, and the right is hereby reserved to cut off the supply of water at any time, any permit granted or regulation to the contrary notwithstanding.

11. Right of Entry. Every person taking water supplied through the waterworks system shall permit the City Manager, Waterworks Superintendent, and employees of the Department, at all reasonable hours of the day to enter their premises or buildings to examine the pipes, fixtures, and fittings; and the manner in which water is used or to read and examine meter; and they must frankly and without concealment answer the questions put to them relative to the use of water on such premises.



12. Size of Hose. Hoses larger than three-fourths inch (3/4") will not be permitted where no meter is set, without payment of an additional charge.

14. Sprinkling Regulations. The use of hose for sprinkling yards, gardens and streets, or for washing windows and sidewalks is prohibited in case of fire or when there is an alarm of fire, or when the conditions of the water supply require it.

15. Service Pipe.

a. All service lines and appurtenances shall be constructed of any of the following materials and conform to the state plumbing code:

(1) Steel - AWWA standard specifications 7A.3(1) and 7A.4(2), ASTM A 120-62T.

(2) Flexible Polyethylene Plastic - commercial standards CS 255-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce minimum rating 125 psi, minimum size 3/4 inch I.D.

(3) Polyvinyl-Chloride (PVC) - Commercial standards 256-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce, High Impact (type 2) for service lines.

(4) Acrylonitrile-Buctaciene-Styrene - Commercial standards 254-63, National Sanitation Foundation approved and stamped.

(5) Copper-ASTM specifications B-88 for type K seamless annealed.

(6) All fittings for use with cast iron or ductile iron pipe shall be Class 250 gray cast iron conforming to ANSI A21.10-71 (AWWA C110-71), or Class 350 ductile iron. Ductile iron shall conform to ASTM A536-72, minimum grade 70-50-05. Nominal thickness of fittings shall be equal to, or exceed, Class 53 ductile iron pipe thickness. Radii of curvatures shall conform in accordance with ANSI A21.4-71 (AWWA C110-71). Fittings shall be cement lined in accordance with ANSI A21.4-74 (AWWA C104-74) and shall have mechanical joints or push on type joints in accordance with ANSI A21.11-72 (AWWA C111-72).

b. When a service pipe is to supply a building which has an area wall between the water main and the building, the service pipe must go under the area wall. Service pipe must also be laid under cellar walls.

c. No water service pipe or tap for any building shall be less than three-quarters inch (3/4") in diameter, and pipes supplying sill cocks or hydrants outside of buildings shall not be less than one-half inch (1/2") in diameter.

d. Plumbers installing water service pipes shall close the curb shut off and leave it closed upon completion of their work. Plumbers shall notify the waterworks office when work is completed.

e. Service pipe made of any of the non-conductive materials listed above shall have a tracer wire installed along with the pipe. Trace wire must terminate at an approved above-ground trace wire access box, affixed to the building exterior directly above where the utility enters the building, at an elevation not greater than five (5) vertical feet above finished grade, or terminate at an approved grade level/in-ground trace wire access box, located within two (2) linear feet of the building being served by the utility. Trace wire shall be rated for ground bury.

f. All service connections shall be inspected by the water superintendent or their designee before said connection is covered up or same shall be unearthed for proper inspection at the contractor's expense. All inspections will take place during normal working hours (8am to 3pm, Monday – Friday)

(Amended during 2019 codification)

#### 16. Mains.

a. Mains must be tapped on the top and not in any case within 10 inches (10") of the hub and all tapping of mains up to a one (1) inch service shall be done by or in the presence of the Superintendent or other properly authorized person during normal working hours from 8:00am to 3:00pm Monday through Friday.

b. All mains being tapped with over a one (1) inch service shall be arranged by the contractor/property owner to be done by a plumber or tapping service and in the presence of the Superintendent or other properly authorized person during normal working hours (8:00am to 3:00pm, Monday – Friday)

(Amended during 2019 codification)

#### 17. Curb Stops.

a. All curb stops shall be placed in a metal curb stop box at the outer sidewalk line. A heavy metal cover shall be placed on the stop box and must be visible and even with the ground. Curb stops must fit cut-off wrenches owned by the City.

b. There shall be a stop and waste cock of a pattern and weight approved by the City Manager, attached to every service pipe, at a point where it enters the building, inside the same, accessible, and so situated that the water can be conveniently shut off and drained from the pipes.

18. Service Pipes to be Flushed. Service pipes must be thoroughly flushed before a meter is attached.

#### 19. Excavations

a. In making excavations in streets or highways from the laying of service pipes, making connections, or making repairs, the excavated material shall be placed in such a manner as to occasion the least inconvenience to the public and provide the passage of water along the gutter. All such excavations shall have proper barricade erected and warning lights placed thereto from dusk in the evening to daylight the following morning.

(Amended during 2019 codification)

b. All excavations shall be properly shored or an applicable protective system in place before a City agent or employee can enter to perform work or an inspection.

(Amended during 2019 codification)

c. After the service pipes are laid, in refilling the excavation, the lime or fill sand must be laid in layers and each layer thoroughly tamped and packed to prevent settlement, and this work together with the replacement of the sidewalk, ballast and paving, must be done so as to make the street at least as good as it was before the excavation was made and to the satisfaction of the Superintendent or City Manager.

d. No hydrant or fountain, except public drinking fountains shall be placed within the limits of any street unless the hydrant or drinking fountain is securely closed and protected against use.

## 20. Permanently Demolished Structures.

a. Whenever a structure has had previous water and sewer service provided to it and that structure is permanently demolished, the property owner shall be responsible for abandoning the water and sewer service lines to the permanently demolished structure at their respective mains rather than terminating service lines at the curb or the curb stop. The property owner shall also be responsible for any repairs to a public street or other public infrastructure that are needed due to this work.

(Ord. 927, Passed 12-6-1999)

b. If the property owner is planning to re-use the water or sewer service on that property for a future building, abandonment of the water and sewer lines can be waived for one (1) year after which the property owner shall properly abandon the lines to the mains if nothing has been done.

(Amended during 2019 codification)

## 6-4-10 METERS.

1. All water shall be measured by meter.

2. Meters shall be read quarterly or monthly as prescribed by the City Council. Meters installed for temporary purposes or building use meters shall be read and water rates shall be due and payable when the use of the meter terminates.

3. Meters up to one inch (1") in size shall be furnished by the City and shall be installed by the Superintendent or a duly authorized employee of the Waterworks Department. The City reserves the right to determine the size and type of meter used.

4. Meters shall be installed in the basement of the premises when practicable, otherwise it shall be placed in a frost-proof meter box not less than forty-eight inches (48") in diameter. The meter box shall be a minimum of sixty inches (60") in depth and shall be duly protected from frost with proper cover and shall be constructed of concrete, fiberglass or other suitable material as may be approved by the City Manager. The meter box shall be kept in such condition that the meter therein can, at anytime, be readily inspected. The property owner shall be liable for all damages to the meter by freezing.

5. Meters in excess of one inch (1") in size shall be furnished and installed at the property owner's expense. Meters in excess of one inch (1") shall be installed with a bypass system allowing for the removal of the meter. The bypass system shall have a locking device. The only person possessing the key to such locking devices shall be the Superintendent or a duly authorized employee of the Waterworks Department.

6. Meters in excess of one inch (1") shall be tested for accuracy by a qualified technician authorized and approved by the City Manager. The cost for such tests shall be the responsibility of the property owner.

7. Meters in excess of one inch (1") shall be tested for accuracy on a basis of once every five years or more frequently as determined by the City Manager.

8. If the property owner with a meter in excess of one inch (1") fails to test such meter for accuracy as required by Subsection 7, the City Manager shall send by certified mail a thirty (30) day written notice of the need for such test to the property owner. If the test has not been completed at the expiration of the 30 day notice, the City Manager shall authorize such test and apply the cost to the water service account of the property owner.

(Ord. 699, passed 12-5-88)

9. Right angle meter stops will be installed, at the owner's expense, with each meter installation, meter repair or meter replacement.

(Ord. 1060, passed 10-20-08)

#### 6-4-11 WHEN PAYABLE - LATE PAYMENT PENALTY.

1. A bill shall be due and payable when rendered and shall be considered delinquent after twenty (20) days from the time it is rendered. A bill shall be considered rendered by the City when deposited in the U. S. Mail with postage prepaid or when delivered by the City to the last known address of the party responsible for payment. Bill payments received by the City on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty of 1.5% per month of the past due amount. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment.

2. Each Account shall be granted one complete forgiveness of a late payment penalty in each calendar year. The customer shall be informed of the use of the automatic forgiveness in one of the following ways: a) by phone or in person; b) by posting to the next bill; c) by separate mailing.

3. When water service is disconnected because of an act or omission by the customer or because of nonpayment of a bill or deposit, the customer shall be required to pay a disconnect fee of \$10.00 and a reconnect fee of \$10.00. No water will be turned on after working hours.

(Ord. 875, passed 5-6-96)

4. There will be a \$20 fee for each 24-hour door posting that is posted for delinquent bills. The \$20 fee will be collected when customer pays the delinquent bill.

(Ord. No. 1068, 4-20-09)

In the event that service pipe, shut off valves, stop cocks or other water service apparatus need to be installed, repaired or replaced or serviced then the City shall notify the owner of record to remedy the situation in a particular manner within a reasonable period of time, not to exceed thirty (30) days. In the event that the owner fails to remedy the situation within the required time set forth in the notice, then the City may take appropriate steps to remedy the situation.

In the event that the City is required to repair or remedy an equipment problem as described above, then the cost of the repairs shall be billed to the land owner and the land owner shall be required to pay the repair bill within a reasonable time, not to exceed sixty (60) days.

In the event that the land owner fails to pay for installation services or repairs done by the City, then the City shall secure payment of the costs of the repairs as follows:

a. City Manager shall submit to the Council an itemized and verified statement showing the expenditures in material, labor, and equipment used to remedy the situation. The list shall also state the name of the owner(s) of the property and the description of the real estate in question.

b. The Council shall examine the verified statement and if found to be correct, the Council shall assess the expenditures against the real estate; and, the Council shall direct the City Clerk to certify the costs for assessment to the County Treasurer. The assessment shall then be collected with and in the same manner as general taxes.

(Ord. 991, Passed April 19, 2004)

For purposes of this Ordinance, repairs shall mean any service to any pipe, shut off valve, stop cock, or any other apparatus that is required to be installed or maintained for the water service onto a particular property. The necessity for the equipment or repair or installation or maintenance shall be a matter left to the sole discretion of the City Manager of the City of Maquoketa.

(Ord. 845, passed 10-17-94)

6-4-12 METER TESTING. Any property owner may request that a meter be tested by paying to the City Manager's office the sum of ten dollars (\$10.00). Should the meter register more than a two percent (2%) error said sum shall be refunded and the property owner's account shall be adjusted to reflect the amount of the meter errors. All meters found to register more than two percent (2%) error shall be replaced by an employee of the Waterworks Department within five (5) days after such testing.

6-4-13 METER READING. All water meters shall be read by an employee of the Waterworks Department and a record of such reading furnished the customer and a duplicate record of such reading made in the office of the City Manager.

#### 6-4-14 WATER FOR CONSTRUCTION.

1. Water for building or construction purposes will be furnished only after suitable deposit has been made, the minimum deposit being five hundred dollars (\$500.00) for the construction meter. Customer will also be billed monthly for water usage.

2. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

2. Filling swimming pools is not allowed under the use of this meter.

(Ord. 1024, passed 05-15-06)

6-4-15 LOSS OR DAMAGE TO PROPERTY. If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of his/her household, his/her agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer.

6-4-16 EASEMENT. Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

6-4-17 EXTENSIONS. The municipality may construct or authorize construction of extensions to its water lines within its service area, but the municipality shall not be required to make such extensions.

1. All extensions to new subdivision developments shall be done in accordance with Chapter 3, Subdivisions, of Title V, Land Use Regulations, of the Code of Ordinances and the City's Standard Specifications. Customers and/or developers of subdivisions shall be responsible for the entire cost of the installation.

2. Extensions to previously platted and recorded sections or areas within the corporate limits of the City shall be responsible of the customer. However, the City Council may approve the payment of a portion of the cost of such extension. The municipality may reimburse the customer for the additional cost to increase the size of the water line from the standard three-quarters inch (3/4") service line to a six inch (6") watermain for only the portion of the water line that is located within the City's right-of-way or easement. Such extensions shall be installed in accordance to the City's Standard Specifications. The City's portion shall be for material costs only and shall not include labor for installation. The City may designate a watermain greater than six inch (6").

3. All line extensions shall be evidenced by the contract signed by the municipality and the customer for said extensions. Such contracts shall be approved by the City Council.

4. All decisions in connection with the method of installation of any extension in the public right of way or easement and the maintenance thereof shall remain the exclusive control of the municipality. Such extension shall be the property of the municipality and shall be maintained by the municipality and no other person shall have any right, title, or interest therein.

5. The municipality may refuse service to persons, not presently customers, when in the opinion of the City Council the capacity of the municipal facilities will not permit such service.  
(Ord. 737, passed 10-15-90)

6-4-18 RATES. The Waterworks Department shall charge and collect starting on the designated dates, the following prices and rates for separate service, which rate shall include rate and all service rendered:

August 1993 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$ 4.32
Over 300 cu. ft.	\$ 0.76 per 100 cu. ft.
Non-Metered Trailers	\$ 6.05/month

January 1994 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$ 4.91
Over 300 cu. ft.	\$ 0.76 per 100 cu. ft.
Non-Metered Trailers	\$ 6.90/month

July 1994 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$ 5.85
Over 300 cu. ft.	\$ 0.93 per 100 cu. ft.
Non-Metered Trailers	\$ 8.20/month

(Ord. 815, passed 7-19-93)

January 1995 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$ 7.33
Over 300 cu. ft.	\$ 1.05 per 100 cu. ft.

Over .100, 300 cu. ft.	\$ 0.34
Non-Metered Trailers	\$ 12.58/month

(Ord. 852, passed 1-16-95)

December 1995 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$ 8.83
Over 300 cu. ft.	\$ 1.05 per 100 cu. ft.
Over 100, 300 cu. ft.	\$ 0.34
Non-Metered Trailers	\$ 14.08/ month

(Ord. 860, passed 11-6-95)

March 1996 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$ 9.49
Over 300 cu. ft.	\$ 1.05 per 100 cu. ft.
Over 100, 300 cu. ft.	\$ 0.34
Non-Metered Trailers	\$ 14.74/month

(Ord. 868, passed 3-4-96)

April 30, 2005 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$11.94
Over 300 cu. ft.	\$ 1.63 per 100 cu. ft.
Over 100,300 cu. ft.	\$ 0.54 per 100 cu ft.
Non-Metered Trailers	\$14.74/month

(Ord. 1002, passed 3-7-05)

June 30, 2005 Billing Cycle (water revenue bond)	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$2.45
Over 300 cu. ft.	\$0.58 per 100 cu. ft.
Over 50,300 cu. ft.	\$0.10 per 100 cu. ft.

(Ord. 1004, 6/6/05)

July 30, 2013 Billing Cycle (water revenue bond)	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$2.75
Over 300 cu. ft.	\$0.65 per 100 cu. ft.
Over 50,300 cu. ft.	\$0.12 per 100 cu. ft.

(Ord. 1109B, 6/17/13)

Note: For 2009, 2010, 2011, 2012 and 2013 billing cycles, water revenue bond rates passed in June, 2005 would be in addition to the rates listed below.

July 2009 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$9.63
Over 300 cu. ft.	\$ 1.06575 per 100 cu. ft.
Over 100,300 cu. ft.	\$ 0.3451 per 100 cu ft.
Non-Metered Trailers	\$14.96/month



July 2010 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$9.77
Over 300 cu. ft.	\$ 1.08 per 100 cu. ft.
Over 100,300 cu. ft.	\$ 0.3503 per 100 cu ft.
Non-Metered Trailers	\$15.18/month

July 2011 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$9.92
Over 300 cu. ft.	\$ 1.09 per 100 cu. ft.
Over 100,300 cu. ft.	\$ 0.3556 per 100 cu ft.
Non-Metered Trailers	\$15.41/month

July 2012 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$10.07
Over 300 cu. ft.	\$ 1.10 per 100 cu. ft.
Over 100,300 cu. ft.	\$ 0.3609 per 100 cu ft.
Non-Metered Trailers	\$15.64/month

July 2013 Billing Cycle	Rate Per 100 Cu. Ft.
Basic Service plus 300 cu. ft.	\$10.22
Over 300 cu. ft.	\$ 1.12 per 100 cu. ft.
Over 100,300 cu. ft.	\$ 0.3663 per 100 cu ft.
Non-Metered Trailers	\$15.87/month

(Ord No. 1066, 4-20-09)

#### Water Billing Rates\*†

2019 Billing Cycle (Upon Adoption)	Rater Per 100 Cubic Feet
Basic Service plus 300 cubic feet	\$12.264
Over 300 cubic feet	\$1.34 per 100 cubic feet
Over 100,300 cubic feet	\$0.44
Non-Metered Trailers	\$19.044/month

\* All water billing rates reflect a one-time 20% increase from previous billing rates

† All water billing rates shall be increased by 3.0% each year following adoption of this ordinance to account for cost of living increases.

(Ord. 1150, February 18, 2019)

6-4-19 FIRE FIGHTING SYSTEMS. For the purpose of controlling and regulating fire fighting systems connected to the City Water System a rate shall be charged according to size of pipe or pipes entering premises.

6-4-20 RATES FOR FIRE FIGHTING SYSTEMS.

Service Main Size	Annual Fire Rates
2 inch	\$4.60
4 inch	\$29.00
6 inch	\$ 81.00
8 inch	\$ 165.00
10 inch	\$ 290.00
12 inch	\$ 460.00
	(7/25/88)

For recording and rate purposes each pipe shall be considered a separate system and shall be charged separately.

6-4-21 RATE FOR WATER NOT ENTERING SANITARY SEWER SYSTEM. The Waterworks Department shall charge twenty-eight dollars (\$28.00) per year for the installation and maintenance of a separate water meter for water that does not enter the City's sanitary sewer system. The property owner shall also pay the current rate for water consumed as outlined in Section 6-4-18, but shall not pay the sewer user charge for the water metered by this separate meter. The property owner shall make written request for a separate water meter and the fee shall be due and payable fifteen (15) days after the installation of the meter.

6-4-22 FLUORIDE TREATMENT. The Municipal public water supply of the City of Maquoketa shall be so processed and treated as to maintain between eighth-tenths (.8) and one and two-tenths (1.2) parts per million of sodium fluoride or other fluoride chemical recommended and approved by the State Department of Health, or in such amount as may be otherwise recommended by the State Department of Health. Such processing and treatment, as well as the installation of necessary equipment, and the selection of materials for processing and treating the Municipal public water supply of the City shall be in strict compliance with all recommendations and directions and subject to the approval of the State Department of Health in all respects concerning the actual conduct of such processing and treatment.

6-4-23 NONFLUORIDATED WATER SUPPLY. The City Water Department shall provide or arrange for at one well location as it shall designate, a system or facilities whereby residents may obtain nonfluoridated water for drinking.

6-4-24 DISCONNECT FOR NONPAYMENT.

1. If a water service fee is more than \$30 delinquent, the City shall begin procedures to disconnect water service to the water customer. Disconnection of service to customers for nonpayment of a bill or deposit shall be in accordance with the following procedures:

2. The customer will receive a delinquent bill in the mail. The City will then give written notice to the customer that the service will be disconnected if the account is not settled within 24 hours from the time of the notice. If payment is not made or payment agreement is not agreed to, the City will authorize disconnection of service. If the curb stop is not in working condition, staff

from the water department will be accompanied by a police officer to the home to remove the meter from inside the house.

(Ord. 829, 3-21-94)

#### 6-4-25 REASONABLE AGREEMENT TO PAY.

1. Any residential customer who has been disconnected or is about to be disconnected due to inability to pay in full will be offered the opportunity to enter into a reasonable agreement to pay the delinquent bill unless the customer is currently in default of such an agreement. The agreement shall be in writing and shall be signed by a party for the City and by the customer or a party for the customer. A signed copy of the agreement shall be provided to the customer.

2. The City may require the customer to provide confirmation of financial difficulty prior to entering into an agreement. Confirmation may be a written acknowledgement from the Iowa Department of Social Services, a legal guardian, or another individual or agency at the discretion of the City.

3. Reasonableness of the agreement shall be determined by considering the current household income of the customer, the customer's ability to pay, the size of the bill, the customer's payment history (including prior defaults on similar agreements), the time and cause of an outstanding bill, and any special circumstances creating extreme hardships within the household. The agreement shall require the customer to bring the account to a current status by paying specific amounts at scheduled times over a period of no more than six months.

4. Payment agreements shall include provisions for payment of the current account.

5. Whenever possible, the City shall attempt to reach a mutually acceptable payment agreement with the customer. If the attempt fails and the customer offers a payment agreement which the City Manager refuses, the customer shall be provided a written explanation of the reason for refusal within thirty days of the mailing of the initial disconnect notice. A customer may protest the refusal by filing a written complaint, including a copy of the refusal, with the Council within ten days after written refusal by the City Manager. A reasonable agreement may be amended at the discretion of the City upon request of the customer. Default of the agreement by the customer renders the customer subject to disconnection in accordance with procedures specified in this ordinance, except that the twelve-day notice provision does not apply.

(Ord. 668, passed 8-18-86)

#### 6-4-26 DENIAL OF BENEFIT OF CITY SERVICES.

1. The City may withhold City services or disconnect City services with appropriate notice and in accordance with Iowa law to any premises if the premise has an outstanding debt and the person responsible for the outstanding debt owns, occupies, or receives the benefit of any City services provided at that location.

2. If a delinquent amount is owed by an account holder for one or more City services associated with a prior property or premises, the City may withhold City services or disconnect City services with appropriate notice and in accordance with Iowa law to any new property or premises owned or occupied by that account holder, or to any location at which that account holder receives the benefit of any City services.

3. As used in this section, “City services” include, but are not limited to, services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, and solid waste disposal.

(Ord. 975, Passed 8-5-2002)

TITLE VI   PHYSICAL ENVIRONMENT  
CHAPTER 5A   SOLID WASTE CONTROL

6-5A-1	PURPOSE	6-5A-8	CITY LEAF PICKUP PROGRAM
6-5A-2	DEFINITIONS	6-5A-9	LITTERING PROHIBITED
6-5A-3	HEALTH HAZARD	6-5A-10	OPEN DUMPING PROHIBITED
6-5A-4	FIRE HAZARD	6-5A-11	WASTE STORAGE
6-5A-5	OPEN BURNING		CONTAINERS
6-5A-6	BRUSH PICKUP	6-5A-12	PROHIBITED PRACTICES
6-5A-7	SEPARATION OF LANDSCAPE WASTE REQUIRED	6-5A-13	PENALTIES

ARTICLE A

GENERAL PROVISIONS AND OPEN BURNING

6-5A-1   PURPOSE. The purpose of this Chapter is to provide for the sanitary storage, collection and disposal of solid wastes and regulate the burning of solid wastes within the city limits; and thereby, to protect its citizens from such hazards to their health, safety and general welfare as may arise from the uncontrolled disposal of solid wastes or the uncontrolled burning of such solid wastes.

6-5A-2   DEFINITIONS. For the purpose of this Chapter, the following terms shall have the meanings indicated below:

1. “Backyard Burning” means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

2. “Chimney or Stack” means any flue, conduit or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.

3. “Garbage” means all solid and semisolid putrescible and nonputrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing and serving of food or of material intended for use as food, but excluding recognized industrial by-products.

4. “Incinerator” means a combustion apparatus designed for high temperature operation in which solids, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material.

5. “Landscape Waste” means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

6. “Odor” means that which produces a response of the human sense of smell to an odorous substance.

7. “Open Burning” means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

8. “Particulate Matter” means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

9. “Refuse” means garbage, rubbish and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

10. “Residential Waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

11. “Rubbish” means all waste materials of nonputrescible nature.

12. “Smoke” means gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, and other combustible material, or ash, that form a visible plume in the air.

13. “Solid Waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Iowa Code section 321.1(90). However, this chapter does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal project. Solid waste does not include hazardous waste as defined in the Iowa Code or petroleum contaminated soils which has been remediated to acceptable state or federal standards.

14. “Standard Conditions” means a gas temperature of 70° F and a gas pressure of 29.92 inches of mercury absolute.

15. “Trade Waste” means any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, whether or not for profit.

**6-5A-3 HEALTH HAZARD.** It shall be unlawful for any person to permit to accumulate on any premises, whether improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

**6-5A-4 FIRE HAZARD.** It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

6-5A-5 OPEN BURNING. No person shall allow, cause or permit open burning of combustible materials, except as provided herein:

1. Disaster rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists. Burning of any structures or demolished structures shall be conducted in accordance with the Code of Iowa and the Iowa Administrative Code.

2. Trees and tree trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the city prior to the first instance of open burning at the site.

3. Recreational fires. Open fires for cooking, heating, recreation and ceremonies; provided, however, that no person shall allow, cause or permit the emission of visible air contaminants into the atmosphere from any such fire equal to or in excess of 40 percent opacity.

4. Training fires. Training fires as authorized by Iowa Administrative Code section 567-23.2(3)(g) as may be amended from time to time.

5. Controlled burning of a demolished building. The City may conduct a controlled burn of a demolished building with the approval of its City Council as authorized by Iowa Administrative Code section 567-23.2(3)(j) as may be amended from time to time.

6-5A-6 BRUSH PICKUP. Trees limbs less than seven inches in diameter and brush securely tied in bundles not larger than 72 inches long and 78 inches in diameter may be placed along the curb for collection by the City in accordance with the City's brush removal policy as may be from time to time amended.

6-5A-7 SEPARATION OF LANDSCAPE WASTE REQUIRED. All landscape waste shall be separated by the owner or occupant from all other refuse accumulated on the premises and shall be composted on the premises or placed in paper biodegradable bags, and set out for collection by refuse collectors licensed by the City.

6-5A-8 CITY LEAF PICKUP PROGRAM. The City shall conduct a program in the fall of each year to remove leaves from city streets. Residents of the City will be required to compost as many leaves from their property as possible. Leaves that cannot be composted may be raked onto the city streets. Leaves shall not be bagged or placed into any containers. The City shall remove the leaves and deposit them at a composting site.

6-5A-9 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and

discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

**6-5A-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 Iowa Department of Natural Resources.

**6-5A-11 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing or renting any premises, dwelling unit or place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for storage of refuse in accordance with the following:

1. Waste storage containers shall comply with the following specifications:

- a. Residential waste containers (20-35 gallons). Residential waste containers shall be of not less than 20 gallons nor more than 35 gallons in nominal capacity; and be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. Containers shall have handles, bails or other suitable lifting devices or features and shall of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding 75 pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.

Residential waste must be stored in portable containers or building enclosures until such time that it is taken to the curb for pickup. Waste can be placed at the curb in sealed garbage bags no earlier than 12 hours prior to pickup by the solid waste hauler. Property owners shall be responsible for cleaning up any debris caused by ripped or damaged garbage bags.

- b. Residential dumpsters. Dumpsters located at residences may not extend over or be located on the public sidewalk or publicly owned right of way. Dumpsters will be allowed to be in the right of way for a period of no more than 24 hours to allow the dumpster to be emptied. Dumpsters shall be placed in the side yard or rear yard and shall not be nearer than two (2) feet to any side or rear lot line.

Dumpsters may be allowed to be in the front yard provided:

- (1) Space is not available in the side yard, or there is no reasonable access to either the side or the rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or landscaping. A corner lot shall normally be deemed to have reasonable access to the rear yard.

- (2) Dumpster must be enclosed by a natural or manmade enclosure.



This ordinance does not apply to temporary dumpsters up to 30 days. Residents interested in a temporary dumpster must contact City Hall for a permit.

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

(4) All dumpsters. All dumpsters shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area. All dumpsters shall be placed on a hard surface. All dumpsters are required to have weekly pickup. All dumpsters on properties with two units or less will require a permit.

(5) 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 shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

(6) Non-conforming containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

(Ord. No. 1073, 08/08/09)

6-5A-12 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful use of containers. Deposit refuse in any solid waste containers other than his or her own without the written consent of the owner of such containers.

2. Interfere with collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Unlawful disposal. Dispose of any refuse at any facility or location which is not an approved location.

4. Unlawful collection. Engage in the business of collecting, transporting, processing or disposing of refuse with the City without a contract therefore with the City or a valid permit from the City.

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

6. 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.

(ECIA Model Code Amended in 2017)

6-5A-1 PENALTIES. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a municipal infraction. Each day a violation continues shall constitute a separate offense.

(Ord. No. 1051, passed 1-7-08)

(Ord. 1142, Passed June 2, 2018)

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 5B SOLID WASTE AND RECYCLING CONTROL

6-5B-1 DEFINITIONS	6-5B-9 BULKY RUBBISH
6-5B-2 RECYCLING REQUIRED	6-5B-10 TREE LIMBS AND BRUSH
6-5B-3 LICENSED HAULERS	6-5B-11 YARD WASTE
6-5B-4 COLLECTION SERVICE	6-5B-12 RIGHT OF ENTRY
6-5B-5 COLLECTION VEHICLES	6-5B-13 COLLECTOR'S LICENSE
6-5B-6 LOADING	6-5B-14 LANDFILL ASSESSMENT
6-5B-7 FREQUENCY OF COLLECTION	FEE
6-5B-8 LOCATION OF CONTAINERS	

ARTICLE B

COLLECTION AND TRANSPORTATION

6-5B-1 DEFINITIONS. For use in this article the following terms are defined:

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

2. "Collectors": shall mean any person authorized by this article to gather solid waste and recycling from public and private places.

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

4. "Single Family Dwelling": shall mean structure containing one dwelling unit only.

5. "Multiple Family Dwelling": shall mean a structure containing more than one dwelling unit.

6. "Property served": shall mean any property which is being used or occupied and is eligible to receive solid waste and/or recycling collection and disposal service as provided herein, including commercial and industrial properties.

7. "Recyclable Materials" shall mean materials, including, but not limited to, food container glass, aluminum, steel (tin) cans, #1 through #7 plastic bottles, uncontaminated newspapers, box board (cereal boxes,) cardboard, office paper and glossy paper (magazines). Newspapers and

glossy paper shall be considered uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling.

8. “Recycling Facility” shall mean any facility employing a technology that is a process that separates or recovers reusable materials that can be sold or reused by a manufacturer as substitute for or a supplement to virgin raw materials.

6-5B-2 RECYCLING REQUIRED. Whether recyclable materials are placed for curb-side collection or transported by a property owner to a recycling facility, all residents are required to separate recyclable materials from solid waste. Recyclable materials shall be further separated according to product type, such as, but not limited to: metals, glass, plastics, and cardboard.

6-5B-3 LICENSED HAULERS. All licensed recycling haulers must utilize a recycling facility as the destination of collected recyclable materials. No hauler shall mix separated recyclable materials with solid waste. Recyclable materials shall be collected and delivered to a recycling facility by product type.

6-5B-4 COLLECTION SERVICE. The collection of solid waste and recyclable materials within the City shall be only by collectors licensed by the City. There shall be three categories of licensed collectors – curbside collection service, general clean up service and recycling service. Regulations specified in this subchapter shall apply to both categories, unless so stated and shall include curbside collection of recyclable items.

(Ord. No. 951, 2-19-01)

6-5B-5 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair. Persons licensed for curbside collection service shall use a truck that provides for the separation of recyclable materials and will not leak or allow refuse to otherwise escape the truck. A covered vehicle shall be used to haul the material to the transfer station and/or recycling facility.

6-5B-6 LOADING. Vehicles or containers used for the collection and transportation of any solid waste and/or recyclable materials shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

6-5B-7 FREQUENCY OF COLLECTION. All solid waste and/or recyclable materials shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week. Curbside collection service shall include a collection for recyclable items.

6-5B-8 LOCATION OF CONTAINERS. Containers for the storage of solid waste and/or recyclable materials awaiting collection shall be placed out-of-doors at some easily accessible place by the owner or occupant of the premises served.

6-5B-9 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of the solid waste shall be collected by the collector upon request in accordance with procedures established by the City's Solid Waste Management Plan as approved by Resolution of the City Council.

6-5B-10 TREE LIMBS AND BRUSH. (Eliminated)

6-5B-11 YARD WASTE. (Eliminated)

6-5B-12 RIGHT OF ENTRY. Collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste and recyclable materials therefrom as required by this article, however collectors shall not enter dwelling units or other residential buildings.

6-5B-13 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste or recyclable materials other than his/her own within the City without first obtaining from the City an annual license in accordance with the following:

1. APPLICATION. Application for a solid waste/recycling collector's license shall be made to the Clerk and provide the following:

a. NAME AND ADDRESS. The full name and address of the applicant, and if a corporation, the name and address of the officers thereof.

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

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

d. DISPOSAL. A statement as to the precise location and method of disposal or processing facilities to be used and agree to accept yard waste for disposal in accordance with Section 6-5A-13.

e. REVOCATION. A statement that a permit may be revoked by the city council following notice and hearing for one or more violations of this Chapter.

2. INSURANCE. No collector's license shall be issued until and unless applicant, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

a. Curbside Collection Service  
(Includes Solid Waste & Recycling)

b. General Cleanup Service

Bodily Injury - \$1,000,000 per person  
\$1,000,000 per occurrence

Bodily Injury - \$500,000 per person  
\$500,000 per occurrence

Property Damage - \$200,000

Property Damage - \$200,000

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than 10 days prior to the effective date of such action.

3. LICENSE FEE. A license fee in the amount of \$75.00 shall accompany the application, in the event the requested license is not granted, the fee paid shall be refunded to the applicant.

(Ord. 855, 4-17-95)

4. LICENSED ISSUED. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste and recyclable materials without hazard to the public health or damage of the environment and in conformity with law and ordinance the requested license shall be issued to be effective for the calendar year in which issued, unless revoked upon notice and hearing by the city council for one or more violations of this Chapter.

5. LICENSE RENEWAL. An annual license may be renewed simply upon payment of the required fee if operated in substantially the same manner as provided in the original application and by providing the City Manager with a current listing of vehicles, equipment and facilities in use.

6. LICENSE NOT TRANSFERABLE. No license authorized by this article may be transferred to another person.

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

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

9. BUILDERS EXEMPTED. No license or permit shall be required for the removal, hauling, or disposal of building materials from construction activities, however, all such materials shall be conveyed in light vehicles, trucks or receptacles so constructed and maintained that none of the materials being transported shall spill upon the public right of way.

6-5B-14 LANDFILL ASSESSMENT FEE. In order to collect sufficient revenues to pay the annual assessment for the operation of the Jackson County Sanitary Landfill, the City Clerk shall collect a monthly fee of Two Dollars and Eighty-Four (\$2.84) from every residential dwelling unit,

commercial business, and industry located within the City of Maquoketa effective the July 1, 1998 billing period.

The billing and collection of landfill assessment fees, including the collection of delinquent accounts and the perfection of liens on property for delinquent accounts, shall be governed by the procedures of Iowa Code 384.84.

(Ord. 832, 3-21-94)

(Ord. 893, 4-20-98)

(Ord 965, Passed 5-20-02)

(Ord 1056, 07-21-08)

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 5C SOLID WASTE CONTROL

6-5C-1	DEFINITIONS		WASTES
6-5C-2	SANITARY DISPOSAL REQUIRED	6-5C-6	RADIOACTIVE MATERIALS
6-5C-3	OPEN DUMPING PROHIBITED	6-5C-7	SANITARY DISPOSAL PROJECT DESIGNATED
6-5C-4	EXCEPTIONS	6-5C-8	PRIVATE SANITARY DISPOSAL PROJECT
6-5C-5	TOXIC AND HAZARDOUS		

ARTICLE C

SOLID WASTE DISPOSAL

6-5C-1 DEFINITIONS. For use in this article the following terms are defined:

1. "Processing Facility" shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume of, or change the characteristics of, solid waste prior to final disposal.
2. "Site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.
3. "Scavenging" Shall mean the collection, picking up or gathering of discarded material no longer of value for its original purpose but which has value if reclaimed.
4. "Operator" shall mean the person or agency authorized to conduct disposal operations at a public sanitary disposal project or licensed private sanitary disposal project.
5. "Resident" shall mean in addition to any person residing in the City, any person occupying or using any commercial, industrial or institutional premises within the City.

6-5C-2 SANITARY DISPOSAL REQUIRED. All solid wastes generated or produced within the City shall be disposed of at a sanitary disposal project designated by the City and approved by the Executive Director of the Iowa State Department of Environmental Quality.

(Code of Iowa, 1993, Sec. 455B)  
(Ord. 839, passed 7-5-94)

6-5C-3 OPEN DUMPING PROHIBITED. No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the City owned or occupied by him/her unless such place has been designated by the City as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.

(Code of Iowa, 1975, Sec. 455B.82)



6-5C-4 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, dirt, stone, brick, gravel, rock, rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

6-5C-5 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the Executive Director of the Iowa State Department of Environmental Quality.

(I.A.C., 400-26.4[4])

6-5C-6 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

(I.A.C., 400-26.4 [4])

6-5C-7 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Jackson County are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originated within the City.

6-5C-8 PRIVATE SANITARY DISPOSAL PROJECT. No person may establish and operate a private sanitary disposal project within the City.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 6 EXCAVATIONS

6-6-1 IMPROVEMENT OF STREETS: UNDERGROUND PIPES	6-6-6 DISPOSAL OF PROPERTY
6-6-2 PERMIT REQUIRED	6-6-7 LIEN
6-6-3 APPLICATION FOR PERMIT	6-6-8 DOWNTOWN CURB CUTS
6-6-3B GUARANTEE	6-6-9 REPAIR OF STREETS
6-6-4 LIABILITY INSURANCE	6-6-10 MAINTENANCE/ PERFORMANCE BOND
6-6-5 REFILLING: PAVING	6-6-11 ADDITIONAL PROVISIONS
	6-6-12 COMPLETION BY THE CITY

6-6-1 IMPROVEMENT OF STREETS: UNDERGROUND PIPES. Whenever any portion of any street, highway, avenue or alley in the City is ordered paved or otherwise improved by the Council, it shall be the duty of every person to take notice of such order and forthwith and before any such portion of any street, highway, avenue or alley is improved, to make all excavations necessary for laying water or sewer pipes or any other desirable underground services, in any portion of the street, highway, avenue or alley so ordered improved.

6-6-2 PERMIT REQUIRED. No person shall dig, excavate, set posts or stakes or in any manner break up any improved or unimproved street, highway, avenue or alley including that portion between the traveled portion and property line, in the City unless such person first shall have obtained a permit therefor from the City as hereinafter provided. This section shall apply to any public utility including its authorized employees or agents, when engaged in construction, reconstruction or maintenance of its facilities. Such utilities are also subject to public or private liability as required in 6-6-4 and 6-6-7.

6-6-3 APPLICATION FOR PERMIT. Any person desiring a permit shall make application for the same to the Office of the Clerk stating the place, extent and purpose of such excavation, when the same will be made. The permit shall state that such person will allow the City to recover the cost and expense incurred by him/her in any back filling such excavation and restoring the street, highway, avenue or alley at the place which the excavation was made to its condition prior to such excavation. The City may require a deposit in sufficient amount to cover such costs and expense.

6-6-3B GUARANTEE. The minimum cash deposits required for issuance of permits for excavations or openings in public ways or public places are as follows:

1. For any surfacing on a concrete or asphalt base or a brick pavement on a concrete or macadam base.....\$ 500.00 .
2. For any other surface.....\$ 350.00.

The deposit of a larger sum in any of the above cases may be required if the estimated cost of the replacement and maintenance as determined by the Director of Public Works is greater than the

minimum amount as set forth above. The deposit as above set forth shall guarantee the cost of maintenance of the street surface in a condition suitable and safe for traffic, placing barricades and flashers when necessary, for the entire period of time from the date of the issuance of the permit up to the date of the release of the cash deposit by the Director of Public Works. The Director of Public Works shall file at the time of the release a statement of all costs, if any, incurred by reason of the failure of the party holding the permit to comply with any of the above regulations. Said costs shall be deducted from the deposit made at the time of the issuance of the permit. In case the said deposit is not sufficient to cover the said charges, the Clerk shall render a statement to the holder of the permit of the amount due the City for additional costs and expenses. No further permits shall be issued to the said party until said costs have been paid in full. The cash deposit shall in no way be construed to release the party holding the permit from penalties or liabilities for or on account of failure to provide for the public safety, for damage to sewer, utilities or other structures during the progress of the work

(Ord. 972, 5-29-02)

6-6-4 **LIABILITY INSURANCE.** The City may grant a permit, without cost, to any person making application as aforesaid to dig or excavate in any street, highway, avenue or alley of the City; provided such person shall first show proof of liability insurance with limits of \$250,000 for death or injury to each person and with limits of \$500,000 for each occurrence, and with limits of \$100,000 per accident for property damage, subject to the approval of the City, conditioned that such person shall make such excavation and accomplish the object thereof with all possible dispatch, and report to the City as soon as the excavation is completed and the object thereof attained, and to save the City harmless of any damages occasioned by such digging or excavating. No permit to dig or excavate in the improved street, highway, avenue, or alley of the City shall be granted by the City when the ground is frozen to a depth of twelve inches (12") or more, unless in case of extreme emergency.

(Ord. 972, 5-29-02)

6-6-5 **REFILLING: PAVING.** All the work of refilling such excavation will be done by contractor with lime, fill sand or aggregate base under City authorization. All work of replacing the paving and restoring the street, highway, avenue or alley to its condition prior to any digging or excavation therein shall be done by the City.

Such work must be approved by the City upon completion. The person requesting such permit shall also be responsible to pay for the cost of any interim maintenance until permanent repairs have been completed.

(Amended during 2019 codification)

6-6-6 **DISPOSAL OF PROPERTY.** No person excavating earth or stone in any public street, highway, avenue, or alley belonging to the City, or any other public place, under contract, without permit from the City, shall sell, or in any other way dispose of the stone and earth so excavated, and any person violating this provision shall pay the City three (3) times the value of such property to be recovered by action of debt in favor of the City.

6-6-7 **LIEN.** It shall be the duty of the City, upon being notified of any digging or excavating having been completed, to cause, without delay, the paving to be replaced, and the street restored as fully as possible to its former condition, and to keep an accurate account of the expenses incurred

by it in such work, and to demand the full payment for such expense from the person holding such permit. If not paid, the City shall proceed to collect the same, and with further provision that such refilling and replacing, when done by the obligor, shall remain in good condition and not settle to become uneven for a period of one (1) year after the acceptance of the same.

6-6-8 DOWNTOWN CURB CUTS. No person shall cut a curb in the Central Business District as described in Section 6-7-1, without first obtaining a permit from the Council. The Council shall obtain the recommendations of the Chief of Police and City Manager and shall consider the public safety and effect on traffic in issuing the permit.

6-6-9 REPAIR OF STREETS. It shall be the responsibility of any person or company who does excavation of City streets, alleys, parking lots and sidewalks to make all the necessary repairs and to return all City facilities to the original condition. It shall be the responsibility of any such person or company to reimburse the City for the costs of making all repairs to City facilities. All such repairs shall be done in accordance with the City's Standard Specification. Contractors who have demonstrated an ability to satisfactorily make repairs to City streets, alleys, parking lots and sidewalks shall be allowed to make these necessary repairs on their own, provided that the required work is completed in accordance with the following sections of the City's Standard Specifications.

#### Division II - The Following Sections

- 12 Backfilling
- 13 Restoration or Extension of Present Drains or Sewers
- 14 Temporary Surfaces Over Trenches
- 15 Restoration of Surfaced Streets and Roads
- 16 Restoration of Grassed Surface Area
- 17 Cleaning and Maintenance
- 18 Barricades, Guards and Safety Provisions
- 19 Maintenance of Traffic and Closing of Streets
- 20 Construction in Easements
- 21 Contractors Insurance
- 22 Concrete
- 23 Manholes and Valve Boxes to be Adjusted

#### Division V - Standard Specifications for Pavements - All Sections

6-6-10 MAINTENANCE/PERFORMANCE BOND. Whenever a contractor or person selects the option of making the necessary repairs described in Section 6-6-9, such contractor or person shall furnish the City with a Performance Bond and a signed contract prepared by the City. The contract shall specify the work to be completed and the completion date and shall bind the contractor to cure defects in materials or workmanship that appear within two (2) years of the acceptance of the work by the Council.

Contractor shall purchase a Performance Bond which shall require payment to the City of a penal sum should the contractor fail to complete the work in a manner acceptable to the Council or should defects of workmanship or materials appear within two (2) years of the acceptance of the work by the City Council.

When work done under a contract with the City is substantially complete, the contractor shall notify the City Inspector in writing that the work is ready for final inspection. Within 48 hours of receiving the notice, the Inspector shall inspect the work and shall approve the work for final acceptance by the City Council or shall notify the contractor in writing of defects to be cured before the work can be certified for acceptance by the Council.

6-6-11 ADDITIONAL PROVISIONS. Whenever a contractor or person selects the option of making the necessary repairs listed In Section 6-6-9, the following provisions shall also apply:

1. The City Inspector shall be notified and shall be present during backfilling and finishing work.
2. No concrete shall be installed, unless the temperature is 50 degrees (F) or above.
3. The City Inspector may require the use of rebar for concrete repairs where it is deemed necessary in his/her opinion. The rebar shall be installed in accordance with the directions given by the City Inspector.

(Ord. 802, passed 3-1-93)

6-6-12 COMPLETION BY THE CITY. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefore to the permit holder/property owner.

(Ord. 972, 5-29-02)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 7 FIRE LIMITS

#### 6-7-1 FIRE LIMITS

#### 6-7-2 PERMITS AND INSPECTIONS

#### 6-7-3 GENERAL

#### 6-7-4 NEW BUILDINGS

#### 6-7-5 ADDITIONS AND ALTERATIONS

#### 6-7-6 MOVING BUILDINGS

#### 6-7-7 BUILDING PARTLY WITHIN FIRE LIMITS

#### 6-7-8 EXCEPTIONS TO RESTRICTIONS WITHIN FIRE LIMITS

6-7-1 FIRE LIMITS. The Fire Limits are established to include all territory within the following described limits: the west one-half (W ½) of block 10; blocks eighteen (18), nineteen (19), twenty (20), twenty-five (25), and twenty-six (26), all in the original plat of the City and blocks three (3), four (4), and eleven (11), Shaw's Addition to the City. (C.179; 8-30-54)

6-7-2 PERMITS AND INSPECTIONS. It shall be unlawful to construct, add to, alter, remove or demolish, or to commence the construction, addition, alteration, removal or demolition of a building or structure or install equipment for the operation of a building or structure without first filing with the City Manager an application in writing and obtaining a formal permit. The City Manager may require a plan of the proposed work together with a statement of materials to be used and any necessary computations.

The City Manager shall inspect all buildings or structures during construction to see that the provisions of the law are complied with and that construction is prosecuted safely. Whenever in his/her opinion, by reason of defective or illegal work in violation of a provision of this code the continuance of a building operation is contrary to public welfare, he/she may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

6-7-3 GENERAL. The restrictions on construction in this section cover buildings and structures located or to be located within the district established by laws as the Fire Limits.

6-7-4 NEW BUILDINGS. Except as otherwise provided under section titled "Exceptions to Restrictions," no new buildings or structures shall be erected within the fire limits when such building or structure is of:

1. Wood frame construction.
2. Unprotected noncombustible construction with walls not meeting the bearing wall requirements for this type of construction.
3. Heavy timber construction with walls not meeting the bearing wall requirements of this type of construction.

4. Ordinary construction with walls not meeting the bearing wall requirements for this type of construction.

Wood or other combustible veneers or exterior walls of any type of construction shall not be permitted within the fire limits.

**6-7-5 ADDITIONS AND ALTERATIONS.** No addition shall be made to any building or structure within the fire limits when such building or structure is of:

1. Wood frame construction.

2. Unprotected noncombustible construction having walls not meeting the bearing wall requirements of ordinary construction except as permitted under section titled "Exceptions to Restrictions".

3. Ordinary or heavy timber construction with walls not having the bearing wall requirements of these types of construction.

Nothing in this section shall be construed to prohibit alterations within the fire limits provided there is no change of occupancy to a class of occupancy otherwise prohibited.

**6-7-6 MOVING BUILDINGS.** No building or structure prohibited by section titled "New Buildings" shall be moved from without to within the fire limits or from one lot to another within the fire limits.

**6-7-7 BUILDING PARTLY WITHIN FIRE LIMITS.** A building or structure shall be deemed to be within the fire limits if one-third or more of the area of such building or structure is located therein.

**6-7-8 EXCEPTIONS TO RESTRICTIONS WITHIN FIRE LIMITS.** Nothing in this section shall prohibit within the fire limits and subject to the specified limitations, the erection of new buildings or structures, additions to buildings or structures of wood frame construction or unprotected noncombustible construction, and the use of wood or other combustible veneers as follows:

1. Frame, wood frame, dwellings not exceeding two stories, 20 foot walls (not including gables), in height and separated by at least 5 feet from lot line of adjoining property. No set back is required if both of the following conditions are met:

a. A non-flammable foundation extends 12 or more inches above the finished floor and the joint between the wall and this foundation is sealed with petroleum resistant sealant to prevent intrusion of fluids.

b. Two layers of 5/8 inch fire retardant sheet rock are used everywhere a 20-foot setback or more from a property line is not maintained. This setback requirement does not apply to wall (s) facing street.

2. Wood or other combustible veneers on noncombustible backing for show windows that do not extend above the first full story above grade.

3. A building occupied as a parking garage or carport, not more than one story in height nor more than 750 square feet in area, located on the same lot with a dwelling; provided that such building shall be placed at least 3 feet from lot lines of adjoining property.

4. Buildings of unprotected noncombustible construction, except when used for high hazard occupancy, not exceeding 12,500 square feet in area when used for an automobile service garage, car wash or business occupancy or 10,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than 10 feet on all sides. Walls having a horizontal separation of less than 10 feet shall have a fire resistance rating of not less than one hour.

(Ord. 876, passed 6-7-96)

5. Enclosed and open air parking garages complying with section 12.5, of unprotected noncombustible construction.

6. Greenhouses not more than 15 feet in height erected on the same lot with and accessory to a dwelling or a store.

7. Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, located at least 5 feet from buildings and adjoining lot lines.

8. Builders' shanties for use only in connection with a duly authorized building operation and located on the same lot with such building operation, on a lot immediately adjoining, on an upper floor of the building under construction, or on a sidewalk shed.

9. Plazas or balconies on dwellings, not exceeding 10 feet in width nor extending more than 3 feet above the second floor beams, provided that no such structure shall be located nearer than 3 feet to an adjoining lot line or be joined to a similar structure of another building.

10. Fences not extending 10 feet in height.

11. Display signs as provided in section 52 of National Building Code.

12. Cooling towers as provided in section 29.3 of National Building Code.

13. Roofs over parking lots and bus stations, of unprotected non-combustible construction, where the roof is at least 10 feet above the floor, and at least every 40 feet there is an open roof ventilation area 6 feet wide extending either the full length of the roof or the full width of the roof.



## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 8 NOISE CONTROL

6-8-1	PURPOSE	6-8-7	NOISE SOUND PRESSURE LEVEL MEASUREMENT
6-8-2	DEFINITIONS	6-8-8	INSPECTIONS
6-8-3	NOISE DISTURBANCES PROHIBITED	6-8-9	ABATEMENT ORDER
6-8-4	SPECIFIC PROHIBITIONS	6-8-10	SEPARATE OFFENSES
6-8-5	EXEMPTIONS	6-8-11	NUISANCE; ABATEMENT
6-8-6	PERMIT FOR RELIEF FROM CHAPTER	6-8-12	OTHER REMEDIES
		6-8-13	CITIZEN SUITS

6-8-1 PURPOSE. The purpose of this Chapter is to prevent excessive sound and vibration, which are a serious hazard to public health and welfare, safety and quality of life in the City.

6-8-2 DEFINITIONS. All terminology used in this Chapter and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANS) or its successor body.

1. "A-Weighted Sound" shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

2. "Ambient Noise" shall mean the all-encompassing noise associated with a given environment, being usually a composite of sounds from, any sources near and far.

3. "Chief of Police" shall mean the Chief of Police of the City or a duly authorized officer subject to his/her order.

4. "Commercial Premises" shall mean any premises where offices, clinics, kennels, shopping and service establishments exist.

5. "Construction" shall mean any equipment of devices, such as but not limited to, pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, trenchers, scrapers, wagons, pumps, compressors and pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterway, sewer or appurtenance thereto.

6. "Commercial Power Equipment" shall mean any equipment or device rated at more than five (5) horsepower and used for home or building repairs or grounds maintenance.

7. "Decibel" shall mean a logarithmic unit of measure often used in measuring volume of sound. The symbol is dB.

8. "Device" shall mean any equipment or mechanism which is intended to produce or which actually produces sound when operated or handled.

9. "Domestic Power Equipment" shall mean any equipment or device rated at five (5) horsepower or less and used for home or building repairs or grounds maintenance.

10. "Emergency Vehicle" shall mean a motor vehicle authorized to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency, or during a police activity.

11. "Emergency Work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

12. "Manufacturing Facility." Any premise where manufacturing, processing or fabrication of goods or products takes place.

13. "Motor Vehicle." Any vehicle such as, but not limited to a passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

14. "Muffler-Approved Type" means an apparatus consisting of a series of chambers, baffle plates or other mechanical devices designated for the purpose of receiving and transmitting gases and which reduces sound emanating from such apparatus by at least twenty (20) decibels in the A-weighting network dB(A), from the unmuffled condition, which is in good working order.

15. "Noise" shall mean sound which annoys or disturbs humans.

16. "Noise Disturbance" means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

17. "Person" shall mean any individual, firm, corporation, association or organization of any kind.

18. "Premise" means any building, structure, land, utility, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements, owned, controlled or occupied by a person.

19. "Property Line" shall mean that real or imaginary line and its vertical extension which (a) separates real property owned, controlled or occupied by another person and (b) separates real property from the public premises.

20. "Public Premises" means all real property including appurtenances thereon which is owned or controlled by any public governmental entity and shall include streets, alleys, parks, and waterways.

21. “Residential Premises” shall mean any premises where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

22. “Sound” means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

23. “Sound Level Meter” means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

24. “Sound Level Meter” shall mean an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighting networks for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication entitled “Specification for Sound Level Meters”.

25. “Sound Pressure” shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

26. “Sound Pressure Level.” Twenty (20) times the logarithm, to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty micronewtons per square meter ( $20 \times 10$  Newtons/ meter), and is expressed in decibels (dB).

6-8-3 NOISE DISTURBANCES PROHIBITED. It shall be unlawful for any person to make, continue, cause to be made or continued, or allow to be made or continued on any residential or commercial premises owned, controlled or occupied by said person, any noise disturbance. It shall be unlawful for any person to make, continue, or cause to be made any noise disturbances on any public premises.

6-8-4 SPECIFIC PROHIBITIONS. The following acts and the causing thereof are declared to be in violation of this Chapter, but such enumerations are not exclusive and not intended to limit or preclude enforcement of any other provision of this Chapter.

1. The sounding or the causing or allowing to be sounded of any horn or signaling device on any automobile, motorcycle, street car or other vehicle unless it is necessary as a warning to prevent or avoid a traffic accident; the creating by means of any such signaling device of any unreasonably loud or harsh sounds; or the sounding of such device for an unnecessary or unreasonable period of time.

2. The playing, using, operating, or the causing or allowing to be played, used or operated any radio, musical instrument, television set, phonograph, loud speaker, sound amplifier, other machine or device for the producing or reproducing of sound at any time with louder volume than

is necessary for the convenient hearing of a reasonable person of normal sensitiveness in the room, vehicle, chamber of area in which such machine or device is operated. Any noise exceeding the ambient noise level at the property line, at the premises boundary, or at a distance of twenty-five feet (25') from a motor vehicle or from any such device located on a public premises by more than five (5) decibels shall be deemed not to be necessary for the convenient hearing of a reasonable person of normal sensitiveness.

3. Talking, yelling, shouting, hooting, whistling or singing between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. , so as to be plainly audible at a distance of fifty feet (50') by a reasonable person of normal sensitiveness.

4. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

5. The owning or operating of any motor vehicle or combination of motor vehicles at any time or place when the operation of any such motor vehicle would or does exceed the following noise sound pressure levels for the category of motor vehicle and for the designated time period as specified in Table A; provided that the ownership of a motor vehicle weighing more than ten thousand (10,000) pounds according to the Manufacturer's Gross Vehicle Weight, which does not exceed eighty-eight (88) dB(A) when operated shall not be unlawful.

The standards in Table A shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion.

TABLE A

MAXIMUM ALLOWABLE NOISE SOUND PRESSURE LEVELS FOR  
MOTOR VEHICLES

Type of Vehicle	Time Period	Maximum Allowable Sound Pressure Level	Measurement Distance From Motor Vehicle
Motor vehicle weighing less than 10,000 pounds, manufacturer's gross vehicle weight	At any time	80 dB(A)	25 feet

Motor vehicles weighing more than 10,000 pounds, manufacturer's gross vehicle weight	7:00 A.M. to 10:00 P.M.	88 dB(A)	25 feet
Motor vehicles weighing more than 10,000 pounds, manufacturer's gross vehicle weight	10:00 P.M. to 7:00 A.M.	80 dB(A) on any premises or streets not permitting heavy vehicle traffic  88 dB(A) on streets and highways designated for heavy vehicle traffic	25 feet

6. The discharging into the ambient air of the exhaust any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler of the approved type as defined by Section 6-8-2 of this Chapter or through an apparatus providing equal noise reduction.

7. The operating of an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on the public premises next to a residential premises, provided however, that vehicles confined and operated within an enclosed structure shall not be subject to the provisions of this subsection.

8. The erecting (including excavation), demolishing, altering or repairing of any building, structure, land, street, alley, waterway, sewer, or appurtenance thereto between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, except for emergency work done with a permit from the City Manager or designated building inspector, which permit may be granted for a period not to exceed seven (7) days or less while the emergency continues and which permit may be renewed for periods of seven (7) days or less while the emergency continues. If the City Manager or building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building, structure, land, street, alley, waterway, sewer or appurtenance thereto, and if he/she shall further determine that such work is necessary to protect persons or property from an eminent exposure to danger or an

unreasonable loss of profits, he/she may grant permission for such work to be done between the hours of nine o'clock (9:00) P.M., and seven o'clock (7:00) A.M. for the following day upon application being made at the time the permit for the work is awarded or during the progress of the work.

9. The shouting and crying of peddlers, hawkers and vendors.

10. The using of any drum or other instrument or device for the purpose of attracting attention by the creation of a noise to any performance, show or sale.

11. The operating of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, including any motor vehicle or motorcycle, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler of the approved type as defined by Section 6-8- 2.

12. The emitting or the causing or allowing to be emitted any noise which leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in Table B; the emitting or the causing or allowing to be emitted any noise within the public premises in excess of the noise sound pressure level during the time period as specified in Table B.

6-8-5 EXEMPTIONS. The following noises shall be exempt from noise level regulations:

1. Noises of safety signals, warning devices and emergency pressure relief valves.

2. Noises resulting from an authorized emergency vehicle, when responding to an emergency call or acting in time of urgency.

3. Noises resulting from emergency work as defined in Section 6-8-2.

4. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the City, including but not limited to parades, sporting events, concerts, and firework displays.

5. The noises resulting from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction used pursuant to and within a duly operated Federal air regulation; and any aircraft operated under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under Federal air regulations.

6. The noise resulting from the operation of any domestic power equipment upon any residential, commercial, industrial or public premises between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. which does not exceed a sound pressure level of eighty (80) dB(A) when measured twenty five-feet (25') from the noise source, and between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. which does not exceed the maximum sound pressure levels as specified in Table B below.

7. The noise resulting from the operation of any commercial power equipment upon any residential, commercial, industrial, or public premises between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. which does not exceed a sound pressure level of eighty-eight (88) dB(A) when measured twenty-five feet (25') from the noise source and between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. which does not exceed the maximum sound pressure levels as specified in Table B below.

8. The noises resulting from alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger.

TABLE B

## MAXIMUM ALLOWABLE NOISE SOUND PRESSURE LEVELS FOR SPECIFIC PREMISES

Type of Premises Where noise is Measured	Time Period	Maximum Allowable Sound Pressure Level	Location of Sound Pressure Level Measurement
Residential Premises	7:00 A.M. to 10:00 P.M.	55 dB (A)	Property Line or Boundary of Premises
	10:00 P.M. to 7:00 A.M.	50 dB(A)	Property Line or Boundary of Premises
Commercial Premises	7:00 A.M. to 10:00 P.M.	65 dB(A)	Property Line
	10:00 P.M. to 7:00 A.M.	60 dB(A)	Property Line
Industrial Premises	7:00 A.M. to 10:00 P. M.	80 dB(A)	Property Line
	10:00 P. M. to 7:00 A.M.	75 dB(A)	Property Line
Public Premises	7:00 A.M. to 10:00 P.M.	75 dB(A)	Property Line or anywhere on public



	10:00 P.M. to 7:00 A.M.	70 dB(A)	premises  Property Line or anywhere on public premises
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Sound or noise projecting from one type of premises into another type of premises with a different sound pressure level limit shall not exceed the limits of the premises into which the noise is projected.

9. The noises resulting from any bell, chime or similar device on any building, clock, school, or church.

6-8-6 PERMIT FOR RELIEF FROM CHAPTER Application for permit for relief from this Chapter on the basis of undue hardship may be made to the City Council or its duly authorized representative. Any permit granted by the City Council hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time the permit shall be effective. The City Council or its duly authorized representative may grant the relief as applied for if it finds:

1. That additional time is necessary for the applicant to alter or modify his/her activity or operation to comply with this Chapter; or
2. The activity, operation or noise source will be of temporary duration, and cannot be in a manner that would comply with other subsections of this Chapter; and
3. That no other reasonable alternative is available to the applicant.

The City Council may prescribe any condition or requirement it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

6-8-7 NOISE SOUND PRESSURE LEVEL MEASUREMENT For the purpose of determining noise sound pressure levels as set forth in this Chapter, the following test procedures and measurements are applicable:

1. The instrumentation for determining noise sound pressure levels shall be with a sound level meter of standard design as defined in this Chapter. Sound pressure level measurements shall be made with the A-weighting network.
2. Noise sound pressure level(s) shall be measured at a linear distance of twenty-five feet (25') from the noise source or at the property line or other premise boundary as specified in this Chapter. Whenever it is impossible or impractical to measure the noise sound pressure level(s) at

twenty-five feet (25') or at the property line or other premises boundary, a greater distance from the noise source shall be used to determine compliance with this Chapter.

#### 6-8-8 INSPECTIONS.

1. For the purpose of determining compliance with the provisions of this Chapter, the Chief of Police is hereby authorized to make inspections of all noise sources and to take measurements and tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises, or refuses inspection, testing or noise measurement of any activity, device, facility, motor vehicle, or process where inspection is sought, the Chief of Police may seek from a court of competent jurisdiction a warrant for inspection requiring that such person permit entry and free access without interference, restriction, or obstruction, at a reasonable time, for the purpose of inspecting, testing, or measuring noise.

2. It shall be unlawful for any reason to refuse to allow or permit the Chief of Police, or his/her authorized representative, free access to any premises when a warrant for inspection and order has been issued by the Court.

3. It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise or noise services.

4. It shall be unlawful for any person to hinder, obstruct, delay, resist, prevent in any way, interfere with any authorized person while in the performance of his/her duties under this Chapter.

6-8-9 ABATEMENT ORDER. The department responsible for enforcement of this Chapter may issue an order requiring abatement of any noise alleged to be in violation of this Chapter. If the abatement order is not complied with, or if no abatement order is issued, the alleged violator shall be charged and punished pursuant to Section 6-8-10.

6-8-10 SEPARATE OFFENSES. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any way attempt to deceive the Chief of Police or his/her authorized representative in order to avoid compliance with the provisions of this Chapter.

6-8-11 NUISANCE; ABATEMENT. The operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this Chapter is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

6-8-12 OTHER REMEDIES. No provision of this Chapter shall be construed to impair any statutory, legal, or common law remedy of any person for injury or damage arising from any violation of this Chapter.

6-8-13 CITIZEN SUITS. Any person may commence a civil action on his/her own behalf against any person who is alleged to be in violation of this Chapter. The Jackson County District Court shall have jurisdiction to grant such relief as it deems necessary. The Court, in issuing any final order in any action brought pursuant to this Section, may at its discretion award the costs of litigation, including attorney fees, to any party to the action.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 RESERVED

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 10 RESERVED FOR PLUMBING CODE

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 11 RESERVED FOR ELECTRIC CODE

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 12 RESERVED FOR MECHANICAL CODE

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 13 SIDEWALKS, SNOW REMOVAL, SIDEWALK OBSTRUCTIONS SIDEWALKS

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	SIDEWALKS		
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6-13-1 PURPOSE. The purpose of this ordinance is to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner so as to assure safe passage by citizens and minimize the liability of the City.

6-13-2 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. "Broom Finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening to create a skid resistant surface.

2. "Concrete" means Portland cement with a minimum 4,000 PSI.

3. "Defective Sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:

a. Vertical separations equal to one (1) inch or more.

b. Horizontal separations equal to one (1) inch or more.

c. Holes or depressions or deflections equal to one (1) inch or more and at least four (4) inches in diameter.

d. Spalling over fifty percent (50%) or more of a single square of the sidewalk with one or more depressions equal to one (1) inch or more.

e. A single square of sidewalk cracked in such a manner that no unbroken portion is greater than one square foot.

f. A sidewalk with any part thereof missing to the full depth.

g. A change from the design or construction grade equal to or greater than three fourths (3/4) inch per foot.

4. "Established Grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.

5. "One-course Construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

6. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.

7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.

8. “Sidewalk Improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

9. “Spalling” means breaking up into flakes, chips or fragments.

6-13-3 SIDEWALK STANDARDS. Unless in contradiction to the City’s Standard Specifications or the Council-approved plans of the City Engineer, sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Concrete. Air-entrained Portland cement with a minimum 4,000 PSI shall be used in the construction and repair of sidewalks.

2. Construction. Sidewalks shall be of one-course construction.

3. Sidewalk Base. Concrete may be placed directly on compacted 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 Building Official.

4. Joint Filler. A one-half (1/2) inch non-extruding type expansion joint shall be provided between all sidewalks and adjoining backs of curbs and between intersecting sidewalks and between sidewalks and driveways.

5. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.

6. Valves Boxes and Manholes. All water valve boxes and manholes shall be adjusted flush with the sidewalk.

7. Length, Width and Depth. Length, width and depth requirements are as follows:

a. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall normally be scored at four (4) foot intervals, but in no case more than six (6) foot intervals.

b. Central Business District sidewalks shall extend from the property line to the curb. Each section shall be not less than four (4) inches thick and, at a minimum, shall match the width of existing commercial sidewalks being replaced.

c. Driveway areas shall be not less than four (4) inches thick for residential applications and not less than six (6) inches in thickness for all other applications including alley crossings.

d. In areas where sidewalks are something other than 4 feet wide on both sides of a sidewalk meant for reconstruction or replacement, the width of the reconstructed/replaced area may match the existing sidewalks in the immediate area. In situations where a new sidewalk takes

off from the end of an existing sidewalk of less than 4 feet in width, the new sidewalk must be at least 4 feet in width.

8. Location.

a. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one (1) foot from the property line, unless the City establishes a different distance due to circumstances such as for the preservation of existing trees.

b. Utility companies contemplating the installation of their infrastructure shall not create conflicts or obstacles to the placement of future sidewalks or the reconstruction or maintenance of existing sidewalks. This also applies to streets where sidewalks do not currently exist.

9. Grade. Curb tops shall be on level with the correct centerline of the street which shall be at the established grade.

10. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb where sidewalks adjoin the curb and one-half (1/2) inch above the curb for each foot between the curb and the sidewalk elsewhere.

11. Slope. All sidewalks shall slope one-quarter (1/4) inch per foot toward the curb.

12. Finish. All sidewalks shall be finished with a “broom” finish to provide a non-skid surface.

13. Curb Ramps for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

14. Maintenance and Repairs. The following is permitted:

a. Grinding may be done to even-out heaved-up sidewalk panes if it results in a compliant sidewalk.

b. Sidewalk patching may be done but only to fill cracks of one inch or less. Patching or patching material cannot be used to level heaved-up sidewalks or to replace missing pieces of sidewalk.

(Ord. 1110, 06-17-13)

(Amended during 2014 codification)

6-13-4 **SIDEWALK REQUIREMENTS.** Sidewalks are necessary to provide a safe surface for pedestrian traffic to move about within the City. Therefore, the following sidewalk requirements are established within the City:

1. **Building Permit Required.** Installation of new sidewalks shall be required with the issuance of a building permit.

2. **Periodic Inspection.** On a periodic basis, sidewalks within the City shall be inspected by the City and notice shall be sent to property owners whose sidewalks are in need of repair.

3. **Surveying, If Required.** The property owner shall pay for surveying when required.

4. **Responsibility of Abutting Property Owners.** It is the responsibility of the abutting property owners to maintain, repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street. The owner of any lot or parcel who fails to maintain said sidewalk shall be liable to any person injured as a result of such failure to maintain the sidewalk and shall further save, defend, indemnify and hold harmless the City from and against any claim arising out of the failure to maintain said sidewalk.

(Ord. 1110, 06-17-13)

6-13-5 **INSPECTION UPON A CHANGE IN OWNERSHIP.** Prior to the sale or transfer of any ownership interest in a lot containing an existing sidewalk, these requirements apply:

1. **City Sidewalk Inspection Required.** Before the transfer of ownership, the seller of the interest shall provide the buyer with a written sidewalk inspection report by the City, which shall include whether the sidewalk is compliant with the City's sidewalk standards. There will be no charge for the City's report.

2. **If Sidewalk Doesn't Pass Inspection.** In the event that a sidewalk does not pass inspection, the buyer and/or seller shall enter into a binding agreement with the City that will state who is responsible for bringing the sidewalk into compliance, how it will be brought into compliance, and by what date.

3. **Abutting Sidewalks.** The City's sidewalk inspection at the subject property may expand into separate inspections of nearby or neighboring sidewalks. In such cases, the abutting property owner will be notified about the needed repairs.

4. **Not Exempted from Inspections.** The inspection requirement applies to all types of ownership transfers not specifically exempted, including when a seller-financed real estate contract is signed.

5. **Exempted from Inspections.** The following types of real estate transactions are exempt from the inspection requirement:

- a. Transfer by court order.
- b. Transfers by related parties.
- c. Transfers by spouses in a divorce.
- d. Transfers involving family corporations and partnerships deeding to owners and/or shareholders.

(Ord. 1110, 06-17-13)

6-13-6 PERMITS FOR CONSTRUCTION AND REMOVAL. No person shall make any sidewalk improvements whether ordered by the City Council or not, unless such person shall obtain a permit from the City Manager (or designee) and shall agree in writing that he/she will, in making the sidewalk improvements comply with ordinances of the City and with the specifications for sidewalks approved by the City Council and on file in the office of the Clerk and that the work shall be done under the direction and supervision of the City Manager (or designee) and subject to the approval of that officer or his/her duly authorized agent. He/she shall also agree to hold the City free from all liability for damages on account of injuries received by anyone through the negligence of such person or his/her agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises. All such permits shall be issued without charge and a copy thereof, together with the written agreement above referred to, shall be filed and preserved in the office of the City Manager. Before granting any permit to make sidewalk improvements, the City Manager (or designee) shall determine the propriety of the same and shall state in all permits issued when the work is to be commenced and when the sidewalk work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Manager (or designee) when in his/her judgment it is deemed necessary. All permits for Council ordered sidewalk improvements shall be issued in compliance with the resolution of the Council ordering the improvement. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this ordinance. The City Manager (or designee) 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.

6-13-7 INSPECTION OF PRIVATE WORK: REMEDIES. All sidewalk improvements shall be done under the direction and supervision of the City Engineer or other duly authorized officer, and subject to the inspection and approval of the Engineer or his/her agent. Whenever any sidewalk improvements are made which do not conform to the provisions of this ordinance and with the specifications herein referred to, or where any sidewalk improvements are made without obtaining a permit as required by this ordinance, or the work is not performed within the time stated in the permit the City Engineer or his/her duly authorized agent, shall serve upon the property owner or his/her agent, and upon the contractor doing the work, a notice to obtain a permit, if not already obtained or, if the sidewalk is in the course of construction, to stop until a permit is obtained or work is corrected in compliance with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed sidewalk improvement within five days from the receipt of said permit, in the proper manner and of proper materials as required by the specifications herein referred to. In case any owner shall fail to do so, the officer authorized by the Council or his/her duly authorized agent shall cause the sidewalk to

be constructed, reconstructed, or repaired in a proper manner and of proper materials. There shall be returned to the Council an itemized and verified statement of expenditures of material and of the labor used in doing such work, and the legal description of the lot, part of lot, or parcel of ground abutting the sidewalk on which such work has been performed. The cost thereof shall be assessed to the property fronting thereon.

**6-13-8 BARRICADES AND SIGNAL LIGHTS.** Whenever any material of any kind shall be deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the constructor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved signal lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this ordinance shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this ordinance or of any failure to comply with the provisions hereof.

**6-13-9 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this ordinance.

**6-13-10 ORDERING NEW SIDEWALKS.** The Council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a majority of the linear feet of the property fronting on the improvement, petition the Council therefore, new permanent sidewalks shall not be made unless three-fourths (¾) of all the members of the Council, by resolution, order the making thereof, all in accordance with state law for special assessments.

**6-13-11 SIDEWALKS REQUIRED UPON NEW CONSTRUCTION.** The following requirements will apply to situations that involve the construction of new main structures on lots:

1. **When Sidewalk Construction is Required.** Whenever the owner of any property within the City builds a new residential, commercial, or industrial building or structure, said property owner shall construct new sidewalks on the property if no sidewalks presently exist. Any sidewalks so constructed shall connect to the adjoining, existing sidewalks and shall be built to specifications adopted by the City Council. If there are no adjoining sidewalks, the new sidewalks shall be constructed from lot boundary to lot boundary in a location to be directed by the city. Sidewalks must be completed within 6 months after the structure is issued a "certification of occupancy" or the structure is otherwise substantially complete and in use. An extension may be granted by the City Manager who shall report the same to the Council. These extensions may be granted for special circumstances (such as waiting for appropriate weather to do final grading of

property) for a period not to exceed twelve (12) months. As a condition for being granted an extension, the property owner shall be required to provide proof of intent to install the sidewalk.

2. Projects Receiving Public Financing. The City Council may require the construction of sidewalks for any property within the City if the property owner receives public financing (for example, but not limited to, economic development projects) for the development of the subject property.

3. Empty Lots in New Residential Subdivisions After Five Years. All lots, including empty lots, in residential subdivisions are required to have sidewalks installed by not later than five years after the date that the City Council approves the lots for sale to the public. This provision applies to all residential subdivisions approved by the City Council after August 1, 2013. However, on a case-by-case basis, the Council may, by resolution, allow extensions.

4. Failure to Construct. If a property owner fails to construct sidewalks as required by this section, the City Manager shall serve notice by certified mail on the property owner, as shown by the records of the county auditor, requiring the property owner to construct the required sidewalks. If the property owner fails to do so within thirty (30) days after the mailing of such notice, the City Manager may cause the required action to be performed and assess the costs against the property owner for collection in the same manner as a property tax. If the amount assessed exceeds \$100.00, the assessment may be paid in five (5) annual installments. A failure to construct sidewalks as required by this section also constitutes a municipal infraction.

5. Non-Applicable Structures. The requirements of this section do not apply to the construction of building additions or accessory buildings.

6. Exemptions. A property owner can apply for an exemption to the requirements of Section 6-13-11 by meeting at least one of the conditions set out below. However, the City of Maquoketa will be the sole arbiter of whether to grant the exemption.

a. The proposed sidewalk is not within 500' of existing sidewalk on either side of the public street that serves the subject property and properties within this distance are not expected to have sidewalks within the foreseeable future unless those properties have undeveloped lots that are part of a subdivision accepted by the City after January 1, 1998.

b. The grade (or other such condition) of the subject property creates an undue burden or unfeasibility for installing a sidewalk.

c. By passage of simple motion, the City Council can approve exemptions on a case-by-case basis.

7. Existing "Sidewalks to Nowhere." The property owner of a lot with a sidewalk that might have qualified for an exemption under this Section, but installed a sidewalk prior to the effective date of this ordinance may apply for the City Council's approval, by simple motion, to waive the City's requirement to remove snow from it provided that the property owner accepts the liability for doing so.

(Ord. 974, 08-05-02)

(Ord. 1110, 06-17-13)

**6-13-12 SIDEWALK INSTALLATION/RECONSTRUCTION.** AS A PART OF FUTURE STREET PROJECTS. As a part of its planning process for future street construction, reconstruction, or surface overlay projects:

1. New Sidewalks on At Least One Side of a Street. In cases of street projects on streets where sidewalks do not exist, the City Council will consider incorporating the installation of sidewalks on at least one side of each street.

2. Existing Sidewalks. In cases of street projects where sidewalks currently exist, the City Council will consider incorporating the reconstruction or repair of such sidewalks as part of each project.

(Ord. 1110, 06-17-13)

**6-13-13 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, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks in the street right-of-way abutting his/her property. If, upon the expiration of thirty (30) days as provided in said notice, the required work has not been done or is not in the process of completion, the officer authorized by the Council may proceed to repair, replace or reconstruct said sidewalks, or cause the same to be repaired, replaced or reconstructed. There shall be returned to the Council an itemized and verified statement of expenditures of material and of the labor used in doing such work, and the legal description of the lot, part of lot, or parcel of ground abutting the sidewalk on which such work has been performed. The cost thereof shall be assessed to the property fronting thereon.

**6-13-14 NOTICE OF ASSESSMENT OF REPAIR.** Upon the filing of the verified statement, the Clerk shall cause a notice of such facts to be given to the owner of the abutting property provided for in sections 7, 10, 13 either by personal service or by mailing a notice to the last known address of the owner. The notice shall contain a statement of the character of the work performed; a description of the property affected; the amount returned against such lot or parcel of ground; and that the person may pay the amount assessed by a certain date without interest or penalty. The notice shall also indicate that the person may object to such assessment and the notice shall state the place and time at which Council will hear such objections. The time set for hearing shall be not less than ten (10) days after the service or mailing of said notice.

**6-13-15 HEARING and ASSESSMENT.** At the time and place designated in such notice, the Council shall meet, hear, and consider all objections to the whole or any part of such assessment, and shall correct all errors or omissions therein, and after such consideration, the Council shall adopt the corrected list as the amounts to be assessed against the property therein described.

**6-13-16 BILLING AND CERTIFYING TO COUNTY.** If, after the adoption by the Council of the final assessment against each lot, part of lot, or parcel of land, any assessment or any part thereof shall remain unpaid for over thirty (30) days after Council determination of correct charges, the Clerk shall certify to the County Treasurer as a special tax against the lot, part of lot, or parcel of ground all unpaid amount, which shall constitute a lien and be collected by the County Treasurer



in the same manner as all other taxes. Any assessment which exceeds one hundred dollars (\$100.00) may be paid in installments as set by Council, not exceeding ten (10), in the same manner and at the same interest rates as for special assessments under chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or part thereof, paid within thirty (30) days of the time that the Council determined the final amounts.

(Ord. 991, 04-19-04)

**6-13-17 LIABILITY OF ABUTTING OWNERS.** In the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of the abutting property owner by this or any other related 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, the abutting property owner may be liable for damages caused by failure or refusal to maintain the sidewalk and/or to perform any act required of the abutting property owner by this or any other related ordinance. Prior to being held liable for damages, the City shall notify in writing the abutting property owner that it claims the injury was caused by the abutting property owner's negligence and/or the abutting property owner's failure to repair the defect or eliminate the condition complained of. 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 abutting property owner who is being person notified is liable to it for any judgment rendered against the City, and asking the abutting property owner to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any abutting property owner 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 abutting property owner notified to recover the amount of the judgment together with all the expenses, including reasonable attorney fees, incurred by the City in the suit.

(Ord. 1123, Passed January 28,2015)

**6-13-18 FAILURE TO REPAIR OR BARRICADE REMOVAL OF SNOW AND ICE.** It shall be the duty of the owner of the property abutting the sidewalk, or their contractor or agent to notify the City immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this ordinance.

**6-13-19 DUTY OF PROPERTY OWNER.**

1. It is the responsibility of the abutting property owner to promptly remove snow, ice and accumulations from the sidewalks. Property owners who own property along the pedestrian trail whose path is greater than four feet (4') will be required to remove snow and ice from the four foot (4') portion of sidewalk closest to their property.

2. It is the responsibility of the abutting property owners located on the following streets in the downtown business district to remove snow, ice and accumulations from the sidewalks by noon the day following the cessation of the storm or cause of the snow, ice or accumulation:

- a. Quarry and Pleasant Streets from Olive to Second
- b. Platt Street from Olive to Niagara

c. Main Street from Quarry to Maple

d. Olive and Second Streets from Pleasant to Quarry

3. There will be no written notice give to the property owner.

(Ord. 899, 06-01-98)

(Ord. 1110, 06-17-13)

(Ord. 1120, Passed February 17, 2014)

6-13-20 FAILURE OF OWNER TO REMOVE. Any owner in the downtown business district who shall permit snow, ice or accumulations to remain upon the adjoining and abutting sidewalks for a period later than noon the day following the cessation of the storm or cause of accumulation shall be guilty of a misdemeanor.

(Ord. 778, 2-17-92)

(Ord. 1105, 10-15-12)

(Ord. 1110, 06-17-13)

(Ord. 1120, Passed February 17, 2014)

6-13-21 REMOVAL BY CITY, ASSESSING COSTS. If the person in possession of the premises fails to remove snow, ice and accumulations from the sidewalks within twenty-four (24) hours. City crews are required to remove the accumulation, then an administration fee, as established by resolution of the City Council, and any labor, material and equipment expenses, as established by resolution of the City Council, shall be assessed against the property owner. The fees assessed shall be collected according to the procedure set forth in 6-13-22.

(Ord. 811, 6-17-93)

(Ord. 1062, 11-03-08)

(Ord. 1106, 10-15-12)

(Ord. 1120, Passed February 17, 2014)

6-13-22 ASSESSMENT PROCEDURE WHEN REMOVED BY CITY. When snow, ice or accumulations have been removed from any sidewalk, under the provisions of the preceding Section, the procedure to secure payment of the cost of removal of snow, ice or accumulations to the City shall be as follows:

1. The City Manager shall submit to the Council an itemized and verified statement showing expenditures of material, labor and equipment used in making the removal, the name of the owner or owners of the property, and the description of the lot, part of lot or parcel of ground in front of and abutting upon the sidewalk from which snow, ice or accumulations have been removed.

2. The Council shall examine the verified statement and if found correct shall assess the actual cost of the removal against the lot, part of lot, or parcel of ground and direct the City Clerk to certify the cost and assessments to the County Treasurer and it shall then be collected with, and in the same manner as, general taxes as provided in Section 364. 12 (2) (E) Code of Iowa, 1979.

(Ord. 427, 2-22-71)

(Ord. 991, Passed April 19, 2004)

6-13-23 REMOVAL FROM PRIVATE PROPERTY. No person shall throw, push, or place or cause to be thrown, pushed, or placed any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition thereon.

6-13-24 REMOVAL FROM COMMERCIAL DRIVES. Where, in the clearing of large commercial drives in the built-up central 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/her agent, and only after first making arrangements for such prompt removal of this accumulation at the owner's cost within a reasonably short time.

(Ord. 527, 2-5-79)

6-13-25 REMOVAL FROM SIDEWALKS. Snow or ice from sidewalks may be disposed along the curbs of the streets prior to the commencement of the City's snow removal operations. Snow or ice may not be disposed of on a street after the City's snow removal operations have been completed on that street. This Section is not applicable to snow or ice from the roofs, parking lots, driveways, and private property other than sidewalks.

(Ord. 531, 3-5-79)

#### SIDEWALK OBSTRUCTIONS:

6-13-26 PERMIT REQUIRED. It shall be unlawful for any person or firm or business to place upon or over the public right-of-way or public sidewalk within the City any object, excepting awnings, without first applying for and procuring a permit from City Staff. There shall be no fee for such permit. (Staff may seek Council approval of application if necessary.)

(Ord. 900, 07-06-98)

6-13-27 INSURANCE REQUIRED. Before any permit shall be issued, each applicant must make application on a form provided by the City Manager and shall file evidence of possession of liability insurance in the minimum amounts of one hundred thousand dollars (\$100,000) for bodily injury, two hundred thousand dollars (\$200,000) aggregate and one hundred thousand dollars (\$100,000) property damage indemnifying the City and/or any person injured or property damage resulting from the object placed in the public right-of-way or public sidewalk. Each applicant shall notify the City Manager of the cancellation of liability insurance.

6-13-28 STATE CONCURRENCE. An applicant requesting a permit for the placing of an object within right-of-way owned by the State of Iowa must also obtain the concurrence of the Iowa Department of Transportation.

6-13-29 EXEMPTIONS UNDER THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES. Newspaper vending machines and other objects protected by the right of free speech shall be exempted from this ordinance provided such obstructions be located within ten feet (10') but not nearer than two feet (2') from the nearest light or utility pole of a recognized municipal street. Such exempted obstructions may not be less than thirty inches (30") nor more than forty-eight inches (48") in height; nor less than twelve inches (12") nor more than thirty inches (30") in width or depth. Such exempted obstruction shall be colored white, or any other color approved by application in writing to the City Council; and contain no advertising other than the

name of the exempted provider or providing organization. Such obstruction, however, shall not be chained, bolted, screwed, nailed, or in any other way attached to any structure or substance on the public right-of-way or public sidewalk. Any subsequent modification of this exemption which is more restrictive shall not exclude existing exemptions.

**6-13-30 TEMPORARY EXEMPTION.** Any person or organization owning or renting property adjacent to the public right-of-way or public sidewalk may, upon notification filed with the City Manager, be exempted from 6-13-26 for up to five (5) days each calendar year, provided such notification describes the placement and design of such obstruction and it is deemed neither unsuitably sized nor unsuitably located by the City Manager. Such notification shall be hand-delivered to the City Manager or his/her representative not less than seventy-two (72) hours prior to the placement of such obstruction. The City Manager, acting for reasons related to the safety of the pedestrian, for concerns of visual or aesthetic purposes, or for concerns for the City liability for injury to persons or property, shall notify the applicant within the seventy-two (72) hour period of a decision to deny exemption to such obstruction.

**6-13-31 BLANKET EXEMPTION.** Any person representing a recognized organization promoting the betterment of the business climate or quality of life in Maquoketa may apply for a blanket exemption for all members of such organization. Such exemption shall be applied for pursuant to Section 6-13-26 and shall include the specific dates to which such exemption is requested. This application shall include an attached exhibit listing all organization members and the addresses to which the exemption, if granted, shall apply. The obstructions on the public sidewalk under the blanket exemption shall be permitted only during the normal hours of business as designated by the Maquoketa Area Chamber of Commerce.

**6-13-32 PERMIT REQUIRED.**

1. All permits are subject to the approval of a majority vote of the City Council. Permits issued under this Section shall be limited to only the Central Business District as defined in Chapter 24, Downtown Business Revitalization Area of Title II, Policy and Administration of this Code.

**6-13-33 AREA LIMITED.** Obstructions allowed by permit as authorized in Section 6-13-32 shall be limited to an area of the public sidewalk of no more than five feet (5') or no more than thirty-three percent (33%) of the full width of the public sidewalk adjacent to the building, whichever is less.

**6-13-34 EXEMPTIONS.** U.S. Postal Service. The provisions of Section 6-13-26 through 6-13-35 shall not apply to fixtures owned by the U.S. Postal Service.

**6-13-35 PENALTY FOR VIOLATIONS.** Persons who violate or who participate in a violation by commanding or persuading another to violate the provision of this ordinance shall be subject to fines as set forth in Chapter 17, Title III of this Code, entitled Civil Penalty for Municipal Infractions. An employer or an employer's agent who orders an employee to violate this ordinance or who knowingly permits an employer or person supervised to violate this ordinance shall be guilty of a violation of this ordinance and subject to the penalties set forth in Chapter 17, Title III of this Code, entitled, Civil Penalty for Municipal Infractions.

(Ord. 746; 3-4-91)

6-13-36 STANDARD SPECIFICATIONS. The construction of portland cement concrete sidewalks, driveways, and handicapped ramps shall be completed in accordance with the Standard Specifications for the City of Maquoketa, Iowa.

(Ord. 804, 03-01-93)

(Ord. 1110, 06-17/13)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 14 TREES

6-14-1	DEFINITIONS	6-14-12	PUBLIC TREE CARE
6-14-2	CREATION AND ESTABLISHMENT OF A CITY TREE BOARD	6-14-13	TREE TOPPING
6-14-3	TERM OF OFFICE	6-14-14	PRUNING, CORNER CLEARANCE
6-14-4	COMPENSATION	6-14-15	DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY
6-14-5	DUTIES AND RESPONSIBILITIES	6-14-16	REMOVAL OF STUMPS
6-14-6	OPERATION	6-14-17	INTERFERENCE WITH CITY TREE BOARD
6-14-7	STREET TREE SPECIES	6-14-18	LICENSE FEE AND INSURANCE REQUIREMENTS
6-14-8	SPACING	6-14-19	REVIEW BY CITY COUNCIL
6-14-9	DISTANCE FROM CURB AND SIDEWALK	6-14-20	PENALTY
6-14-10	DISTANCE FROM STREET CORNERS AND FIREPLUGS		
6-14-11	UTILITIES		

6-14-1 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. “Street trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

2. “Park trees” are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

6-14-2 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD. There is hereby created and established a City Tree Board for the City of Maquoketa, Iowa, which shall consist of five members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the Council.

6-14-3 TERM OF OFFICE. The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

6-14-4 COMPENSATION. Members of the Board shall serve without compensation.

6-14-5 DUTIES AND RESPONSIBILITIES It shall be the responsibility of the Board to study, investigate, counsel and develop and/or annually administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City tree plan for the City of Maquoketa, Iowa. The Board, when requested by the City, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work. Variations from Section 7,8, and 9 of this ordinance may be made on an individual basis by action of the City Tree Board.

6-14-6 OPERATION. The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

6-14-7 STREET TREE SPECIES. The following list constitutes the Official Street Tree species for Maquoketa, Iowa. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Small Trees:	Crabapple Flowering Pear Bradford Redbud
Medium Trees:	Ash Hackberry Honeylocust (thornless) Linden Oak Maple
Large Trees:	Maple Sugar Oak Burr

6-14-8 SPACING. The spacing of Street Trees will be in accordance with the tree species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; Large Trees, 60 feet; except in special plantings designed or approved by a landscape architect.

6-14-9 DISTANCE FROM CURB AND SIDEWALK.

1. No trees may be planted closer to any curb than ten feet (10') without the approval of the City Tree Board and completion of application being filled out by property owner and Iowa One Call finished. This section shall not apply to the Central Business District as defined in Section 6-7-1 of this Code.

2. No tree shall be planted within the City's right-of-way, unless such tree is planted to replace a tree that has been removed within the last two years and unless advance approval is given by the Tree Board. The Tree Board shall meet during the months of March and August of each year or as necessary and shall review applications to plant such trees in the City right-of-way.

(Ord. 955 8-6-01)

#### 6-14-10 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

1. No Street Tree shall be planted closer than thirty-five feet (35') of any street corner, measured from the point of nearest intersection curbs or curb lines.

2. No Street Tree shall be planted closer than 10 feet of any fireplug.

6-14-11 UTILITIES. No Street Trees other than those species listed as Small Trees in Section 7 of this Ordinance may be planted under or within ten lateral feet (10') of any overhead utility wire, or over, or within five lateral feet (5') of any underground water line, sewer, transmission line or other utility.

#### 6-14-12 PUBLIC TREE CARE.

1. The City and the Maquoketa Municipal Electric Utility shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

2. The City Tree Board may remove or cause or order to be removed, any tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

6-14-13 TREE TOPPING. It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board. The tree trimming and tree topping conducted by the Employees of the Maquoketa Municipal Electric Utility shall be exempt from this section.

#### 6-14-14 PRUNING, CORNER CLEARANCE.

1. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8')



above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

2. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

**6-14-15 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.** The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects of disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

**6-14-16 REMOVAL OF STUMPS.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

**6-14-17 INTERFERENCE WITH CITY TREE BOARD.** It shall be unlawful for any person to prevent, deny or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

**6-14-18 LICENSE FEE AND INSURANCE REQUIREMENTS.** It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees within the City without first applying for and procuring a license.

1. The license fee shall be seventy-five dollars (\$75.00) annually in advance.
2. No license shall be required of:
  - a. Any public service company, or City employee, doing such work in the pursuit of their public service endeavors.
  - b. Any person with reference to tree or trees on his/her own premises.
  - c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree trimmer while in the performance of such function.
  - d. Any public utility, including its authorized employees and agents, when engaged in the tree trimming and/or tree removal for the purpose of line clearance, and in order to insure the continuity of utility service to the public.

2. Before any license shall be issued, each application shall first file evidence of possession of liability insurance with an insurance company of good standing and authorized to do business in the State of Iowa, in the minimum amounts as follows:

General Aggregate	\$1,000,000
Products and Completed Operations Aggregate	\$1,000,000
Personal and Advertising Injury	\$500,000
Each Occurrence	\$500,000
Fire Damage (any one fire)	\$50,000
Medical Expense (any one person)	\$5,000

(Ord 856, 04-17-95)  
(Ord. 861, 11-20-95)  
(Ord. No. 958 10-15-01)

6-14-19 REVIEW BY CITY COUNCIL. The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling, or order of the City Tree Board to the City Council who may hear the matter and make final decision.

6-14-20 PENALTY. Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred thousand dollars (\$100,000).

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 15 NAMING STREETS

#### 6-15-1 NORTH AND SOUTH

#### 6-15-2 EAST AND WEST

6-15-1 NORTH AND SOUTH. Other than the exception as stated, the names of all streets hereinafter listed running north and south, shall be known as named and designated herein and shall be considered as prefixed by the word “north” as to such part thereof being north of Platt Street, and as prefixed by the word “south” as to such part thereof being south of Platt street.

1. The street running north and south between blocks 18 and 19 of the original City lying on the east side of said street, and blocks 25 and 26 of the original City and block 3 of Shaw's Addition to the City on the west side thereof of said street, and extending to the north and south Corporate Lines of the City, shall be known and designated as Main Street.

2. The street east of and parallel with Main Street shall be known and designated as Olive Street.

3. The street east of the parallel with Olive Street shall be known and designated as Eliza Street.

4. The street east of and parallel with Eliza Street shall be known and designated as Otto Street.

5. The street east of and parallel with Otto Street shall be known and designated as Matteson Avenue.

6. The street east of and parallel with Matteson Avenue shall be known and designated as Clark Street

7. The street east of and parallel with Clark Street shall be known and designated as Dearborn Street.

8. The street east of and parallel with Dearborn Street shall be known and designated as Walnut Street.

9. The street east of and parallel with Walnut Street shall be known and designated as Edna Street.

10. The street east of and parallel with Edna Street shall be known and designated as Anderson street.

11. The street in Meadowdale Second Addition south of and parallel with Pershing Road shall be known as and designated as Lisa Drive and shall not be prefixed.

12. The street east of and parallel with Main, south of Jefferson Street in Stephens Addition to the City shall be known and designated as Brace Street, and shall not be prefixed.

13. The street east of and parallel with Brace Street, south of Jefferson Street in Stephens Addition to the City shall be known and designated as Allen Street, and shall not be prefixed.

14. The street west of and parallel with Main Street shall be known and designated as Second Street.

15. The street west of and parallel with Second Street shall be known and designated as Niagara Street.

16. The street west of and parallel with Niagara Street and lying south of Platt Street shall be known and designated as Fourth Street, and that lying north of Platt Street shall be known and designated as Decker Street.

17. The street west of and parallel with Fourth Street, being located between Pleasant Street and Locust Street, shall be known and designated as Austin Avenue and shall not be prefixed.

18. The street west of and parallel with Austin Avenue shall be known and designated as Fifth Street.

19. The street west of and parallel with Fifth Street shall be known and designated as Prospect Street.

20. The street west of and parallel with Prospect Street shall be known and designated as Vermont Street.

21. The street west of and parallel with Vermont Street and north of Platt Street shall be known and designated as Arcade Street.

22. The streets in Green Acres Subdivision of out lot 54 in the City said subdivision being duly accepted by the City and plat thereof being recorded in Book 42, Page 279, office of the Recorder of Jackson County, being located on said plat and being named Jones Avenue, Thomas Avenue, and Center Street, shall be known and designated, and shall not be prefixed.

23. The street west of and parallel with Thomas Avenue and south of Platt Street shall be known and designated as Western Avenue, and shall not be prefixed.  
(Ord. 354, 9-61).

24. The street running north from the east end of East Summit Street to East Platt Street shall be known and designated as Jacobsen Drive, and shall not be prefixed.  
(Ord. 451, 1-8-73)

25. The street west of and parallel with Highway No. 61 and formerly along the west corporate line of the City of Maquoketa, extending from the south line of West Summit Street to

the south corporate line of the City of Maquoketa shall be known and designated as Myatt Drive, and shall not be prefixed.

(Ord. 494, 1-19-76)

26. The street connected to, but also the street east of and parallel with, Cynthia Drive shall be known as Cardinal Drive and shall not be prefixed.

27. The street in Golf Point Subdivision to the City, said subdivision being duly accepted by the City and a Plat thereof being recorded in Book 1-E Page 31, office of the Recorder of Jackson County, being located on said Plat, and being named Blair Court.

28. The street east of and parallel with McKinsey Drive extending from the north line of West Platt Street (Iowa Highway 64) to the south line of German Street in the Marken Addition shall be known and designated as Creslane and shall not be prefixed.

29. The streets in Rosemere Acres 1st Addition, Rosemere Acres 2nd Addition, and Rosemere Acres 3rd Addition to the City, said subdivisions being duly accepted by the City and the Plats thereof being recorded in Book 1-B Page 51, Book 1-C Page 37 and Book 1-D Page 25, office of the Recorder of Jackson County, being located on said Plat, and being named East Angus Court and West Angus Court, Rosemere Lane, West Farmland Drive, Battles Drive, and South Farmland.

30. The streets in Meadowdale 2nd Addition to the City, said subdivision being duly accepted by the City and the Plats thereof being recorded in Book I Page 69, office of the Recorder of Jackson County, being located on said Plat and being named Butternut Street and Lisa Drive.

31. The Street west of and parallel with Creslane between West Platt Street and German Street shall be known and designated as McKinsey Avenue.

32. The street south of East Summit Street that runs parallel with Allen Street and is located in the Industrial Park shall be known and designated as Birch Drive.

(Ord. 771, 11-18-91)

33. Commencing at the intersection of 17th Street and 211th Avenue, the portion of 211th Avenue that runs north of this intersection and meets with Timber Drive is hereby included as a part of Timber Drive.

(Ord. 1037, 11-20-06)

6-15-2 EAST AND WEST. Other than exceptions as stated, the names of all streets hereinafter listed running east and west, shall be known as named and designated herein and shall be considered as prefixed by the word "east" as to such part thereof being east of Main Street, and as prefixed by the word "west" as to such part thereof being west of Main Street.

1. The street running east and west between blocks 18 and 25 of the original City lying on the north side of said street, and block 19 of the original City and block 3 of Shaw's Addition to the City, on the south side thereof, and extending to the east and west Corporate Lines of the City shall be known and designated as Platt Street.

2. The street north of and parallel with Platt Street between Decker Street and Main Street shall be known and designated as James Street, and shall not be prefixed.

3. The street north of and parallel with Platt Street between Fifth Street and Vermont Street shall be known and designated as Emma Court, and shall not be prefixed.

4. The street north of and parallel with James Street and Emma Court shall be known and designated as Quarry Street.

5. The street north of and parallel with Quarry Street between Fifth Street and Prospect Street shall be known and designated as Short Street and shall not be prefixed.

6. The street north of Quarry Street and Short Street and parallel with said street shall be known and designated as Apple Street.

7. The street north of and parallel with Apple Street shall be known and designated as Grove Street.

8. The street north of and parallel with Grove Street and being east of Main Street shall be known and designated as North Street and shall not be prefixed.

9. The street north of and parallel with North Street and being east of Main Street shall be known and designated as Pershing Street.

10. The street south of and parallel with Platt Street shall be known and designated as Pleasant Street.

11. The street south of and parallel with Pleasant Street between Prospect Street and Vermont Street, shall be known and designated as Dunham Court, and shall not be prefixed.

(Ord. 354, 9-61)

12. The street south of and parallel with Pleasant Street, and Dunham Court shall be known and designated as Maple Street.

(Ord. 451, 1-8-73)

13. The street south of and parallel with Maple Street shall be known and designated as Locust Street.

14. The street south of and parallel with Locust Street shall be known and designated as Judson Street.

15. The street south of and parallel with Judson Street between Fourth and Fifth Streets shall be known and designated as School Street, and shall not be prefixed.

16. The street south of and parallel with School Street, shall be known and designated as Summit Street.

17. The street south of and parallel with Summit Street, between Third and Fifth Streets, shall be known and designated as Washington Street, and shall not be prefixed.

18. The street south of and parallel with Washington Street shall be known and designated as Jefferson Street.

19. The street south of and parallel with Jefferson Street shall be known and designated as Monroe Street.

20. The streets in Longview 1st Addition to the City and Longview 2nd Addition to the City, said subdivisions being duly accepted by the City and the plats thereof being recorded in Book 44, Page 53, and Book 97, Page 5, office of the Recorder of Jackson County, being located on said plat and being named Melrose Street, Niles Street, Vine Street, Longview Drive, and Grant Street, shall be so known and designated, and shall not be prefixed.

(Ord. 744; 2-4-91)

21. The street north of and parallel with Summit Street and lying west of Vermont Street shall be known and designated as Erie Street, and shall not be prefixed.

22. The street running north from Erie Street to Eddy Street shall be known and designated as Eddy Place, and shall not be prefixed.

23. The street running east from Jones Avenue to Vermont Street shall be known and designated as Eddy Street.

(Ord. 354, 9-61)

24. The street north of and parallel with West Platt Street extending from the east line of U.S. 61 Bypass to the east boundary of the Marken Addition and the street in Riverfront Addition running west from Arcade Street to north Jones Avenue shall be known and designated as German Street and shall not be prefixed.

25. The streets in Swagosa Hills Addition to the City, said subdivision being duly accepted by the City and a plat thereof being recorded in Book 1B Page 136, office of the Recorder of Jackson County, being located on said plat, and being named Swagosa Drive, and Country Club Drive.

26. The street north of and parallel with West Summitt Street, between Highway 61 and Western Avenue shall be known and designated as Wesley Drive.

27. The street in Sager's 2nd Addition to the City, said subdivision being duly accepted by this City and a plat thereof being recorded in Book 1-A Page 231, office of the Recorder of Jackson County, being located on said plat and being named Milton Street and Cecilia Drive.

28. The street in Sho-Hollow Subdivision, said subdivision being duly accepted by the City and a plat thereof being recorded in Book 1-D Page 73, office of the Recorder of Jackson County, shall be named Circle Drive.

29. The streets in Hillside Addition to the City, said subdivision being duly accepted by the City and a plat thereof being recorded in Book 1-E Page 32, office of the Recorder of Jackson County, being located on said plat and being named Swift Court and Okeeta Drive.

30. The street in the Meadowdale Third Addition south of and parallel to Pershing Road shall be known and designated as Lisa Drive and shall not be prefixed.

31. The street in the Meadowdale Third Addition east of and parallel to Butternut Street between East Grove and Lisa Drive shall be known and designated as Cynthia Drive and shall not be prefixed.

32. The street in the Meadowdale Third Addition between Cynthia Drive and Pershing Road shall be known and designated as Cardinal Drive and shall not be prefixed.

33. The street in the Meadowdale Third Addition east of Cardinal Drive shall be known as East Grove Street.

34 The street north of West Grove that runs parallel with West Grove Street shall be renamed from 5th Street Court to Shoreline Drive.

(Ord. No. 1041, 01-02-07)



TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 16 NUMBERING BUILDINGS

6-16-1	BUILDINGS TO BE NUMBERED	6-16-3	NUMBERING
6-16-2	BASE LINE ESTABLISHED	6-16-4	TYPE OF NUMBERS, SIZE
		6-16-5	NUISANCE

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6-16-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected and fronting any street or avenue shall be numbered. The plan of numbering shall be, as far as practical, that known as the Philadelphia Plan. The owners or lessees shall cause the numbers to be placed and maintained on their property. This ordinance shall apply to mobile homes whether located in a mobile home court or not.

6-16-2 BASE LINE ESTABLISHED. Main Street and Platt Street shall constitute the base line from which the numbering of buildings from either side thereof shall commence.

6-16-3 NUMBERING.

1. The odd numbers shall be on the south side of all streets running east and west, and on the east side of all streets running north and south. The even numbers shall be on the north side of all streets running east and west and on the west side of all streets running north and south. The numbers of buildings shall alternate from side to side.

2. Commencing at the base line, streets defined in this Chapter all numbers south of Platt Street shall be known and designated by the prefix "south", and all numbers north of Platt Street shall be known and designated by the prefix "north". All numbers east of Main Street shall be known and designated by the prefix "east" and all numbers west of Main Street shall be known and designated by the prefix "west".

3. Where the streets intersecting on opposite sides of the street are not the same, the numbers shall run on each side in sequence to a street intersecting on the side being numbered.

4. Where locations are indicated by number above the ground floor, within the designated area, the additional number of one-half ( $\frac{1}{2}$ ) shall be added to the last number.

In all sections or portions of the City not included in the previous Section, the numbers shall be for each forty feet (40') of linear frontage.

6. In case there is doubt as to the proper number of any building or lot under this Chapter, the Council, by request, shall decide the same.

6-16-4 TYPE OF NUMBERS, SIZE. The numbers shall be painted conspicuously on pieces of tin or metal not less than two and one-half inches ( $2\frac{1}{2}$ ") high by one and one-half inches ( $1\frac{1}{2}$ ")

wide and shall be nailed to the first story front of all buildings, or the numbers may be painted on the front of the building, door, post, transom, or other place on the premises where the same will be easily seen.

6-16-5 NUISANCE. The failure by an owner or lessee to place or maintain numbers on their property is hereby declared to be a nuisance.

1. The nuisance shall be abated in the manner provided for the Section 3-2 of this Code.

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 17 SALE OF PUBLIC PROPERTY

6-17-1 DISPOSAL OF PROPERTY

6-17-1 DISPOSAL OF PROPERTY. A City may not dispose of an interest in real property by sale, lease for a term of more than three years, or gift, except in accordance with the following procedure:

1. The Council shall set forth its proposal in a resolution and shall publish notice as provided in Section 362.3, of the resolution and of a date, time and place of a public hearing on the proposal.

2. After the public hearing, the Council may make a final determination on the proposal by resolution.

3. A City may not dispose of real property by gift except to a governmental body for a public purpose. However, a City may dispose of real property for use in an Iowa homesteading program under Section 220.14 for a nominal consideration, including but not limited to property in an urban renewal area.

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 18 UTILITY POLES

6- 18- 1 LOCATION

6-18-1 LOCATION. All electric light poles shall be located in the alleys wherever possible and so placed as not to interfere with the private or public use of the alleys and street.  
(C.26; 9-8-26)

TITLE VI   PHYSICAL ENVIRONMENT  
CHAPTER 19   STREET AMORTIZATION

6-19-1   USEFUL LIFE

6-19-2   AMORTIZATION PERIOD

6-19-1   USEFUL LIFE.   That the useful life of the Summit Street Paving Project is hereby established to be ten (10) years.

6-19-2   AMORTIZATION PERIOD.   That the amortization period of ten (10) years shall commence on the date this Council finally accepted the Summit Street Paving Project by resolution passed on the 3rd day of December, 1979.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 20 MAINTAINING BOULEVARD AND PRIVATE PROPERTY

6-20-1 DEFINITIONS	6-20-6 BILLING
6-20-2 MAINTENANCE OF BOULEVARD AND PRIVATE PROPERTY	6-20-7 APPEALS
6-20-3 EXCEPTIONS	6-20-8 EMERGENCY
6-20-4 FAILURE TO COMPLY	6-20-9 VIOLATION-PENALTY
6-20-5 NOTICE TO OWNERS	6-20-10 SEVERABILITY CLAUSE
	6-20-11 REPEALER
	6-20-12 EFFECTIVE DATE

WHEREAS, the Code of Iowa at 364.12(c) provides that Cities may require the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets; now, therefore, the City Council enacts an Ordinance governing the duty of property owners within the City to maintain the abutting property outside the lot and property lines and inside the curb or traveled portion of the public street.

6-20-1 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. “Boulevard” means the property outside a property owner's lot and property lines and inside the curb lines upon the public streets, or in the absence of a curb from the traveled portion of the public street to the lot or property line.

2. “Private Property” means all real estate within the owner’s property or lot lines as shown on the plats of the Auditor of Jackson County.

3. “Property Owner” means the owner of real estate as shown in the records of the Auditor of Jackson County.

4. “Inspector” means the City Inspector or his/her Designee.

5. “Public Street” means the area from curb to curb or in the absence of curbing, the traveled portion of a public street, highway, road, or alley within the City limits.

6. “Zone” and “Areas Zoned” means the Residential - 1, Residential - 2, Residential -3, Business - 1, Business -2, Industrial - 1, Industrial - 2, or Industrial - 3 districts with boundaries established under Title 5, Chapter 1 - B of the Code of Ordinances and set forth upon the District Map as it may, from time to time, be amended.

7. “Waterway” means a river, lake, pond, stream, creek, wetland, or other watercourse and adjacent banks.

6-20-2 MAINTENANCE OF BOULEVARD AND PRIVATE PROPERTY. All property owners shall maintain their property and the abutting boulevard according to the following standards:

1. In districts zoned R-1, R-2, R-3, B-1, or B-2, all grasses, weeds, vines and brush shall be cut or destroyed when said growth exceeds six inches (6") in height.
2. In areas zoned other than R-1, R-2, R-3, B-1 or B-2, all grasses, weeds, vines and brush shall be cut or destroyed when said growth exceeds ten inches (10") in height.
3. Keep the abutting boulevard free of holes, excavations, protrusions, or other obstacles which could cause injury to the public.
4. Further, it shall be unlawful to discharge into the storm sewer system any yard waste, sticks or branches, garbage or trash, sand or silt, or any other material in such a way as to obstruct the system from functioning properly. It shall also be unlawful to discharge or place such materials into a public right-of-way (such as a street) in a manner likely to cause these materials to eventually accumulate in the storm sewer system or create a safety hazard.

(Ord. 939, 7-5-02)

5. In all zoning districts, the abutting property owner is required to maintain all abutting boulevard property, except that a property owner is not required to remove diseased trees or dead wood on the publicly owned property or right-of-way. This duty to maintain abutting boulevard property includes, but is not limited to, the duty to maintain sidewalks, grass areas, and any retaining walls located on the publicly owned property or right-of-way.

(Ord 1024, passed 05-15-06)

#### 6-20-3 EXCEPTIONS.

1. "Street Trees" as that term is defined in City Ordinance 6-14-1(1) are hereby excepted from the requirements and enforcement of this Ordinance.
2. Waterways may exceed the standards established by this Chapter, except that any growth of weeds, vines, or brush shall be cut or destroyed when such growth exceeds two feet (2') in height.
3. Farm crops, pasture, vineyards, orchards, and garden plants grown or located on private property may exceed the requirements of this Ordinance. However, weeds and brush in such areas shall be cut when the height of such weeds or brush exceeds two feet (2').
4. The owner of a hillside, waterway or gully located on private property may make application to the City Council to exceed the requirements of this Ordinance for the hillside, waterway or gully located on private property; and, upon receipt of such an application, the City Council shall make a finding whether or not the hillside, waterway or gully located on private property may be maintained at a level that exceeds the requirements of this Ordinance but does

not create a public health, safety or fire hazard; and, if the City Council makes such a finding, the Council may, by Motion, grant relief to the property owner from the requirements of this Ordinance and may establish a level of maintenance for the property that does not constitute a health, safety or fire hazard.

5. The City Inspector may make a similar application for hillsides, waterways and gullies located on publicly owned property and the City Council may act upon the application according to procedures set forth in this section.

6. A copy of the application to exceed the requirements of this Ordinance shall be mailed by regular U.S. Mail by the City Clerk to all property owners whose property abuts the property that is the subject of the application not less than seven (7) days prior to the City Council meeting at which the application is acted on by the City Council.

7. A property owner or abutting property owner who is aggrieved by the action of the City Council under this subsection shall have the right of appeal to the District Courts if that appeal is taken within thirty (30) days of the action of the City Council upon the application. If the appeal is not filed within thirty (30) days of the action of the City Council, then the applicant and abutting property owner shall have waived all right of appeal of the action of the City Council.

#### 6-20-4 FAILURE TO COMPLY.

1. If the property owner fails to maintain the property as required under this chapter after notice is given as provided in this chapter, the inspector shall order the work to be done by City employees or by a Contractor.

2. The total cost and expense of the work done, including any administrative fees, shall be paid by the property owner. Failure to pay shall result in the cost being assessed against the property for collection in the same manner as a property tax.

#### 6-20-5 NOTICE TO OWNERS.

1. Notice to the owner or person in control of lands within the city subject to the provision of this article shall be as follows: The City Manager or his/her designee shall cause to be published at least once per mowing season (preferably on or before April 15 of each year) in a newspaper of general circulation within the city a notice stating that work of cutting or destroying weeds, vines, brush or other growth is required to be done during the months of May through October, inclusive, and a statement that property owners have three (3) days, not including Saturdays, Sundays, holidays, within which such owners may cause the work to be done. Further, the notice shall state that failure to comply after publication of the notice will result in the work being done by the city, and the costs incurred by the city shall be assessed against the property in the manner provided by law. No further notice shall be required. In addition, this notice shall inform the property owner that he/she has the right to appeal that matter to the City Manager under Title 6, Chapter 20, Section 7.

2. The City may also issue courtesy reminders to property owners as additional notice.



(Ord. 902, Passed 8-3-98)  
(Ord. 939, Passed 7-5-02))

6-20-6 BILLING. Each owner shall be sent by first-class U.S. mail to the address noted on the tax rolls of the city a bill for the work performed informing the owner of the cost of such work and the council intent to assess the cost if not paid in ten (10) days to the city clerk. Any bill remaining unpaid after the ten (10) day period may be assessed against the property in the manner provided by law.

(Ord. 939, Passed 7-5-00)

#### 6-20-7 APPEALS.

1. If the property owner objects to the Notice of Action required under this Ordinance or to a statement of costs, the objection shall be filed by the property owner with the City Clerk in writing within seven (7) days of the date of the Notice or Statement. The objection shall be heard by the City Manager or his/her Designee without unnecessary delay and the City Manager shall make a decision regarding the Notice or Statement and shall immediately notify the property owner of the decision in writing. Failure to appeal within the time specified constitutes a waiver of all rights to a hearing.

2. A property owner aggrieved by the decision by the City Manager or his/her Designee may appeal the decision to the City Council by making a request in writing that states the objection to the decision within seven (7) days of the date of the decision. The City Council shall hear the appeal at the next scheduled Council meeting and the City Council may uphold or modify or overrule the decision of the City Manager. An appeal from the decision of the Council must be filed in the District Court within ten (10) days of the date of the Council's decision.

6-20-8 EMERGENCY. If the Inspector determines that a clear and compelling emergency exists, the Inspector may cause the necessary maintenance required under this chapter to be done immediately without prior notification to the property owner. Before the cost of the work can be assessed to the affected property, the property owner shall be notified as provided in this chapter and offered the opportunity to appeal as provided in this chapter.

#### 6-20-9 VIOLATION-PENALTY.

1. It shall be a violation of this Ordinance, and the conditions of owner's property is hereby declared a public nuisance, if a property owner fails to do the action required to remedy a violation of the terms of this Ordinance as stated in the Notice under 6-20-5 of this Ordinance and has failed to state an objection to the Notice as provided 6-20-7.

2. A violation of this chapter shall constitute a municipal infraction. Violators shall be subject to any and all penalties provided for by Maquoketa Ordinance 1-3-1.

(Ord. 1142, Passed June 2, 2018)

6-20-10 SEVERABILITY CLAUSE. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

6-20-11 REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

6-20-12 EFFECTIVE DATE. This Ordinance shall be in full force and effective after its final passage and publication as by law provided.

(Ord. 858, passed 8-7-95)

(Ord. 939, Passed 7-5-02)

TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 21 PROPERTY MAINTENANCE

6-21-1 PURPOSE.

6-21-2 AUTHORITY FOR  
ENFORCEMENT.

6-21-3 INTERFERENCE.

6-21-4 NUISANCES

6-21-5 ABATEMENT OF  
NUISANCES

6-21-1 PURPOSE. The purpose of this ordinance is to designate the responsibilities of persons for maintenance of structures within the City; to define nuisances as a result of the failure to perform such maintenance; and to provide for the abatement of such nuisances in order to provide for the health, safety and welfare of residents of the City.

6-21-2 AUTHORITY FOR ENFORCEMENT. The City Manager shall be responsible for the enforcement of this chapter and shall have all necessary authority to carry out such enforcement. The City Manager may delegate his/her enforcement authority to a Property Maintenance Official.

1. There is hereby created and established an advisory committee consisting of five members, citizens and residents of the City, who shall be appointed by the Mayor with the approval of the City Council. The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first committee shall be for only one year and the term of two members of the first committee shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

2. The City Manager, or his/ or her designated Property Maintenance Official, may, in his or her discretion, consult with the advisory committee concerning potential violations of this chapter. The advisory committee may make non-binding recommendations to the City Manager or the Property Maintenance Official concerning enforcement of this chapter. However, the City Manager or designated Property Maintenance Official shall retain sole responsibility for the enforcement of this chapter.

6-21-3 INTERFERENCE. No person shall interfere with the City Manager or Property Maintenance Official while engaged in the enforcement of this chapter. A violation of this provision shall constitute a simple municipal infraction.

(Ord. 1142, Passed June 2, 2018)

6-21-4 NUISANCES. A failure to satisfy any one or more of the following provisions shall constitute a nuisance:

1. All structures, equipment and exterior property, whether occupied or vacant, shall be maintained in good repair and in structurally sound and sanitary condition as provided herein, so as not to cause or contribute to the creation of a blighted area or adversely affect the public health or safety.

2 All structures, equipment and exterior property shall be kept free from rodent and vermin harborage and infestation. Where rodents and vermin are found, they shall be promptly

exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and vermin harborage and prevent re-infestation.

3. All accessory structures, including, but not limited to, detached garages, fences, storage sheds, fences and walls shall be maintained in structurally sound condition and in good repair.

4. All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or application of other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.

5. All foundation walls shall be maintained plumb and free from open cracks and breaks, and shall be kept in such condition so as to prevent the entry of rodents or vermin.

6. All exterior walls shall be maintained plumb unless otherwise designed or engineered; free from cracks, holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

7. All roofs and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair, with proper anchorage and free from obstructions.

8. Every exterior stairway, deck, porch, or balcony, and all appurtenances thereto, shall be maintained in structurally sound condition, in good repair, and proper anchorage, and capable of supporting the imposed loads.

9. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in structurally sound condition and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

10. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads, and shall be maintained in good condition.

11. Basement entrances. Every basement hatchway or exterior basement entrance shall be maintained to prevent entry of rodents or vermin, and shall be maintained so as not to allow rain or surface drainage water to enter.

12. Broken doors or windows. Broken exterior doors and broken windows shall be replaced or repaired.

(Ord. 987, Passed February 16, 2004)

6-21-5 ABATEMENT OF NUISANCES. The City Manager or designated Property Maintenance Official may abate any nuisance identified pursuant to this chapter in accordance with the procedures for abatement of nuisances contained in Title III Chapter-2 of the City of Maquoketa Code of Ordinances.

1. Any violation of this chapter shall also constitute a municipal infraction pursuant to Title III Chapter 17.

2. If it is determined that an emergency exists by reason of the continuation or creation of a nuisance under this chapter, the City Manager or designated Property Maintenance Official may abate the nuisance in accordance with the procedures of Section 3-2-8 of the City of Maquoketa Code of Ordinances.

(Ord. 981, 2-3-02)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 22 STORM WATER DRAINAGE SYSTEM DISTRICT UTILITY

6-22-1	NEW CHAPTER	6-22-6	PAYMENT OF BILLS
6-22-2	PURPOSE	6-22-7	LIEN FOR NONPAYMENT
6-22-3	DEFINITIONS	6-22-8	REPEALER
6-22-4	STORM WATER DRAINAGE SYSTEM DISTRICT ESTABLISHED	6-22-9	SEVERABILITY CLAUSE
6-22-5	RATES	6-22-10	EFFECTIVE

6-22-1 NEW CHAPTER. The Code of Ordinances of the City of Maquoketa is amended by adding a new chapter, numbered 22, to Title VI, Physical Environment that is entitled, “Storm Water Drainage System District Utility.”

6-22-2 PURPOSE. The purpose of this chapter is to establish a Storm Water Drainage System District Utility and provide a means of funding the construction, operation and maintenance of storm water management facilities including, but not limited to, detention and retention basins, storm water sewers, inlets, ditches and drains, curb and gutter, and cleaning of streets. The Council finds that the construction, operation and maintenance of the City’s storm and surface water drainage system should be funded through charging users of property which may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

(Ord. 1129, Passed February 7, 2016)

6-22-3 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. “Connection” means the physical act or process of tapping a public storm water sewer or drainage line, or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.

2. “Storm and surface water drainage system” means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, curb and gutter, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of the storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

(Ord. 1129, Passed February 7, 2016)

3. “Unit” shall mean each household, each place of commerce/education/government/religion, or each industry, whether in a single building on a single lot or in a multiple-use building on a single lot or multiple lot complex. Each unit shall be charged individually, but where the complex is billed under one combined service account, the recipient of that bill shall be deemed the user and receive the total combined storm water drainage system district charge for that complex.

4. “User” shall mean any person who uses property that maintains connection to, discharges to, or otherwise receives services from the City for storm water management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.

6-22-4 STORM WATER DRAINAGE SYSTEM DISTRICT ESTABLISHED. Pursuant to the authority of Section 384.84(5) of the Code of Iowa, the entire City is hereby declared a Storm Water Drainage System District for the purpose of establishing, imposing, adjusting and providing for the collection of rates for the operation and maintenance of storm water management facilities. The entire city, as increased from time to time by annexation, shall constitute a single Storm Water Drainage System District.

(Code of Iowa, Sec. 384.84[5])

6-22-5 RATES. Each user shall pay for storm and surface water drainage system service provided by the City. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each residential, commercial and industrial user within the City. The service charges shall be billed as part of a combined service account which means a customer service account for the provision of two or more utility services. The Council may adopt rules, charges, rates and fees for the use of the City’s storm and surface water system, and for services provided by the City relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual cost of operation, maintenance, acquisition, extension and replacement of the City’s system, the cost of bond repayment, regulation, administration, and services of the City. The rates for the foregoing functions shall be collected by imposing monthly rates of \$3.50 on every City residential unit, \$7.00 on every commercial/educational/ governmental/religious unit, and \$15.00 on every industrial unit. Agricultural use of land is exempt from the requirements of this chapter.

6-22-6 PAYMENT OF BILLS. All Storm Water Drainage System District charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 6-3-5 and Section 6-4-24 of this Code of Ordinance. All City services may be discontinued in accordance with the provisions contained in Section 6-3-5A and 6-4-26 if the combined service account becomes delinquent, and the provisions contained in Sections 6-3-5 and 6-4-9 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

(Code of Iowa 384.84[2b] and [2d])

6-22-7 LIEN FOR NONPAYMENT.

The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the storm water management facilities. Any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa 384.84[3a])

6-22-8 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

6-22-9 SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

6-22-10 EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.



TITLE VI PHYSICAL ENVIRONMENT  
CHAPTER 23 UNSAFE BUILDINGS AND STRUCTURES

6-23-1 PURPOSE AND SCOPE.

6-23-2 ENFORCEMENT.

6-23-3 DEFINITIONS.

6-23-4 PUBLIC NUISANCE.

6-23-5 RIGHT OF ENTRY.

6-23-6 INTERFERENCE.

6-23-7 REPAIRS AND  
REHABILITATION.

6-23-8 SERVICE BY PUBLIC UTILITIES.

6-23-9 GRADING OF PREMISES.

6-23-10 CONFLICT OF ORDINANCES.

6-23-11 ABATEMENT OF NUISANCES.

6-23-12 VIOLATIONS.

6-23-1 PURPOSE AND SCOPE. It is the purpose of this Chapter to provide a just, equitable, and practicable method, to be cumulative with and in addition to, any other remedy provided by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants. Such buildings or structures may be required to be repaired, vacated, and/or demolished. The provisions of this code shall apply to any dangerous buildings or imminently dangerous structures, as herein defined, which are now in existence or which may hereafter become dangerous in the City. Nothing in this Chapter shall preclude the City from exercising any of its other statutory rights or remedies.

6-23-2 ENFORCEMENT. The City Manager is responsible for Enforcement of this chapter. The City Manager is authorized to have his agents fulfill his responsibilities under this Chapter.

6-23-3 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. "Unsafe Building" means any structure or mobile home meeting any of the following criteria:

a. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of:

- (1) Dilapidation, deterioration, or decay;
- (2) Faulty construction;
- (3) The removal, movement, or instability of any portion of the ground;
- (4) The deterioration, decay, or inadequacy of its foundation; or
- (5) Any other cause, is likely to partially or completely collapse.

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

c. Infestation. Whenever the building or structure suffers from an infestation of animals, pests, insects, or any other living creature.

d. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer or other qualified inspector to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

e. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal, Fire Chief, or other qualified inspector to be a fire hazard.

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

g. Generally. Any building or structure that is structurally unsound, not provided with adequate egress, constitutes a fire hazard, or is otherwise dangerous to human life, or constitutes a hazard to safety or health, or public welfare, by any reason.

2. “Imminently Dangerous Structure” means any building, shed, fence, or other structure that is in danger of imminent collapse of all or any part of such structure, or is an immediate danger to the general public.

3. “Owner” means the contract purchaser if there is one of record, the record title holder, or, if no records exist, the individual or business holding themselves out as being in control of the building or structure.

4. “Corrective Action” means the repair, rehabilitation, removal, or demolition of the unsafe or imminently dangerous building or structure, whether performed by the owner or by the City or agents acting on the City’s behalf.

6-23-4 PUBLIC NUISANCE. Any building or structure determined to be unsafe or imminently dangerous is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Chapter.

6-23-5 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any provisions of this Chapter, or whenever the City Manager or any authorized agent have reasonable cause to believe that there exists conditions in any building or structure in violation of this Chapter, the City Manager and authorized agents may enter such building or structures at all reasonable times to inspect the same or perform any duty imposed by this Chapter, including these steps:

1. The City Manager or his agent shall first make a reasonable effort to locate the owner or person in control of the building or structure to request entry.

2. If entry is refused, the City Manager or his agent shall have recourse to every remedy provided by law to secure entry, including but not limited to inspection warrants.

3. When the City Manager or his agent have obtained such warrant or other remedy provided by law to secure entry, no owner or occupant shall fail or neglect, after proper request is made, to promptly permit entry for the purpose or inspection or examination pursuant to this Chapter.

6-23-6 INTERFERENCE. No person shall improperly obstruct, impede, or interfere with the owner, the City Manager, or any of their authorized agents in their legal access, inspection, review, repair, rehabilitation, removal, or demolition of the building or structure at issue. Such interference shall be a violation of this Chapter.

6-23-7 REPAIRS AND REHABILITATION. All buildings and structures which are required to be repaired and/or rehabilitated under this Chapter shall be subject to the requirements of the Property Maintenance Ordinance in Title VI, Chapter 21 of the City of Maquoketa Code of Ordinances.

6-23-8 SERVICE BY PUBLIC UTILITIES. For any building or structure deemed to be unsafe or imminently dangerous, after the notice has been issued by the City Manager or his agent, containing the date listed for vacation of the building or structure, from such date it is unlawful for any public utilities corporation or company to furnish gas, electrical, or water service to any such building or structure. Services shall not be restored until written authorization is received from the City Manager or his agent upon completion of the corrective actions or upon a limited basis to be used in connection with the corrective actions. The City Manager shall give such authorization upon final approval and completion of all required corrective actions.

6-23-9 GRADING OF PREMISES. If a building or structure is removed or demolished, such actions shall include the filling and grading of any excavation in such a manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation.

6-23-10 CONFLICT OF ORDINANCES. In any case where a provision of this Chapter is found to be in conflict with any other provision of the ordinances of the City or State, the provision that establishes the higher standard for the promotion and protection of the health and safety of the citizens shall prevail.

6-23-11 ABATEMENT OF NUISANCES.

1. The City Manager may abate any nuisance identified pursuant to this Chapter in accordance with the procedures for abatement of nuisances contained in Title III, Chapter 2 of the City of Maquoketa Code of Ordinances.

2. If it is determined that an emergency exists by reason of the continuation or creation of a nuisance under this Chapter, the City Manager may abate the nuisance in accordance with the procedures of Section 3-2-8 of the City of Maquoketa Code of Ordinances.

3. When applicable, along with stating whatever corrective action must be taken in any given situation, the notice to abate a nuisance shall state whether any occupants must vacate the structure and by when.

4. When applicable, each entrance to a nuisance building or structure shall be posted with a public notice stating: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF MAQUOKETA." Any individual that enters the building or structure or removes said public notice without proper authority shall be in violation of this Chapter.

6-23-12 VIOLATIONS. The violation of any provision of this Chapter shall constitute a violation of the City of Maquoketa Code of Ordinances and shall subject the violator to the following penalties:

1. Any owner who violates any provision of this Chapter shall be guilty of a simple misdemeanor.

2. Any violation of this Chapter or failure to perform any act or duty or requirement of this Chapter shall constitute a municipal infraction under Title III, Chapter 17 of this Code of Ordinances.

3. The foregoing provisions concerning enforcement of this Chapter are not exclusive but are cumulative to any other remedies available under state law or local ordinance.

(Ord. 1126, Passed January 18, 2016)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 24 WELL REGULATION

6-24-1 Scope	6-24-5 Rear Yard
6-24-2 Permit Required	6-24-6 Number of Accessory Buildings
6-24-3 Registration of Pre-Existing Wells	6-24-7 Materials
6-24-4 Permit Process	6-24-8 Principal Structures

6-24-1 SCOPE. The provisions of this chapter shall apply to all private water wells located or to be constructed within the city limits of Maquoketa, Iowa, including but not limited to, new construction and modification of existing wells.

6-24-2 PERMIT REQUIRED. No person shall construct, modify, and/or repair a private well in the City of Maquoketa, Iowa or own/use a well-constructed after the effective date of this provision, unless a permit has been issued for the well by the Maquoketa City Manager. This permit shall be in addition to any permits required by the State or County. This requirement shall not apply to monitoring wells used for soil and groundwater investigation.

6-24-3 REGISTRATION OF PRE-EXISTING WELLS. Any person who owns property in the City of Maquoketa, Iowa, which has a well, other than a monitoring well, which was constructed prior to the effective date of the ordinance as codified by this chapter, shall register said well with the City. Registration forms for this may be obtained from the Water Department or from the City Administration office. There will be no fee charged for the registration of a pre-existing well.

#### 6-24-4 PERMIT PROCESS.

1. Any person desiring a well permit shall make application to the City of Maquoketa on the form prescribed by the City Manager. The City Manager shall determine the necessary information, date and testing required for the issuance of the permit.

2. In determining whether or not to issue a permit, the City Manager shall consider the availability of public water to serve the real property, building or facility, the estimated amount of water to be consumed, possible contamination of the water, and the purpose for which the water will be used. The applicant shall be required, at the applicant's expense, to have an environmental site assessment completed to determine if there are known sources of contamination within 500 feet of the proposed site. The environmental site assessment shall contain, but shall not be limited to, all information set forth in subparagraph 4 below.

3. If the property, building or facility to be served is located within 200 feet of public water, the City Manager shall automatically deny the permit, and the applicant shall be required to use the public water system.

4. If the City Manager determines, based upon the environmental site assessment, that the water is in an area of contamination or is otherwise unfit, he/she may deny the permit or make such limitations as to the use of the water from said private well as are necessary to protect life

and property. In determining what the actual area of contamination is, the City Manager shall consider current levels and areas of contamination, affected aquifer(s), as well as where the contamination might reasonably be expected to expand in the foreseeable future.

5. The application shall not be deemed complete until all information, data and testing results required by the City Manager have been submitted to him/her for consideration and required fee paid in full.

6. The City Manager shall rule upon the permit application within 30 working days of the submitting of the completed application. The City Manager may, upon good cause, extend said period for approval of the application an additional 30 working days by issuing a written notice to the applicant. Any application that is not acted upon in a timely manner by the City Manager shall be deemed to have been denied upon the expiration of time provided by this section.

7. The applicant may appeal the decision of the City Manager to the Maquoketa City Council by filing a written notice of appeal with the City Manager within ten (10) business days of the decision. The Maquoketa City Council shall meet to determine the appeal within 45 days of the date the appeal is filed.

8. The applicant shall pay an application fee in the amount set by resolution of the Council.

9. All required testing and collection of information and data shall be at the applicant's expense.

(Ord. 1146, Passed December 3, 2018)

(Ord. 1156, Passed September 3, 2019 – Repealed)

former Chapter 24, Outdoor Furnaces)

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