

**ORDINANCE NO. 2022-164**

AN ORDINANCE ADOPTING THE CITY CODE OF ORDINANCES.

Be it Ordained by the City Council of the City of Goose Lake, Iowa:

Section 1. Pursuant to published notice, a public hearing has been duly held and the City Council hereby adopts the City of Goose Lake, Iowa Code of Ordinances.

Section 2. An official copy of the City Code as adopted, including a certification by the City Clerk as to its adoption and effective date is on file at the office of the City Clerk.

Section 3. A copy of the code shall be kept available at the City Hall for public inspection and copies will be made available for sale at cost.

Section 4. All general ordinances or parts thereof passed prior to February 17, 2022, not contained in the City of Goose Lake, Iowa Code of Ordinances are hereby repealed except as hereafter provided, or special ordinances not named.

Section 5. The following ordinances are specifically saved from repeal:

NO ORDINANCES ARE SAVED FROM REPEAL.

Section 6. This ordinance shall be in full force and effect upon publication as required by Iowa law.

Passed by the City Council of Goose Lake, Iowa on the 17<sup>th</sup> day of February, 2022 and approved this 17<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
Mayor Kendell R. Schoon

Attest:

  
\_\_\_\_\_  
Teresa Lindstrom, City Clerk

Certification: I hereby certify that the foregoing was published as Ordinance Number 2022-164 on February 17, 2022.

  
\_\_\_\_\_  
Teresa Lindstrom, City Clerk

**CODE OF ORDINANCES**

**GOOSE LAKE, IOWA**

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CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION  
7600 COMMERCE PARK  
DUBUQUE, IOWA 52002

Note: 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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# TITLE I GENERAL PROVISIONS

## CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-6	Severability
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1-1-3	Prohibited Acts Include		Notes
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1-1-4	Construction		New Ordinances, Amendatory
1-1-5	Amendment		Language

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

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

10. "May" confers a power;

11. "Month" means a calendar month;

12. "Must" states a requirement;

13. "Oath" shall be construed to include an 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";

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

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

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

17. "Person" means natural person, 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;

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

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

20. "Property" includes real and personal property;

21. "Real property" includes interest in land;

22. "Shall" imposes a duty;

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

24. "State" means the State of Iowa;

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

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

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

28. "Written" includes printed, typewritten, or electronically transmitted such as a facsimile or electronic mail;

29. "Year" means a calendar year;

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

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

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

1. Gender. Any gender includes the other gender;
2. Singular and Plural. The singular number includes the plural and the plural includes the singular;
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;
4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

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

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

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the

form of an addition or amendment to the Goose Lake Municipal Code of 2016, constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code 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.

(Amended during Codification, 2005)

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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

## TITLE I GENERAL PROVISIONS

### CHAPTER 3 PENALTY

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

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

Code of Iowa, Sec. 903.1(1)(a)  
(ECIA Model Code Amended in 2008)  
(ECIA Model Code Amended in 2009)  
(ECIA Model Code Amended in 2010)  
(ECIA Model Code Amended in 2020)

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

#### 1. DEFINITIONS.

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

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

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

#### 2. VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.

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

this Code.

#### Schedule of Civil Penalties

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

Repeat Offense: Not more than one thousand dollars (\$1,000.00).  
(ECIA Model Code Amended in 2010)

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

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

### 3. CIVIL CITATIONS.

a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.

c. The original of the citation shall be sent to the Clerk of the District Court.

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

(1) The name and address of the defendant.

(2) The name or description of the infraction attested to by the officer issuing the citation.

(3) The location and time of the infraction.

(4) The amount of civil penalty to be assessed or the alternative relief sought, or both.

(5) The manner, location, and time in which the penalty may be paid.

(6) The time and place of court appearance.

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

(Amended during Codification, 2005)

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

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

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

(ECIA Model Code Amended in 2017)

(ECIA Model Code Amended in 2020)

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

## TITLE I GENERAL PROVISIONS

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

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

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

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

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

#### 1-4-2 GENERAL.

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

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

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

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

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

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

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

"You are hereby notified that an evidentiary hearing will be held before the Goose Lake City Council at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may

request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk-Treasurer."

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

1-4-5 CONDUCT OF HEARING.

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

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

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

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

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

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

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

lawfully permitted to do so.

7. Official notice.

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

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

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

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

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

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

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

1-4-6 METHOD AND FORM OF DECISION.

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

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

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

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 1 CITY CHARTER

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

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

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

(Code of Iowa, Sec. 372.4)

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

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large. Terms are for four years and are staggered.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

(Amended during codification, 2016)

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

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-6	Surety
2-2-2	Appointment of Officers	2-2-7	Blanket Position Bond
2-2-3	Terms of Appointive Officers	2-2-8	Bonds Filed
2-2-4	Vacancies in Offices	2-2-9	Boards and Commissions
2-2-5	Bonds Required		

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: City Clerk-Treasurer, Attorney, Water Superintendent, Sewer Superintendent, Park Superintendent, and Fire Chief.

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint the Mayor pro tempore.

The City Council shall appoint the first Fire Chief of the volunteer fire department for a term of two (2) years. Future Fire Chiefs shall be elected for terms of two (2) years by the members of the volunteer Fire Department, with the approval of the City Council.

All other officers shall be appointed or selected by the City 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 approved annually.

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

(ECIA Model Code Amended in July 2014)

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

(Code of Iowa, Sec. 64.13)

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.23)

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 July 2014)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-8	Powers and Duties of the Water Superintendent
2-3-2	Books and Records	2-3-9	Powers and Duties of the Sewer Superintendent
2-3-3	Deposits of Municipal Funds	2-3-10	Powers and Duties of the Fire Chief
2-3-4	Transfer of Records and Property To Successor		
2-3-5	Powers and Duties of the Mayor		
2-3-6	Powers and Duties of the City Clerk-Treasurer		
2-3-7	Powers and Duties of the City Attorney		

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

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

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

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

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

(Amended during Codification, 2005)

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

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

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

(Code of Iowa, Section 372.14(1))

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

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

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

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

Code of Iowa. Sec. 380.6

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

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

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

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

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

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

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

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

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

12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing.

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

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

(Code of Iowa, Sec. 372.13(4) and (6))  
(ECIA Model Code Amended in 2014)

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

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

3. The City Clerk-Treasurer shall cause to be posted 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 City Clerk-Treasurer shall authenticate all such measures except motions with said City Clerk-Treasurer's signature, certifying the time and place of posting when required.

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

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

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

(Code of Iowa, Sec. 384.20)

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

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

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

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

12. The City Clerk-Treasurer shall prepare the annual public report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.  
(Code of Iowa, Sec. 384.22)

13. The City Clerk-Treasurer shall maintain all City records as required by law.  
(Code of Iowa, Sec. 372.13(3) and (5))

14. The City Clerk-Treasurer shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.  
(Code of Iowa, Sec. 372.13(4))

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

16. The City Clerk-Treasurer shall furnish upon request to any municipal officer a copy of any record, paper or public document under the City Clerk-Treasurer's control as it may be necessary to such officer in the discharge of the duties of the municipal officer. The City Clerk-Treasurer shall furnish a copy of any record, paper or public document under the control of the City Clerk-Treasurer, which is not a "confidential record" as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City Council resolution. The City Clerk-Treasurer shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.  
(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)  
(ECIA Model Code Amended in 2020)

17. The City Clerk-Treasurer shall attend all meetings of committees, boards and commissions of the City. The City Clerk-Treasurer shall record and preserve a correct record of the proceedings of such meetings.  
(Code of Iowa, Sec. 372.13(4))

18. The City Clerk-Treasurer shall keep and file all communications and petitions directed to the City Council or to the City generally. The City Clerk-Treasurer shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.  
(Code of Iowa, Sec. 372.13(4))

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

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

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

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

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

(Code of Iowa, Sec. 376.4)

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.16)

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

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

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

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

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

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

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

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

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

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

2-3-7 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

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

(Amended during Codification, 2005)

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

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

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

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

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

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

(Amended during Codification, 2005)

8. The City Attorney shall sign the name of the City to all appeal bonds and to all other

bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

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

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

2-3-8 POWERS AND DUTIES OF THE WATER SUPERINTENDENT. The duties of the water superintendent shall be as follows:

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

1. The Superintendent shall be responsible for the management, operation and maintenance of the water system.

2. The Superintendent shall make a report orally or in writing every month to the Mayor and City Council on the present state of the water system. In this report shall be specifically stated the production and the general condition of the water system enterprise.

2-3-9 POWERS AND DUTIES OF THE SEWER SUPERINTENDENT. The duties of the sewer superintendent shall be as follows:

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

1. The Superintendent shall be responsible for the management, operation and maintenance of the sewer collection and treatment system.

2. The Superintendent shall make a report every month orally or in writing to the Mayor and City Council on the present state of the sewer system. In this report shall be specifically stated the production and the general condition of the sewer system enterprise.

2-3-10 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

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

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

3. The Fire Chief shall exercise and have full control over the disposition of all fire

apparatus, tools, equipment and other property used by or belonging to the fire department.

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

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

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

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

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

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

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

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member  
2-4-2 Mayor

2-4-3 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$35.00 for each meeting of the City Council.

(Code of Iowa, Sec. 372.13(8))  
(Ord. 112, Passed August 16, 2001)  
(Ord. 2011-137, Passed October 20, 2011)  
(Ord. 2018-149, Passed June 21, 2018)

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$1,000.00.

(Code of Iowa, Sec. 372.13(8))  
(Ord. 109, Passed October 21, 1999)  
(Ord. 112, Passed August 16, 2001)  
(Ord. 125, Passed January 20, 2005)  
(Ord. 2011-137, Passed October 20, 2011)  
(Ord. 2018-149, Passed June 21, 2018)

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

(Code of Iowa, Sec. 372.13(4))  
(Amended during Codification, 2005)  
(Amended during Codification, 2016)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-7	Reserved
2-5-2	Budget Amendment	2-5-8	Budget Officer
2-5-3	Reserved	2-5-9	Accounting
2-5-4	Accounts and Programs	2-5-10	Budget Accounts
2-5-5	Annual Report	2-5-11	Contingency Accounts
2-5-6	Council Transfers		

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

(Code of Iowa, Sec. 384.16)

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

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

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

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

(Amended in 2012) [Code of Iowa, Sec. 384.16(2)]  
(ECIA Model Code Amended in 2014)

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

2-5-3 RESERVED.

(ECIA Model Code Amended in July 2014)

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

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

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

(Code of Iowa, Sec. 384.20)

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

(Code of Iowa, Sec. 384.22)

2-5-6 COUNCIL TRANSFERS. When the City Clerk-Treasurer determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk-Treasurer shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk-Treasurer shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the City Clerk-Treasurer shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

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

2-5-7 RESERVED.

(ECIA Model Code Amended in July 2014)

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

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

2-5-9 ACCOUNTING. The City Clerk-Treasurer shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The City Clerk-Treasurer shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk-Treasurer and Mayor.

(Code of Iowa, Sec. 384.20)

2-5-10 BUDGET ACCOUNTS. The City Clerk-Treasurer shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-11 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the City Clerk-Treasurer shall set up in the accounting records but the City Clerk-Treasurer shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

(ECIA Model Code Amended in 2020)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 6 POSTING

- 2-6-1 Purpose  
2-6-2 Listing; Length of Notice
- 2-6-3 Removal Unlawful

2-6-1 PURPOSE. The City of Goose Lake, Iowa has no newspaper published within the corporate limits of the City, and publications of notice of elections, Ordinances and amendments may be made by posting in three public places which have been permanently designated by Ordinance.

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

2-6-2 LISTING, LENGTH OF NOTICE. The three public places where public notice of Ordinances and other matters permitted to be posted are to be displayed are:

Gateway State Bank (Goose Lake office), Goose Lake Post Office, Goose Lake City Hall

The City Clerk-Treasurer is hereby directed to promptly post all Ordinances, amendments, and City Council actions after passage. The City Clerk-Treasurer is directed to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing, or other action as required pursuant to Section 362.3 (Iowa Code) or as otherwise required by law.

(Code of Iowa, Sec. 380.7)

(ECIA Model Code Amended in 2020)

2-6-3 REMOVAL UNLAWFUL. It shall be unlawful for any person other than the City Clerk-Treasurer to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

(Amended during Codification, 2005)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 7 PARK COMMISSION

2-7-1	Park Commission Established	2-7-4	Commission Authority and Duties
2-7-2	Membership	2-7-5	Chairperson Authority and Duties
2-7-3	Chairperson	2-7-6	Payment for Services or Materials

2-7-1 **PARK COMMISSION ESTABLISHED.** A Park Commission ("Commission") is hereby established to manage the city parks and recreation trails of the City. For purposes of this section, "park" shall mean any city-owned park, recreation trail, public recreation area, or any other area as designated by the City Council.

2-7-2 **MEMBERSHIP.** The Commission shall be composed of three residents of the City of Goose Lake. Vacancies on the Commission shall be filled by individuals recommended by members of the Commission and approved by a majority of the City Council.

2-7-3 **CHAIRPERSON.** One member of the Commission shall be named Chairperson of the Commission. The Chairperson shall be chosen by the Commission members and approved by the City Council.

2-7-4 **COMMISSION AUTHORITY AND DUTIES.** The Park Commission shall have the following authority and duties:

- 1) Planning and design of any improvements to parks.
- 2) Promulgation and enforcement of appropriate park rules and regulations.
- 3) Maintenance and repair all park grounds and facilities.
- 4) Regulation of use of city park areas as necessary.
- 5) Contracting for or purchasing services and materials as needed for maintenance of and improvements to parks.
- 6) Appropriation of city funds budgeted for park use, with approval of the City Council.
- 7) Securing prior approval from the City Council for major expenditures not previously budgeted.
- 8) Obtaining donations of labor and materials, and organizing park volunteers.

2-7-5 CHAIRPERSON AUTHORITY AND DUTIES. The Chairperson of the Commission shall have the following authority and duties:

- 1) The making of periodic reports to the City Council detailing park activities, plans, improvements, and major expenditures.
- 2) Calling regular meetings of the Commission to conduct its affairs.
- 3) Making decisions when it is not possible or practical to consult the entire Commission.
- 4) Coordinating projects within parks with the water and sewer superintendents or other city employees when necessary.

2-7-6 PAYMENT FOR SERVICES OR MATERIALS. No payment for park services or materials shall be made unless prior approval has been given by the Chairperson.

(Ord. 105, September 18, 1997)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 8 RUNOFF ELECTIONS

2-8-1	Purpose	2-8-4	Date of Run-Off Election
2-8-2	Procedure for Elections	2-8-5	Votes Needed for Election
2-8-3	Run-Off Elections		

2-8-1 PURPOSE. The purpose of this ordinance is to designate the methods by which candidates for elective municipal offices in the City of Goose Lake, Iowa shall be nominated.

2-8-2 PROCEDURE FOR ELECTIONS. For the 1975 municipal election and in subsequent municipal elections of the City of Goose Lake, Iowa, all candidates for elective municipal offices shall be nominated by the procedures set forth in Chapter 376.9 of the 1997 Code of Iowa.

2-8-3 RUN-OFF ELECTION. A run-off election may be held only for positions unfilled because of failure of sufficient number of candidates to receive a majority vote in the regular city election. Candidates who do not receive a majority of the votes cast for the office, but who receives the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the run-off election.

2-8-4 DATE OF RUN-OFF ELECTION. Run-off elections shall be held four weeks after the date of the regular city election and must be conducted in the same manner as regular city elections.

2-8-5 VOTES NEEDED FOR ELECTION. Candidates in the run-off election who receive the highest number of votes cast for the office on the ballot are elected to the extent necessary to fill the positions open.

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 9 POLICE PROTECTION**

#### 2-9-1 Police Protection

2-9-1 POLICE PROTECTION. Police protection in the City of Goose Lake, Iowa shall be provided by the Clinton County Sheriff's Department.

(ECIA Model Code Amended in 2015)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 10 CITY ELECTIONS

2-10-1	Purpose	2-10-6	Filing, Presumption, Withdrawals, Objections
2-10-2	Nominating Method to be Used	2-10-7	Persons Elected
2-10-3	Nominations by Petition	2-10-8	Reserved
2-10-4	Adding Name by Petition		
2-10-5	Preparation of Petition		

2-10-1        **PURPOSE.** The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-10-2        **NOMINATING METHOD TO BE USED.** All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.  
(Code of Iowa, Sec. 376.3)

2-10-3        **NOMINATIONS BY PETITION.** Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.  
(Code of Iowa, Sec. 45.1)

2-10-4        **ADDING NAME BY PETITION.** The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.  
(Code of Iowa, Sec. 45.2)

2-10-5        **PREPARATION OF PETITION.** Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

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

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

(Code of Iowa, Sec. 45.5)

2-10-6        FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

2-10-7        PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

2-10-8        RESERVED.

(Amended during 2022 codification)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 11 CITY COUNCIL

2-11-1 Powers and Duties  
2-11-2 Exercise of Power

2-11-3 Meetings

2-11-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

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

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

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

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

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

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

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

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

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

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

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

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

7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the City Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election.

A change in the compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-11-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

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

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

(Code of Iowa, Sec. 380.4)

(Amended in 2008)

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

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

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

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

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

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

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

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

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

2-11-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council are on the third Thursday of each month at seven o'clock (7:00) p.m. in the City Council Chambers at City Hall. If such day falls

on a legal holiday or for other reason, the meeting will be held on such different day or time as determined by the City Council.

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

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

3. Quorum. A majority of all City Council members is a quorum.

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

4. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.

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

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

(Amended during 2022 codification)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 1 OFFENSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3-1-3 PUBLIC MORALS.

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

(Code of Iowa, Sec. 709.9)

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

(ECIA Model Code Amended in 2020)

### 3-1-4 STREETS.

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

(Code of Iowa, Sec. 716.5)

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

(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly.

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)  
(ECIA Model Code Amended in July 2014)

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

(Code of Iowa, Sec. 724.4)  
(ECIA Model Code Amended in 2014)

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

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

6. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

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

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

c. The City Council may, upon application in writing, grant permission for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent

organization, group or individual.

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

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

#### 7. Possession of Fireworks.

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

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

c. Prohibition. No person shall possess fireworks except as provided in this Chapter.  
(Amended during Codification, 2005)

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

#### 9. Harassment of City Employees.

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

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 364.12)

13. Littering Prohibited.

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

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

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

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

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

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

(ECIA Model Code Amended in 2017)

3-1-6 PUBLIC PROPERTY.

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

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

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

(Code of Iowa, 364.12(2))

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

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

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

(ECIA Model Code Amended in July 2014)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

(ECIA Model Code Amended in July 2014)

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

(Code of Iowa, Sec. 716.1)

8. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road

by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.

(Code of Iowa, Sec. 716.1)  
(Amended during Codification, 2005)

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

(Code of Iowa, Sec. 716.1)  
(ECIA Model Code Amended in July 2014)

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

(Code of Iowa, Sec. 727.8)  
(Amended during Codification, 2005)

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

(Code of Iowa, Sec. 716.1)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 2 NUISANCES

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

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

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

(Code of Iowa, Sec. 657.1)  
(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, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

k. Weeds. Any condition relating to weeds which is described as a nuisance in the Goose Lake 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. Dense growth shall be defined as grasses and weeds over 9 inches tall.

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

(Amended during Codification, 2005)

(ECIA Model Code Amended in 2017)

l. Trees infected with Dutch elm disease; and trees infected with emerald ash borer, also known by the acronym EAB.

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

(Ord. 2021-153, Passed September 16, 2021)

m. Reserved.

(ECIA Model Code Amended in 2020)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 657.2)

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

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

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

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

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

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

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

w. Dangerous buildings or structures.

x. Abandoned buildings.

y. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open

foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

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

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

bb. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ECIA Model Code Amended in 2020)

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 657.3)

(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.

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

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

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

3. The numbering of buildings.

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

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

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

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

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

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

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

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

(Amended during Codification, 2005)

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:

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

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

2. The location of the nuisance or condition.

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

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

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

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

(Code of Iowa, Sec. 364.12(3)(h))  
(ECIA Model Code Amended in 2014)

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

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

(ECIA Model Code Amended in 2017)

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

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

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

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The City Clerk-Treasurer shall mail a

statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk-Treasurer shall certify the costs to the County Auditor and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential, commercial or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under 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)

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 3 TRAFFIC CODE

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

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

1. Alley. "Alley" means that portion of a platted block intended for purposes of vehicular traffic and ordinarily known as an alley.

2. Authorized emergency vehicle. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, emergency unit vehicles and such ambulances and emergency vehicles as may be designated or authorized by the City Council either by order of or consent of the City Council.

3. Bicycle. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over twenty inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

4. Business District. "Business District" shall mean the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

5. Crosswalk. "Crosswalk" means:

a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway:

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

6. Curb loading zone. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during loading or unloading of passengers or materials.

7. Driver. "Driver" means every person who drives or is in actual physical control of a vehicle.
8. Freight curb loading zone. "Freight curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of freight.
9. Intersection. "Intersection" means the area embraced within the prolongation or connection of a 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 in the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
10. Laned roadway. "Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
11. Motorcycle. "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.
12. Motor vehicles. "Motor vehicles" means every vehicle which is self-propelled.
13. No passing zone. "No passing zone" means that part of a roadway where official signs are in place prohibiting vehicles from overtaking and passing vehicles proceeding in the same direction or a distinctive center line or off-centerline is marked, which distinctive line also so directs traffic, or as so declared in the sign manual adopted by the State Highway Commission."
14. Official time standard. "Official time standard." Whenever certain hours are named herein they shall mean Central Standard Time or Daylight Savings Time, as may be currently in use in this City.
15. Official traffic-control devices. "Official traffic control devices" means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of the City Council.
16. Park and parking. Means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
17. Passenger curb loading zone. "Passenger curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
18. Pedestrian. "Pedestrian" means any person afoot.
19. Person. "Person" means every natural person, firm, co-partnership, association or corporation.

20. Police Officer. "Police Officer" means every officer of the Clinton County Sheriff Department or any officer authorized to direct or regulate traffic or to make arrest for violation of traffic regulations.

21. Railroad. "Railroad" means a carrier of persons or property upon cars, operated upon stationary rails.

22. Railroad train. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

23. Residential District. Means all areas of the City not included in business districts.

24. Right-of-way. "Right-of-way" means the privilege of the immediate use of the roadway.

25. Roadway. "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel; in the event a highway includes two or more separate roadways, the term roadway as used herein refers to any such roadway separately but not to all such roadways collectively.

26. Safety zone. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

27. School District. "School District" shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

28. Sheriff. "Sheriff" means the Sheriff of Clinton County.

29. Sidewalk. "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.

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

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

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

(Amended during Codification, 2005)

33. Street or highway. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

34. Suburban District. "Suburban District" shall mean all other parts of the City not included in the business, school or residence districts.

35. Through highway. "Through highway means every street or highway or portion thereof at the entrances of which vehicular traffic from intersecting streets or highways is required to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

36. Traffic. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together, while using any street for purposes of travel.

37. Traffic-control signal. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop and to proceed.

38. Vehicle. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails.

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

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

3-3-4 **SHERIFF'S DEPARTMENT TO SUBMIT MONTHLY REPORTS.** The Sheriff may prepare monthly a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

#### ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 **AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.** Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 **INVESTIGATION OF ACCIDENTS REPORTED.** The Sheriff's department shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be

taken to punish the violator.

3-3-7 TRAFFIC ACCIDENT STUDIES. Whenever the accidents at any particular location become numerous, the Sheriff's Department may conduct studies of such accidents and propose remedial measures.

3-3-8 DRIVER'S FILES MAINTAINED. The Sheriff's Department shall maintain a suitable record of all traffic accidents.

3-3-9 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.

15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
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18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.

38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.

60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.
75. 321.367 Failure to maintain distance fire-fighting vehicle.
76. 321.368 Crossing unprotected fire hose.
77. 321.369 Putting debris on highway/roadway.
78. 321.370 Removing injurious material.
79. 321.371 Clearing up wrecks.
80. 321.372 School bus provisions.
81. 321.377 Excessive speed of school bus.
82. 321.381 Driving or towing unsafe vehicle.

83. 321.382 Operating underpowered vehicle.
84. 321.383 Failure to display reflective device on slow-moving vehicles.
85. 321.384 Failure to use headlamps when required.
86. 321.385 Insufficient number of headlamps.
87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
88. 321.387 Improper rear lamp.
89. 321.388 Improper registration plate lamp.
90. 321.389 Improper rear reflector.
91. 321.390 Reflector requirements.
92. 321.391 Improper type of reflector.
93. 321.392 Improper clearance lighting on truck or trailer.
94. 321.393 Lighting device color and mounting.
95. 321.394 No lamp or flag on rear-projecting load.
96. 321.395 Parking on certain roadways without parking lights.
97. 321.397 Improper light on bicycle.
98. 321.398 Improper light on other vehicle.
99. 321.402 Improper use of spotlight.
- 100.321.403 Improper use of auxiliary driving lights.
- 101.321.404 Improper brake light.
- 102.321.408 Back-up lamps.
- 103.321.409 Improperly adjusted headlamps.
- 104.321.415 Failure to dim.
- 105.321.419 Improper headlighting when night driving.

- 106.321.420 Excessive number of driving lights.
- 107.321.422 Lights of improper color-front or rear.
- 108.321.423 Special light/signal provision.
- 109.321.430 Defective braking equipment.
- 110.321.431 Brake performance ability.
- 111.321.432 Defective audible warning device.
- 112.321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
- 113.321.434 Use of siren or whistle on bicycle.
- 114.321.436 Defective or unauthorized muffler system.
- 115.321.437 Mirrors.
- 116.321.438 Windshields.
- 117.321.439 Defective windshield wiper.
- 118.321.440 Defective tires.
- 119.321.441 Unauthorized use of metal tire or track.
- 120.321.442 Unauthorized use of metal projection on wheels.
- 121.321.444 Failure to use safety glass.
- 122.321.445 Failure to maintain or use safety belts.
- 123.321.446 Failure to secure child.
- 124.321.449 Special regulations.
- 125.321.450 Hazardous materials.
- 126.321.454 Width and length violations.
- 127.321.455 Excessive side projection of load – passenger vehicle.

- 128.321.456 Excessive height.
- 129.321.457 Excessive length.
- 130.321.458 Excessive projection from front of vehicle.
- 131.321.459 Excessive weight – dual axels (each over 2000 lb. over).
- 132.321.460 Spilling loads on highways.
- 133.321.461 Excessive tow-bar length.
- 134.321.462 Failure to use required towing equipment.
- 135.321.463 Maximum gross weight.
- 136.321.466 Gross weight in excess of registered gross weight (for each 2000 lb. over).  
(Amended during Codification, 2005)  
(ECIA Model Code Amended in 2008)

#### TRAFFIC CONTROL DEVICES

3-3-10 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Sherriff shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Sherriff shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)  
(ECIA Model Code Amended July 2014)

3-3-11 SHERIFF TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Sheriff is hereby authorized:

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

2. To mark lanes for traffic on street pavements at such places as traffic conditions require,

consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-12 PLAY STREETS. The Sheriff has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

### SPEED REGULATIONS

3-3-13 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

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

35 miles per hour on Highway 136 along the length of the Northeast Community School District property.

(Code of Iowa, Sec. 321.290)

(Ord. 2017-147, Passed March 15, 2018)

30 m.p.h. on Highway 136 from the Northeast school property, continuing through Goose Lake to the edge of the city limits.

(Amended during 2022 codification)

3-3-14 STATE SPEED LAWS APPLICABLE. No person shall drive or operate a vehicle at a speed greater than, nor less than is reasonable and prudent under the conditions and having regard to the traffic, surface, and width of the street or highway and of any other conditions then existing and no person shall drive or operate any vehicle upon a street or highway at a speed greater than will permit such person to bring it to a stop within the assured clear distance ahead, such driver or operator having the right to assume, however, that all persons using said street or highway will observe the law. The state traffic laws regulating the speed of vehicles, and specifically Section 321.285 of the 1979 Code of Iowa, and any amendments thereto, shall be applicable upon all streets within this City except that the following speed restrictions are adopted:

1. Business district, twenty miles per hour;

2. Residence district, twenty-five miles per hour;
3. School district, twenty-five miles per hour;
4. Suburban district, forty-five miles per hour.

## TURNING MOVEMENTS

3-3-15 TURNING MARKERS, BUTTONS AND SIGNS. The Sheriff may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-16 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Sheriff is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-17 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-18 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

## ONE-WAY STREETS AND ALLEYS

3-3-19 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Sheriff shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-20 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction: none

3-3-21 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Sheriff is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other

devices to give notice thereof. The Sheriff may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section: none.

### SPECIAL STOPS REQUIRED

3-3-22 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways: Highway 136

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-23 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Sheriff to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-24 STOPS OR YIELD AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the City Council shall determine whether vehicles shall stop or yield at one or more entrances to any such intersection and shall erect an appropriate sign at every such place when a stop or yield is required.

Every driver of a vehicle or motorized man-driven equipment shall stop or yield at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal.

(Ord. 80, Passed June 10, 1982)

### Stop Signs

1. Stop at Highway 136 on Main Street going south.
2. Stop at Main Street on Jackson Boulevard going west.
3. Stop at Main Street on Public Street going west.
4. Stop at Highway 136 on Emma Court going south.
5. Stop at Main Street on Emma Court going west.
6. Stop on Main Street at Jackson Boulevard going north.

7. Stop on Main Street at Jackson Boulevard going south.
8. Stop on Jackson Blvd at Public Street going west.  
(Amended during codification, 2016)

### Yield Intersections

None

3-3-25 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

3-3-26 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site. School Stop: None

3-3-27 REQUIRED FOR ENFORCEMENT PURPOSES -- WHEN. No provisions of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in regular position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

### PEDESTRIANS' RIGHTS AND DUTIES

3-3-28 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-29 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

3-3-30 PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS. Every person propelling any push cart or riding any animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of those sections applicable to the driver of any vehicle, except those provisions of which by their nature can have no application.

3-3-31 USE OF COASTING DEVICES AND SIMILAR DEVICES RESTRICTED. No person upon roller skates, roller blades, skateboards or footing in or by means of any coaster, toy vehicles

or similar device shall go upon any roadway except while crossing a street or a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of this City.

## METHOD OF PARKING

3-3-32 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

3-3-33 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-34 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The City Council, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-35 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings. Angle Parking: Main Street

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

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

emergency.

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

3-3-37 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
8. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
9. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
10. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.
11. At any place where official signs or curb markings prohibit stopping, standing or parking.
12. In an alley under any fire escape at any time.

3-3-38 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Sheriff may cause

curbings to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first served the permission of the Sheriff, to paint any curbings, sidewalk, or street with yellow or orange colored paint or to erect "no parking" signs.

(Code of Iowa, Sec. 321.358(10))  
(Amended during Codification, 2005)

3-3-39 AUTHORITY TO IMPOUND VEHICLES. Members of the Sheriff's department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Sheriff's department, or otherwise maintained by the City, under the following circumstances:

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

2. When any vehicle is left unattended upon a street and is so, illegally parked as to obstruction to the normal movement of traffic, or blocking a private driveway.

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

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

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

Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows who is the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Whenever an officer removes a vehicle from a street under this section and does not know and is unable to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinafter provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the State Department whose duty is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or

place where the vehicle is stored.

## STOPPING, STANDING OR PARKING

3-3-40 **PARKING SIGNS REQUIRED.** Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Sheriff to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-41 **PARKING DURING SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

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

(Code of Iowa, Sec. 321.236)

3-3-42 **ALL-NIGHT PARKING PROHIBITED.** No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-43 **TRUCK PARKING LIMITED.**

1. **Loading or Unloading.** It shall be unlawful for any motor truck, carrier, van, stock truck, truck tractor, semi-trailer or bus of any kind more than eighteen feet in length to stop, park or to be left standing on any street except for the purpose of loading or unloading and then only so long as it is necessary for the loading or unloading, and not to exceed thirty minutes at one time.

2. **Residential Areas.** It shall be unlawful for any motor truck, carrier, van stock truck, truck trailer, semi-trailer or bus with a gross weight capacity of over 15 tons or over 30 feet long to park on the traveled portion of any street right-of-way located with the residential areas of the City for a period exceeding 3 hours, and in no event more than 2 hours after sunset nor more than 2 hours before sunrise, and only if parking lights are left on if parked during those night-time hours.

3. **Narrow Streets.** Parking of a motor truck, van, truck, tractor, semi-trailer or bus

exceeding 15 tons gross weight or 30 feet long on streets which are less than 25 feet back to back curbs is prohibited.

4. Nuisance. No stock truck or other vehicle which has not been cleaned or its contents sealed against emission of obnoxious odors shall be parked in the public streets or parking lots for more than 60 minutes. No truck with auxiliary motor, such as refrigerator motor, shall be parked in the City for more than 60 minutes at any one time.

3-3-43A TRAILERS. Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the City.

(ECIA Model Code Amended in 2020)

3-3-44 PARKING IN ALLEYS.

1. No person shall park or allow to stand any vehicle in any alley where official signs indicated that parking is prohibited.

2. In alleys where parking is not prohibited, no person shall park a vehicle or allow a vehicle to stand in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any building or other abutting property.

3-3-45 DOUBLE PARKING. No motor vehicle shall be permitted to stop and double park within the City. Parking parallel with and more than eighteen inches from the curb shall be considered double parking.

3-3-46 LOADING ZONES. The Council shall by resolution from time to time establish such loading zones as the Council may deem advisable, and no parking shall be permitted in said loading zones except for the purpose of loading or unloading.

3-3-47 LIMITED PARKING ZONES. The Council may from time to time establish limited parking zones upon the streets and alleys of the City.

3-3-48 SPECIAL PARKING ZONES. The Council may from time to time establish by resolution parking zones restricted for doctors and physicians and which areas shall be designated by proper signs and signifying such zones.

3-3-49 PARKING VIOLATIONS: ALTERNATE. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine of five dollars (\$5.00).

3-3-50 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as hereinbefore

provided shall be attached to the vehicle in a conspicuous place.

3-3-51 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. The particular vehicle described in the information was parked in violation of this chapter, and

2. The defendant named in the information was the registered owner at the time in question.

#### MISCELLANEOUS DRIVING RULES

3-3-52 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

3-3-53 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-54 TRESPASSING ON GUARDED STREETS OR OTHER AREAS PROHIBITED. It is unlawful for the driver of any vehicle or for any pedestrian, without authority, to trespass on foot or with any vehicle or any conveyance, upon any street or alley or any part thereof, which is enclosed or guarded with safeguards or indicated by signs or signals, placed or erected for the purpose of guarding or protecting or repairing, constructing, reconstructing, grading, resurfacing or paving of any street or alley or any part thereof, or for the purpose of guarding or protecting the constructing or reconstructing of any sewers, water, light, gas or other public work thereon.

3-3-55 REGULATING THE HAULING OR CARRYING OF CERTAIN CHATTELS. It is unlawful for any person to haul or convey upon streets, alleys or public places within the corporate limits of the City, in or upon any vehicle, building material, fixtures, tools, machines or other inanimate chattels which extend more than four feet beyond the rear of such vehicle, or more than three feet in front of such vehicle, without displaying a red signal during the period from one-half hour before sunrise to one-half hour after sunset, and a red light during the period from one-half hour after sunset to one-half hour before sunrise.

3-3-56 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter.

3-3-57 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive

as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-58 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Sheriff's department.

3-3-59 INTENT TO INJURE. It is unlawful for any person, with intent to commit any malicious mischief, injury or other crime, to climb into or upon a vehicle whether it is in motion or at rest, or with like intent, to manipulate any of the levers, starting mechanisms or devices while the same is at rest or unattended, or with like intent, to set in motion any vehicle while the same is at rest or unattended.

3-3-60 OBSTRUCTION TO DRIVER'S VIEW. No person shall drive a vehicle when it is so loaded, or when there are in front seat of such number of person, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicles or as to interfere with the driver's control over the driving mechanism of the vehicle. No person in such vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

3-3-61 PARADES AND PROCESSIONS -- PERMISSION REQUIRED WHEN. No procession or parade containing fifty or more persons or ten or more vehicles, excepting forces of the United States Army, Navy or Marine Corps, the military force of this state and the forces of the Sheriff and Fire departments, shall occupy, march or proceed along any street except in accordance with permission granted by the City Council and such other regulations as are set forth herein which may apply.

3-3-62 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

3-3-63 SQUEALING TIRES. No person shall squeal the tires of any vehicle within the City limits.

3-3-64 PARKS, ALLEYS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, alley, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.

3-3-65 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the driver's thereof sound audible signal by bell, siren and whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

3-3-66 OPERATION ON APPROACH OF EMERGENCY VEHICLES. Upon the immediate

approach of an authorized emergency vehicle with any lamp or device displaying a red light or flashing red light from directly in front thereof, or when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

## LOAD AND WEIGHT RESTRICTIONS

3-3-67 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on the signs at any time upon any of the following streets or parts of streets: None

3-3-68 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow, or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

3-3-69 PERMITS FOR EXCESS SIZE AND WEIGHT. The City Council may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law over those streets named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

3-3-70 TRUCK ROUTES.

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

2. Any motor vehicle weighing five tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route, not to exceed thirty minutes.

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

## BICYCLE REGULATIONS

3-3-71 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. “Bicycles” shall mean either of the following:

a. A device having two 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 2008)

3-3-72 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-73 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat, attached thereto.

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

3-3-74 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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

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

3-3-75 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-76 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-77 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-78 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-79 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

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

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

3-3-80 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

## SNOWMOBILES

3-3-81 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-82 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

A north-south route described as starting at the north City limits of Goose Lake on Main Street, and continuing south on Main Street to where the same joins the east-west route, described as: Starting at the east City limits on Highway 136 to the west City limits of the City of Goose Lake, Iowa.

The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

3-3-83 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

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

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

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

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

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

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

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

3-3-84 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

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

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

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

3-3-85 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-86 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-87 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

#### OTHER VEHICLE TYPES

3-3-88 VEHICLE TYPES. This section shall apply to self-propelled recreational vehicles commonly known as All Terrain Vehicles (ATVs), go-carts, motorcycles, mini-bikes and similar type vehicles.

3-3-89 REGULATIONS. It shall be unlawful for any person to operate operational vehicles under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

#### OFF-ROAD VEHICLES

3-3-90 – 3-3-94 RESERVED.

#### GOLF CARTS

3-3-95 DEFINITIONS. For use in this ordinance “golf cart” is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-96 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver’s license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a

primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa.

## PENALTIES AND PROCEDURE ON ARREST

3-3-97 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this chapter at the Clerk of Court's office as provided therein.

3-3-98 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-99 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person to the Clerk of Court within seven days of the violation, for the following parking violations:

- |   |   |
|---|---|
| 1. Illegal parking                      | \$ 5.00   |
| 2. Street cleaning                      | \$ 5.00   |
| 3. Snow removal ban                     | \$ 5.00   |
| 4. Persons With Disabilities<br>Parking | \$200.00<br>(Code of Iowa, Sec. 321L.4(2))<br>(Amended during codification, 2016) |

3-3-100 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the seven days, the Clerk of Court shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

### 3-3-101 VEHICULAR NOISE

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal

sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

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

### 3-3-102 ENGINE AND COMPRESSION BRAKES.

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

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

(Amended during Codification, 2005)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 3A CONSTRUCTION AND RECONSTRUCTION OF ROADWAYS AND BRIDGES

3-3A-1 Purpose

3-3A-3 Design Criteria

3-3A-2 Level of Service

3-3A-1 PURPOSE. The purpose of this ordinance is to establish “CLINTON” County’s policy for the construction of roads, reconstruction of roads, construction of bridges, reconstruction of bridges and other roadway and drainage features associated with road and bridge construction.

3-3A-2 LEVEL OF SERVICE. The level of service shall be based on traffic counts, pavement type, roadway geometrics and other data used in accepted engineering design as established by the County Engineer, Iowa Department of Transportation and the Federal Highway Administration.

3-3A-3 DESIGN CRITERIA. In implementation, this policy shall set the minimum design standards that “” County will follow in the construction or reconstruction of roads and bridges. These criteria shall be based on accepted engineering practices and standards established by the Iowa Department of Transportation and the Federal Highway Administration.

The County Engineer shall assure the minimum design standards established herein are adhered to in a uniform manner unless, in his or her professional judgment, a deviation from standards is warranted. Minimum design standards are not subject to discretionary enforcement. Any deviations must be documented as unreasonable and or impossible to implement by the County Engineer and/or the County Board of Supervisors.

#### PAVED ROUTES

##### 1. New Pavement.

a. New pavement shall be constructed with a 22’ wide pavement and granular shoulders. Intersections with non-paved roads shall have pavement extended back onto the intersecting road 50’ beyond the end of the intersection radius.

b. Paved shoulders and edge line rumble stripes shall be constructed if crash data warrants based on accepted HSIP and TSIP cost/benefit analysis.

c. Concrete rumble strips shall be installed on all approach stop situations.

d. Concrete pavement will be the first choice for pavement provided clear zone and shoulder widths can be maintained by design requirements.

2. Reconstruction of Pavement.
  - a. Paved roads shall be reconstructed with a 22' wide pavement or to the previous pavement width, whichever is greater with granular shoulders.
  - b. Concrete rumble strips shall be installed on all approach stop situations.
  - c. Concrete pavement will be the first choice for pavement provided clear zone and shoulder widths can be maintained by design requirements.

#### UNPAVED ROADS.

1. Gravel Roads.
  - a. New construction of a gravel road shall have a 28' finished top, including shoulders.
  - b. Reconstruction of a gravel road shall be to the previous width prior to reconstruction.
2. Class B & C Roads
  - a. Class B and C roads will be built to the minimums as outlined by Iowa Code.

#### BRIDGES AND DRAINAGE STRUCTURES.

1. Paved Routes.
  - a. Bridges on paved routes shall be built with a minimum width of 30'. Wider structures will be installed when there are issues relating to oversized vehicles, pedestrian facilities, biking usage or other issues where the additional width is felt to be warranted.
  - b. Culverts under paved roads shall be concrete.
  - c. Pipe culverts larger than 54" in diameter may be substituted with reinforced box culverts.
  - d. Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.
  - e. Water and livestock will use separate structures whenever possible.
2. Unpaved Routes.
  - a. Bridges will normally be a minimum of 24' on gravel roads. Dead end roads may be

narrower at the discretion of the County Engineer.

b. Culverts may be metal or concrete. Pipe culverts larger than 54” in diameter may be substituted with reinforced box culverts.

c. Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.

d. Water and livestock will use separate structures whenever possible.

3. Class B & C Roads.

Class B and C roads will be built to the minimums as outlined by Iowa Code.

4. Entrance Bridges.

Any and all bridges/drainage structures that are fully or partially in the road right-of-way that serve as entrances to private property from the public roadway shall be considered the jurisdiction and responsibility of the County. If a structure does not sit fully or partially in the road right-of-way, it will be considered a private structure and not under the jurisdiction of the county.

(Ord. 2015-141, September 17, 2015)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 3B OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

3-3B-1	Purpose	3-3B-7	Equipment
3-3B-2	Definitions	3-3B-8	Unlawful operation
3-3B-3	General Regulations	3-3B-9	Parking
3-3B-4	Places of Operation	3-3B-10	Penalty/Revocation
3-3B-5	Negligence	3-3B-11	Limitation of liability of city and adjoining owners
3-3B-6	Accident Reports		

3-3B-1 PURPOSE. The purpose of this chapter is to permit the operation of all-terrain vehicles (ATVs), off-road utility vehicles/utility terrain vehicles (UTVs), and golf carts on streets in the city.

3-3B-2 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ALL-TERRAIN VEHICLE or ATV. Motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. This definition of ALL-TERRAIN VEHICLE shall not include off-road motorcycles.

(Iowa Code § 321I.1(1))

2. GOLF CART. A four-wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf that is either electric powered or gas powered with an engine displacement of less than 300 cubic centimeters, and a total dry weight of less than 800 pounds.

3. OFF-ROAD UTILITY VEHICLE or UTILITY TERRAIN VEHICLE or UTV. A motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. OFF-ROAD UTILITY VEHICLE includes the following vehicles:

a. Off-road utility vehicle-type 1. An OFF-ROAD UTILITY VEHICLE with a total dry weight of 1,200 pounds or less and a width of 50 inches or less;

b. Off-road utility vehicle-type 2. An OFF-ROAD UTILITY VEHICLE, other than off-road utility vehicle-type 1, with a total dry weight of 2,000 pounds or less, and a width of 65 inches or less;

c. Off-road utility vehicle-type 3. An OFF-ROAD UTILITY VEHICLE with a total

dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.  
(Iowa Code § 321I.1(17))

1) No person shall operate an ATV or UTV within the city in violation of the provisions of Iowa Code Ch. 321I or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation.

(Iowa Code Ch. 321I)

2) No person shall operate an ATV, UTV or golf cart on the streets of the city unless the person is at least 18 years of age, possesses a valid driver's license, and possesses a city operation permit for the operation of an ATV, UTV or golf cart within the city in accordance with this chapter.

3) Persons who operate on roadways in the city must register an ATV or UTV with the Iowa Department of Natural Resources, as required by state law. The following additional conditions apply:

A. The owner of each ATV or UTV shall be required to provide proof of ownership including but not limited to, bill of sale, IDNR registration or registration from similar entity from another state, proof of liability insurance with minimum coverages required by Iowa Code §§ 321.20B and 321A.21, or \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage for liability, whichever is greater.

B. The operator must display current registration decal from the issuing authority and carry the registration certificate on board for examination by law enforcement officers.

4) No person shall operate a golf cart on streets within the city, except in compliance with Iowa Code § 321.247. Further, no person shall operate a golf cart on the streets of the city without proof of liability insurance with minimum coverages required by Iowa Code § 321.20B, or \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage for liability, whichever is greater.

3-3B-3 PLACES OF OPERATION. The operators of ATVs, UTVs, and golf carts shall comply with the following restrictions:

1. Streets. ATVs, UTVs, and golf carts may be operated on city streets only as permitted by this section. ATVs, UTVs, and golf carts may stop at service stations or convenience stores along any permitted street.

Prohibited streets and operating speeds. ATVs and UTVs shall not be operated on any street at a speed exceeding 35 miles per hour on any street or roadway within the city. Golf carts shall not be operated on any street with a posted limit in excess of 20 miles per hour. Golf carts shall not traverse any primary road extension or any other road posted at over 20 miles per hour,

regardless of the need to reach permitted areas of use.

Exceptions to prohibited streets. The city and its authorized employees may, as operations dictate, operate UTVs, ATVs, or golf carts on prohibited streets for the purpose of construction or maintenance per Iowa Code § 321.234A.

(Iowa Code § 321I.14(1h))

3-3B-4 NEGLIGENCE. The owner and operator of an ATV, UTV, or golf cart is liable for any injury or damage occasioned by the negligent operation of the ATV, UTV or golf cart.

(Iowa Code, § 321I.19)

3-3B-5 ACCIDENT REPORTS. Whenever an ATV, UTV or golf cart is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer as required under Iowa Code §§ 321I.11 and 321.266.

(Iowa Code, § 321I.11)

3-3B-6 EQUIPMENT.

1. ATVs, UTVs, and golf carts operated upon city streets shall be equipped with at least the following:

a. Golf carts shall have mounted a bicycle safety flag, the top of which shall be a minimum of five feet from ground level, and a slow-moving vehicle sign;

b. Adequate brakes;

(Iowa Code § 321I.13)

c. Headlights from sunset to sunrise (applicable to ATVs and UTVs);

d. Tail lights;

e. Rear mirrors;

f. Side mirrors;

g. Safety belts (UTVs only);

h. Muffler system limiting engine noise to not more than 86 decibels.

2. Golf carts shall operate only from sunrise to sunset.

(Iowa Code § 321I.12)

3. If an ATV or UTV is not equipped with a windscreen, operators and passengers shall wear eye protection in the form of goggles, safety glasses, eye glasses, or sunglasses.

### 3-3B-7 UNLAWFUL OPERATION.

1. No person shall operate an ATV, UTV, or golf cart on a city street without being 18 years of age and possessing a valid driver's license.
2. No ATVs, UTVs or golf carts shall be operated or parked upon city sidewalks, trails, or other city land, unless clearly marked for ATV, UTV or golf cart use.
3. No ATVs, UTVs, or golf carts shall be operated on private property without the express consent of the property owner.
4. No ATVs, UTVs or golf carts shall be operated while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.  
(Iowa Code § 321I.14(1c))
5. No person shall operate an ATV, UTV, or golf cart in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.  
(Iowa Code § 321I.14(1b))
6. No ATVs, UTVs, or golf carts shall be operated in violation of the traffic laws of the city and the state.
7. No ATVs, UTVs, or golf carts shall carry more passengers than that for which the ATVs, UTVs or golf carts are designed.
8. No person shall ride in a UTV unless seated in a designated seat and secured with a safety belt.
9. No seat shall be used by more than one person at a time.
10. No cargo, materials, supplies, or other items may be transported on ATVs, UTVs, or golf carts without being properly restrained.
11. No ATV or UTV shall be operated without a lighted headlight and tail light from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.  
(Iowa Code § 321I.14(1d))
12. No person shall leave an ATV, UTV, or golf cart unattended on public property while the motor is running or the keys are in the ignition switch.
13. No person shall operate an ATV, UTV, or golf cart in the city park, or trail.
14. Proof of insurance as required in this chapter must be maintained during operation of

all ATVs, UTVs or golf carts.

3-3B-8 PARKING. ATVs, UTVs, and golf carts may be parked in city parking lots or on any city street where vehicle parking is permitted.

3-3B-9 LIMITATION OF LIABILITY OF CITY AND ADJOINING OWNERS. The city and the owners or tenants of property adjoining public lands or right-of-way of a public street or roadway and their agents and employees owe no duty of care to keep public lands, ditches, or land contiguous to a street or roadway under the control of the city safe for entry or use by persons operating an ATV, golf cart, or off-road utility vehicle, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. This section does not create a duty of care or grounds for liability on behalf of the city, or owners or tenants of property adjoining public lands or the right-of-way of public street or roadways and their agents and employees for injury to persons or property in the operation of an ATV, golf cart, or off-road utility vehicle in a ditch or on land contiguous to a street or roadway under the control of the city. The city, and the owners or tenants of property adjoining public lands or the right-of-way of a public street or roadway and their agents and employees are not liable for the operation of an ATV, golf cart, or off-road utility vehicle in violation of this chapter.

(Ord. 2021-154, November 18, 2021)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 4 SWIMMING POOL FENCES**

3-4-1	Outdoor Swimming Pools	3-4-4	Variance
3-4-2	Barrier Construction	3-4-5	Artificially Constructed Swimming Pool
3-4-3	Natural Swimming Areas	3-4-6	Permit Fee

3-4-1 OUTDOOR SWIMMING POOLS. All present or hereinafter artificially constructed outdoor swimming pools shall be enclosed by a four (4) foot barrier.  
(Ord. 93, Passed March 19, 1992)

3-4-2 BARRIER CONSTRUCTION. Such barrier shall be of such material and structure as to prevent infant children from crawling through the same and shall be of sufficient strength and anchoring so as to support two hundred fifty (250) pounds of side pressure weight per ten (10) feet of length without collapsing.  
(Ord. 93, Passed March 19, 1992)

3-4-3 NATURAL SWIMMING AREAS. This Ordinance shall not apply to natural swimming areas nor to agricultural land waters.  
(Ord. passed November 15, 1990)

3-4-4 VARIANCE. The City Engineer, with the approval of the City Council, may grant a variance from the foregoing fencing requirements.  
(Ord. passed November 15, 1990)

3-4-5 ARTIFICIALLY CONSTRUCTED SWIMMING POOLS. This Ordinance shall be constructed as applying to artificially constructed swimming pools even though they may not be in use; all persons in a proprietorship of any artificially constructed swimming pool shall, within thirty (30) days from the passage of this Ordinance, construct a fence; all persons thereafter constructing such a swimming pool shall so enclose the same before commencing water fill thereof.  
(Ord. passed November 15, 1990)

3-4-6 PERMIT FEE. An application for a permit must be filled out and submitted to the City Clerk by the Friday prior to the week of the regular City Council meeting along with the permit fee of \$25.00. City Clerk will add the item to the agenda for City Council approval. All permit requests will be inspected prior to approval.  
(Ord. 2021-156, Passed November 18, 2021)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 5 FIRE PROTECTION

3-5-1	Establishment and Purpose	3-5-5	Liability Insurance
3-5-2	Volunteer Fire Fighters	3-5-6	Fires Outside City Limits
3-5-3	Fire Fighter's Duties	3-5-7	Implementing Junior Firefighter Program
3-5-4	Worker's Compensation and Hospitalization Insurance		

3-5-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

3-5-2 VOLUNTEER FIRE FIGHTERS. Members of the volunteer fire department must be at least eighteen (18) years of age, of good moral character, and shall be appointed by the Fire Chief. Before approval for full duty and thereafter, members must follow department policy in regard to medical physical exams. Volunteers, ages sixteen (16) and seventeen (17) years of age, of good moral character, and with parental approval and required insurance coverage, may qualify to serve as junior fire fighters. Junior fire fighters shall be appointed by the Fire Chief, and duties of junior fire fighters are restricted in accordance with department policy.

(Code of Iowa, Sec. 362.10)

(Amended during Codification, 2005)

(Amended during codification, 2016)

3-5-3 FIRE FIGHTER'S DUTIES. When called by the Chief, all fire fighters shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of any other fire fighter who has been appointed by the Chief to be in command temporarily. Fire fighters shall report for training as ordered by the Chief.

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

3-5-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters. All volunteer fire fighters shall be covered by the contract.

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

3-5-6 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other

emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

(Code of Iowa, Sec. 364.16)

### 3-5-7 IMPLEMENTING JUNIOR FIREFIGHTER PROGRAM.

WHEREAS, the Council has been advised that the City of Goose Lake Fire Department will be implementing a Junior Firefighter's Program, and

WHEREAS, the Council understands that there may be a fee associated with equipment for the participants, but the qualifying residents of Goose Lake interested in participating in the program will be allowed to enter at no cost, and

WHEREAS, the Council hereby states that all participants and facilitators of the program shall adhere to the following guidelines:

1. Participants shall attend the required number of training sessions.
2. Participants must be at least sixteen (16) and seventeen (17) years of age, of good moral character, and have parental approval and required insurance coverage to serve as a Junior Firefighter. Junior firefighters shall be appointed by the Fire Chief.
3. Duties of the Junior Firefighters are restricted in accordance with department policy.
4. Participants shall be allowed to ride on emergency apparatus, after completing the minimum basic training requirements which are determined by the facilitators of the program.
5. Participants shall assist with clean-up duties after an emergency call.
6. Participants may assist facilitators and senior firefighters at the emergency scenes, i.e.; assist the engineer with hose lines to the hydrant, advance hose lines, change self-contained breathing apparatus bottles, and assist the Incident Commander.
7. Participants shall not be allowed to enter any burning buildings.
8. Participants shall not be allowed to enter any hazardous material areas.
9. Participants shall not be allowed to drive an emergency apparatus.
10. Participants shall wear identification tags attached to yellow helmets identifying them as junior firefighters and limited non-structural firefighter restrictions.

(Ord. 2016-145, Passed March 28, 2016)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 6 CURFEW FOR MINORS

3-6-1	Preamble	3-6-5	Defenses
3-6-2	Findings and Purpose	<del>3-6-6</del>	<del>Enforcement</del>
3-6-3	Definitions	3-6-7	Penalty, Municipal Infraction
3-6-4	Offenses		

3-6-1 PREAMBLE. The City of Goose Lake, Iowa 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 section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship 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.

(Code of Iowa, Sec. 364.1)

3-6-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Goose Lake, Iowa; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Goose Lake, Iowa has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-6-3 DEFINITIONS. In this chapter:

1. Curfew hours means 12:01 a.m. until 5:00 a.m.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment means any privately-owned place of business operated for a profit to which

the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:

- a. A person who, under court order, is the guardian of the person of a minor; or
- b. A public or private agency with whom a minor has been placed by a court.

5. Minor means any person under age 17 years of age.

6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. Parent means a person who is:

- a. A biological parent, adoptive parent, or step-parent of another person; or
- b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. Remain means to:

- a. Linger or stay; or
- b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

#### 3-6-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-6-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
  - a. Accompanied by the minor's parent or guardian;
  - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - c. In a motor vehicle involved in interstate travel;
  - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - e. Involved in an emergency;
  - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
  - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Goose Lake, Iowa, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Goose Lake, a civic organization, or another similar entity that takes responsibility for the minor;
  - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
  - i. Married or had been married.

2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 RESERVED.

3-6-7 PENALTY, MUNICIPAL INFRACTION. The violation of this chapter shall be a municipal infraction with penalties not to exceed those contained in the City Code.

(Amended during Codification, 2005)

## TITLE III COMMUNITY PROTECTION

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

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

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

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

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

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

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

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

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

3-7-3 PERMITS. A fee of \$100.00 shall be paid at the time of registration to cover the cost of investigation and issuance. Applicants must provide to the City of Goose Lake Clerk proof of insurance with an aggregate liability minimum of \$500,000.00 (Five Hundred Thousand Dollars and No Cents) and list the City of Goose Lake as additional insured on the insurance policy.

(Ord. 2021-155, Passed November 18, 2021)

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

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

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

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

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

bond shall not be retired until one year from the expiration of the permit.

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

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

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

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

(Amended during Codification, 2005)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 8 RESERVED**

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 9 ALCOHOLIC 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

3-9-1 **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 - Exoneration
16. 123.47 Persons Under Legal Age – Penalty
- 16A. 123.48 Clinton County Code of Ordinance 2013-02 – Providing Penalties for Persons Knowingly Providing Alcoholic Beverages to Under Legal Age Persons at Social Gatherings (Ord. 2016-144, Passed January 21, 2016)
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))

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)  
(Amended during Codification, 2005)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 10 JUNK AND ABANDONED VEHICLES & MACHINERY

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

3-10-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned vehicles and the elimination of the open storage of abandoned and junk vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-10-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

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

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

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

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

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

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

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

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

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

4. A "junk vehicle" or "junk machinery" means any unlicensed vehicle stored within the corporate limits of the City of Goose Lake, Iowa, and which has any one of the following characteristics:

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

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

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

d. Any vehicle which contains gasoline or any other flammable fuel.

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

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

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

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

### 3-10-3 REMOVAL OF ABANDONED VEHICLES.

1. The Sheriff's Department may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The Sheriff's Department may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the Sheriff's Department.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Sheriff's Department shall maintain a record of the vehicle, listing the color, year of

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

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

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

#### 3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Sheriff's Department shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

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

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

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

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

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

- e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Sheriff or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

- f. State that a request for a hearing must be in writing and received by the department

prior to the expiration of the ten day reclaiming period.

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5.

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

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

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

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

a. the identity of the last registered owner cannot be determined, or

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

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

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

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

### 3-10-5 IMPOUNDMENT FEES AND BOND.

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

a. an impoundment fee

b. towing charges

c. preservation charges

d. storage charges

e. notice charges

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

2. The amount of the charges specified in a-e shall be set by the Sheriff's Department. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under Section 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

a. the fees required by Section 3-10-5(1)

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

### 3-10-6 HEARING PROCEDURES.

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

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

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Sheriff's Department shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-10-8 JUNK VEHICLES AND MACHINERY DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle or junk machinery upon either public or private property within the corporate limits of the City of Goose Lake, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle or junk machinery is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

### 3-10-9 NOTICE TO ABATE.

1. Whenever the Sheriff shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Sheriff shall notify, by certified mail with five days' return receipt, the following persons:

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

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

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

3-10-11 COLLECTION OF COST OF ABATEMENT. The City Clerk-Treasurer shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk - Treasurer shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-10-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefore, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-10-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

(Amended during Codification, 2005)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 11 PROPERTY MAINTENANCE**

3-11-1	Purpose	3-11-5	Abatement of Nuisances
3-11-2	Authority for Enforcement	3-11-6	Municipal Infraction
3-11-3	Interference	3-11-7	Emergency Abatement
3-11-4	Nuisances		

3-11-1 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 the residents of the City.

3-11-2 AUTHORITY FOR ENFORCEMENT. The Mayor shall be responsible for the enforcement of this chapter and shall have all necessary authority to carry out such enforcement. The Mayor may designate his enforcement authority to a Property Maintenance Official.

3-11-3 INTERFERENCE. No person shall interfere with the Mayor or with the Property Maintenance Official while engaged in the enforcement of this chapter. A violation of this provision shall constitute a simple misdemeanor.

3-11-4 NUISANCES. A failure to satisfy any of the following provisions shall constitute a nuisance:

1. General. 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 as defined in Section 403.17 of the Code of Iowa, or adversely affect the public health or safety.

2. Rodents and vermin harborage. 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. Accessory structures. All accessory structures, including but not limited to detached garages, storage sheds, fences and walls shall be maintained in structurally sound condition and good repair.

4. Protective treatment. 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 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. Foundation walls. 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. Exterior walls. All exterior walls shall be maintained plumb unless otherwise designed or engineered, free from cracks, holes, breaks, and loose or rotting materials, and maintained waterproof and properly surface coated where required to prevent deterioration.

7. Roofs and drainage. 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, gutter and down spouts shall be maintained in good repair, with proper anchorage and free from obstructions.

8. Stairways, decks, porches and balconies. 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. Chimneys and towers. 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. Handrails and guardrails. 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.

3-11-5 ABATEMENT OF NUISANCES. Upon discovery of any violation of Section 3-11-4, the Mayor or designated Property Maintenance Official shall within five (5) days initiate abatement procedures as outlined in Title III, Chapter 2 of the City of Goose Lake Code of Ordinances.

3-11-6 MUNICIPAL INFRACTION. Any violation of this chapter shall also constitute a municipal infraction pursuant to TITLE III, Chapter 1.

3-11-7 EMERGENCY ABATEMENT. Notwithstanding any other provisions of this chapter, whenever in the judgment of the Mayor or designated Property Maintenance Official, any nuisance is an immediate and imminent threat to life and property, the Mayor or designated Property Maintenance Officer may, with or without prior notice as required within, order the nuisance abated and costs assessed against the property for collection in the same manner as

property tax. However, prior to such assessment, the City shall give the property owner notice as provided by the Code of Iowa and this Code of Ordinances.

(Ord. 117, Passed February 26, 2004)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 12 ADULT ENTERTAINMENT ESTABLISHMENTS

3-12-1	Rationale and Findings	3-12-14	Loitering; Lighting Requirements
3-12-2	Definitions	3-12-15	Applicability to Existing Businesses
3-12-3	License Required	3-12-16	Conduct Regulations
3-12-4	Issuance of License	3-12-17	Scienter Required to Prove Violation or Business Licensee Liability
3-12-5	Fees	3-12-18	Failure of City to Meet Deadline Not to Risk Applicant/Licensee Rights
3-12-6	Inspection	3-12-19	Nuisance Declared
3-12-7	Expiration and Renewal of License	3-12-20	Severability
3-12-8	Suspension		
3-12-9	Revocation		
3-12-10	Hearing; License Denial, Suspension, Revocation; Appeal		
3-12-11	Transfer of License		
3-12-12	Hours of Operation		
3-12-13	Exhibition of Sexually Explicit Films on Premises		

3-12-1 RATIONALE AND FINDINGS. Purpose: It is the purpose of this chapter to regulate adult entertainment establishments in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult entertainment establishments within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

“Findings And Rationale”: Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports provided to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and

*Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291, 2008 WL 2097410 (6th Cir. May 20, 2008); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2008); *Farkas v.*

Miller, 151 F.3d 900 (8th Cir. 1998); Jakes, Ltd. v. City of Coates, 284 F.3d 884 (8th Cir. 2002); BZAPS, Inc. v. City of Mankato, 268 F.3d 603 (8th Cir. 2001); SOB, Inc. v. County of Benton, 317 F.3d 856 (8th Cir. 2003); Scope Pictures v. City of Kansas City, 140 F.3d 1201 (8th Cir. 1998); Excalibur Group v. City of Minneapolis, 116 F.3d 1216 (8th Cir. 1997); ILQ Invs. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Ambassador Books & Video v. City of Little Rock, 20 F.3d 858 (8th Cir. 1994); Alexander v. Minneapolis, 928 F.2d 278 (8th Cir. 1991); John Doe v. Minneapolis, 898 F.2d 612 (8th Cir. 1990); Thames Enters. v. St. Louis, 851 F.2d 199 (8th Cir. 1988); Heideman v. South Salt Lake City, 348 F.3d 1182 (10th Cir. 2003); United States v. Evans, 272 F.3d 1069 (8th Cir. 2002); United States v. Mueller, 663 F.2d 811 (8th Cir. 1981); United States v. Frederickson, 846 F.2d 517 (8th Cir. 1988); Ctr. for Fair Public Policy v. Maricopa County, 336 F.3d 1153 (9th Cir. 2003); Lady J. Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); North Avenue Novelties, Inc. v. City of Chicago, 88 F.3d 441 (7th Cir. 1996); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Green v. City of St. Paul, 1999 WL 376099 (8th Cir. 1999); Deja Vu of Nashville, Inc. v. Metro. Gov't of Nashville & Davidson County, 274 F.3d 377 (6th Cir. 2002); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); MRM, Inc. v. City of Davenport, 290 N.W.2d 338 (Iowa 1980); City of Lincoln v. ABC Books, Inc., 470 N.W.2d 760 (Neb. 1991); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); People ex rel. Deters v. Effingham Retail #27, Inc. d/b/a The Lion's Den Adult Superstore, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005);

and based upon reports concerning secondary effects occurring in and around adult entertainment establishments, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; New York, New York Times Square - 1994; and the Report of the Attorney General's working group on the regulation of sexually oriented businesses, (June 6, 1989, State of Minnesota),

the city council finds:

1. Adult entertainment establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity,

illicit drug use and drug trafficking, negative impacts on surrounding properties, traffic, noise, urban blight, litter, and sexual assault and exploitation.

2. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this chapter, exists independent of any comparative analysis between adult and non-adult businesses. Additionally, the city's interest in regulating adult entertainment establishments extends to preventing future secondary effects of either current or future adult entertainment establishments that may locate in the city. The city finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings concerning the secondary effects of adult entertainment establishments and the legislative record documents supporting same.

3-12-2 DEFINITIONS. For purposes of this chapter, the words and phrases defined hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

1. "ADULT BOOKSTORE OR ADULT VIDEO STORE". A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas"; or "sexual devices" as that term is defined in this section.

A "principal business activity" exists where the commercial establishment:

a. Has a substantial portion of its displayed merchandise which consists of said items;  
or

b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; or

c. Has a substantial portion of the retail value (defined as the price charged to customers) of its displayed merchandise which consists of said items; or

d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items; or

e. Maintains a substantial portion of its interior business space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in interior business space maintained for the display, sale, or rental of said items); or

f. Maintains at least five hundred (500) square feet of its interior business space for the display, sale, and/or rental of said items (aisles and walkways used to access said items)

g. Offers for sale or rental at least two thousand (2,000) of the foregoing items and limits access to the premises to adults only; or

h. Maintains an "adult arcade", which means any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas".

2. "ADULT CABARET". A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features persons who appear seminude. Appearing live in a state of nudity in a sexually oriented business is prohibited per section 3-12-16 (1.) of this chapter; no business shall avoid classification as an adult cabaret by offering or featuring nudity.

3. "ADULT ENTERTAINMENT ESTABLISHMENT". An "adult bookstore" or "adult video store", an "adult cabaret", an "adult motion picture theater", or a "seminude model studio".

4. "ADULT MOTION PICTURE THEATER". A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five (5) persons for any form of consideration.

5. "CHARACTERIZED BY". Describing the essential character or quality of an item. As applied in this chapter, no business shall be classified as an adult entertainment establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

6. CITY: Goose Lake, Iowa.

7. "EMPLOY, EMPLOYEE, AND EMPLOYMENT". Describe and pertain to any person who performs any function related to an adult entertainment establishment on the premises of the establishment, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

8. "ESTABLISH OR ESTABLISHMENT". Shall mean and include any of the following:

- a. The opening or commencement of any adult entertainment establishment as a new business;
- b. The conversion of an existing business, whether or not an adult entertainment establishment, to any adult entertainment establishment; or
- c. The addition of any adult entertainment establishment to any other existing adult entertainment establishment.

9. "HEARING OFFICER". An attorney, not otherwise employed by the city, who is licensed to practice law in Iowa, and retained to serve as an independent tribunal to conduct hearings under this chapter.

10. "INFLUENTIAL INTEREST". Any of the following: a) the actual power to operate the adult entertainment establishment or control the operation, management or policies of the adult entertainment establishment or legal entity which operates the adult entertainment establishment; b) ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business; or c) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the adult entertainment establishment.

11. "LICENSEE". A person in whose name a license to operate an adult entertainment establishment has been issued, as well as the individual or individuals listed as an applicant on the application for an adult entertainment establishment license. In the case of an "employee", it shall mean the person in whose name the adult entertainment establishment employee license has been issued.

12. "NUDITY OR A STATE OF NUDITY". The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

13. "OPERATOR". Any person on the premises of an adult entertainment establishment who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated an adult entertainment establishment whether or not that person is an owner, part owner, or licensee of the business.

14. "PERSON". Individual, proprietorship, partnership, corporation, association, or other legal entity.

15. "PREMISES". The real property upon which the adult entertainment establishment is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the adult entertainment establishment, the grounds, private walkways, and parking lots and/or

parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for an adult entertainment establishment license.

16. “REGULARLY”. The consistent and repeated doing of an act on an ongoing basis.

17. “SEMI-NUDE MODEL STUDIO”. A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a seminude person is available for viewing; and

2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.

18. “SEMINUDE OR STATE OF SEMINUDITY”. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

19 “SEXUAL DEVICE”. Any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

20 “SPECIFIED ANATOMICAL AREAS”. Means and includes:

a. Less than completely and opaquely covered: human genitals, pubic region; buttock; and 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.

21. "SPECIFIED CRIMINAL ACTIVITY". Any of the following specified crimes for which less than five (5) years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- a. Vice offenses (Iowa Code chapter 725);
- b. Obscenity offenses (Iowa Code chapter 728);
- c. Assault offenses (Iowa Code chapter 708);
- d. Sexual abuse offenses (Iowa Code chapter 709);
- e. Money laundering offenses (Iowa Code section 706B.2);
- f. Controlled substances offenses (Iowa Code chapter 124, Div. IV);
- g. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- h. Any offense committed in another jurisdiction that, had the predicate act(s) been committed in Iowa, would have constituted any of the foregoing offenses.

22. "SPECIFIED SEXUAL ACTIVITY". Any of the following:

- a. Intercourse, oral copulation, masturbation or sodomy; or
- b. Excretory functions as a part of or in connection with any of the activities described in subsection a. of this definition.

23. "SUBSTANTIAL". At least thirty five percent (35%) of the item(s) so modified.

24. "TRANSFER OF OWNERSHIP OR CONTROL". Of an adult entertainment establishment shall mean any of the following:

- a. The sale, lease, or sublease of the business;
- b. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

25. "VIEWING ROOM". The room, booth, or area where a patron of an adult

entertainment establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

3-12-3 LICENSE REQUIRED. Business License: It shall be unlawful for any person to operate an adult entertainment establishment in the city without a valid adult entertainment establishment license.

1. "Employee License": It shall be unlawful for any person to be an "employee", as defined in section 3-12-2(7.) of this chapter, of an adult entertainment establishment in the city without a valid adult entertainment establishment employee license, except that a person who is a licensee under a valid adult entertainment establishment license shall not be required to also obtain an adult entertainment establishment employee license.

2. "Application": An applicant for an adult entertainment establishment license or an adult entertainment establishment employee license shall file in person at the office of the city clerk a completed application made on a form provided by the city clerk. An adult entertainment establishment may designate an individual with an influential interest in the establishment to file its application for an adult entertainment establishment license in person on behalf of the establishment. The application shall be signed as required by subsection 3. of this section and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in this subsection, accompanied by the appropriate licensing fee:

a. The applicant's full legal name and any other names used by the applicant in the preceding five (5) years.

b. Current business address or another mailing address for the applicant.

c. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.

d. If the application is for an adult entertainment establishment license, the business name, location, legal description, mailing address and phone number of the adult entertainment establishment.

e. If the application is for an adult entertainment establishment license, the name and business address of the statutory agent or other agent authorized to receive service of process.

f. A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a "specified criminal activity" as defined in this chapter, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

g. A statement of whether any adult entertainment establishment in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which

the applicant had the influential interest):

- 1) Been declared by a court of law to be a nuisance; or
- 2) Been subject to a court order of closure or padlocking.

h. An application for an adult entertainment establishment license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (.6"). Applicants who are required to comply with the stage, booth, and/or room configuration requirements of this chapter shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of the applicable regulations.

The information provided pursuant to this subsection shall be supplemented in writing by certified mail, return receipt requested, to the city manager within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

3. "Signature": A person who seeks an adult entertainment establishment employee license under this section shall sign the application for a license. If a person who seeks an adult entertainment establishment license under this section is an individual, he shall sign the application for a license as applicant. If a person who seeks an adult entertainment establishment license is other than an individual, each person with an influential interest in the adult entertainment establishment or in a legal entity that controls the adult entertainment establishment shall sign the application for a license as applicant. Each applicant must be qualified under this chapter and each applicant shall be considered a licensee if a license is granted.

4. "Information Confidential": The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the office of the city clerk on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by court order.

3-12-4 ISSUANCE OF LICENSE. Business License: Upon the filing of a completed application for an adult entertainment establishment license, the city clerk shall immediately issue a temporary license to the applicant if the completed application is from a preexisting adult entertainment establishment that is lawfully operating in the city and the completed application, on its face, indicates that the applicant is entitled to an annual adult entertainment establishment license. The temporary license shall expire upon the final decision of the city to deny or grant an annual license. Within twenty (20) days of the filing of a completed adult entertainment establishment license application, the city clerk shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The city clerk shall issue a

license unless:

1. An applicant is less than eighteen (18) years of age.
2. An applicant has failed to provide information required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
3. The license application fee required by this chapter has not been paid.
4. The "adult entertainment establishment", as defined in section 3-12-2 (3.) of this chapter is not in compliance with the interior configuration requirements of this chapter or is not in compliance with locational requirements of this chapter or the locational requirements of any other part of the this code.
5. Any adult entertainment establishment in which the applicant has had an influential interest has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
  - a. Been declared by a court of law to be a nuisance; or
  - b. Been subject to an order of closure or padlocking.
6. An applicant has been convicted of or pled guilty or nolo contendere to a "specified criminal activity", as defined in section 3-12-2(21.) of this chapter.
7. "Employee License". Upon the filing of a completed application for an adult entertainment establishment employee license, the city clerk shall immediately issue a temporary license to the applicant if the applicant seeks licensure to work in a licensed adult entertainment establishment and the completed application, on its face, indicates that the applicant is entitled to an annual adult entertainment establishment employee license. The temporary license shall expire upon the final decision of the city to deny or grant an annual license. Within twenty (20) days of the filing of a completed adult entertainment establishment employee license application, the city manager shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The city manager shall issue a license unless:
  - a. The applicant is less than eighteen (18) years of age.
  - b. The applicant has failed to provide information as required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
  - c. The license application fee required by this chapter has not been paid.
  - d. Any adult entertainment establishment in which the applicant has had an influential interest has, in the previous five (5) years (and at a time during which the applicant had the

influential interest):

- 1) Been declared by a court of law to be a nuisance; or
- 2) Been subject to an order of closure or padlocking.

e. The applicant has been convicted of or pled guilty or nolo contendere to a "specified criminal activity", as defined in section 3-12-2(21.) of this chapter.

8. "License Contents; Posting; Kept On Person". The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for an adult entertainment establishment, the address of the adult entertainment establishment. The adult entertainment establishment license shall be posted in a conspicuous place at or near the entrance to the adult entertainment establishment so that it may be read at any time that the business is occupied by patrons or is open to the public. An adult entertainment establishment employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing.

### 3-12-5 FEES.

The initial license and annual renewal fees for adult entertainment establishment licenses and adult entertainment establishment employee licenses shall be as follows: a) one hundred dollars (\$100.00) for the initial fee for an adult entertainment establishment license and fifty dollars (\$50.00) for annual renewal; b) fifty dollars (\$50.00) for the initial adult entertainment establishment employee license and twenty five dollars (\$25.00) for annual renewal.

### 3-12-6 INSPECTION.

Adult entertainment establishments and adult entertainment establishment employees shall permit the city clerk and his or her agents to inspect, from time to time on an occasional basis, the portions of the adult entertainment establishment premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the adult entertainment establishment is occupied by patrons or is open to the public. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspections.

3-12-7 EXPIRATION AND RENEWAL OF LICENSE. Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in section 3-12-5 of this chapter.

Application for renewal of an annual license should be made at least ninety (90) days before the expiration date of the current annual license, and when made less than ninety (90) days before the expiration date, the expiration of the current license will not be affected.

3-12-8 SUSPENSION. The city clerk shall issue a written notice of intent to suspend an adult entertainment establishment license for a period not to exceed thirty (30) days if the adult entertainment establishment licensee has knowingly violated this chapter or has knowingly allowed an employee or any other person to violate this chapter.

The city clerk shall issue a written notice of intent to suspend an adult entertainment establishment employee license for a period not to exceed thirty (30) days if the employee licensee has knowingly violated this chapter.

3-12-9 REVOCATION.

1. Notice of Violation. The city clerk shall issue a written notice of intent to revoke an adult entertainment establishment license or an adult entertainment establishment employee license, as applicable, if the licensee knowingly violates this chapter or has knowingly allowed an employee or any other person to violate this chapter and a suspension of the licensee's license has become effective within the previous twelve (12) month period.

2. "Reasons for Revocation". The city clerk shall issue a written notice of intent to revoke an adult entertainment establishment license or an adult entertainment establishment employee license, as applicable, if:

a. The licensee has knowingly given false information in the application for the adult entertainment establishment license or the adult entertainment establishment employee license;

b. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises of the adult entertainment establishment;

c. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises of the adult entertainment establishment;

d. The licensee knowingly or recklessly operated the adult entertainment establishment during a period of time when the license was finally suspended or revoked;

e. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity or specified criminal activity to occur in or on the premises of the adult entertainment establishment; or

f. The licensee has knowingly or recklessly allowed a person under the age of eighteen (18) years to consume alcohol or appear in a state of semi-nudity or nudity on the premises of the adult entertainment business.

3. "Appeal of Relevant Conviction". The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license; provided, that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that

conviction shall be treated as null and of no effect for revocation purposes.

4. "Term of Revocation". When, after the notice and hearing procedure described in this chapter, the city revokes a license, the revocation shall continue for one year and the licensee shall not be issued an adult entertainment establishment license or adult entertainment establishment employee license for one year from the date revocation becomes effective.

3-12-10 HEARING; LICENSE DENIAL, SUSPENSION, REVOCATION; APPEAL. Notice and Request for Hearing, Procedures:

1. When the city clerk issues a written notice of intent to deny, suspend, or revoke a license, the city manager shall immediately send such notice, which shall include the specific grounds under this chapter for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the city clerk for the respondent. The respondent shall have ten (10) days after the delivery of the written notice to submit, at the office of the city clerk, a written request for a hearing. If the respondent does not request a hearing within said ten (10) days, the city clerk's written notice shall become a final denial, suspension, or revocation, as the case may be, on the thirtieth day after it is issued, and shall be subject to the provisions of subsection 2. of this section.

2. If the respondent does make a written request for a hearing within said ten (10) days, then the city clerk shall, within ten (10) days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten (10) days nor more than twenty (20) days after the date that the hearing notice is issued. The city shall provide for the hearing to be transcribed.

3. At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross examine any of the city's witnesses. The city clerk shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision within five (5) days after the hearing.

4. If the decision is to deny, suspend, or revoke the license, the decision shall advise the respondent of the right to appeal such decision to a court of competent jurisdiction, and the decision shall not become effective until the thirtieth day after it is rendered. If the hearing officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the city to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the city clerk shall contemporaneously therewith issue the license to the applicant.

5. "Court Action to Challenge Decision": If any court action challenging a licensing decision is initiated, the city shall prepare and transmit to the court a transcript of the hearing within thirty (30) days after receiving written notice of the filing of the court action. The city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any adult entertainment establishment that is lawfully operating as an adult entertainment establishment, or any adult entertainment establishment employee that is lawfully employed as an adult entertainment establishment employee, on the date on which the completed business or employee application, as applicable, is filed with the city clerk. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's enforcement of any denial, suspension, or revocation of a temporary license or annual license, the city clerk shall immediately issue the respondent a provisional license. The provisional license shall allow the respondent to continue operation of the adult entertainment establishment or to continue employment as an adult entertainment establishment employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the city's enforcement.

3-12-11 TRANSFER OF LICENSE. A licensee shall not transfer his or her license to another, nor shall a licensee operate an adult entertainment establishment under the authority of a license at any place other than the address designated in the adult entertainment establishment license application.

3-12-12 HOURS OF OPERATION: No adult entertainment establishment shall be or remain open for business between two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. on any day.

3-12-13 EXHIBITION OF SEXUALLY EXPLICIT FILMS ON PREMISES.

1. "Requirements". A person who operates or causes to be operated an adult entertainment establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image producing device, a film, videocassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

a. Each application for an adult entertainment establishment license shall contain a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, videocassettes, digital video discs, or other video reproductions. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (.6"). The city clerk may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the

configuration of the premises has not been altered since it was prepared.

b. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

c. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

d. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.

e. It shall be the duty of the operator to post conspicuous signs in well lighted entry areas of the business stating all of the following:

1) That the occupancy of viewing rooms less than one hundred fifty (150) square feet is limited to one person.

2) That specified sexual activity on the premises is prohibited.

3) That the making of openings between viewing rooms is prohibited.

4) That violators will be required to leave the premises.

5) That violations of these regulations are unlawful.

f. It shall be the duty of the operator to enforce the regulations articulated in subsections 3-12-13 (1.e.1) through 5)) of this section.

g. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this subsection must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or

enclosures at all times that any patron is present on the premises.

2. “Failure to Fulfill Duties”. It shall be unlawful for a person having a duty under subsection 1. of this section to knowingly fail to fulfill that duty.

3. “Entering Occupied Viewing Room”. It shall be unlawful for any person to knowingly enter a viewing room less than one hundred fifty (150) square feet in area that is occupied by any other person.

4. “Make Opening Between Viewing Rooms”: It shall be unlawful for any person to knowingly make any hole or opening between viewing rooms.

5. “Allowing Opening To Remain”: It shall be unlawful for an operator to knowingly allow to persist any hole or similar opening in the wall of any viewing room.

### 3-12-14 LOITERING; LIGHTING REQUIREMENTS.

1. Loitering Prohibited; Monitoring Premises. It shall be the duty of the operator of an adult entertainment establishment to: 1) ensure that at least two (2) conspicuous signs stating that no loitering is permitted on the premises are posted on the premises; 2) designate one or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and 3) provide lighting to the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. Said lighting shall be of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.

2. “Lighting Requirements”: It shall be the duty of the operator of an adult entertainment establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.

3. “Failure To Fulfill Duty”: It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

4. “Barrier In Parking Lot”: No adult entertainment establishment shall erect a fence, wall, or other barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right of way.

3-12-15 APPLICABILITY TO EXISTING BUSINESS. All preexisting adult entertainment establishments lawfully operating in the city in compliance with all state and local laws prior to the effective date hereof, and all adult entertainment establishment employees working in the city

prior to the effective date hereof, are hereby granted a de facto temporary license to continue operation or employment for a period of ninety (90) days following the effective date hereof. By the end of said ninety (90) days, all adult entertainment establishments and adult entertainment establishment employees must conform to and abide by the requirements of this chapter.

### 3-12-16 CONDUCT REGULATIONS.

1. “Nudity; Sexual Activity”: No patron, employee, or any other person shall knowingly or intentionally, in an adult entertainment establishment, appear in a state of nudity or engage in a specified sexual activity.

2. “Semi-nudity”: No person shall knowingly or intentionally, in an adult entertainment establishment, appear in a seminude condition unless the person is an employee who, while seminude, remains at least six feet (6') from all patrons and on a stage at least eighteen inches (18") from the floor in a room of at least six hundred (600) square feet.

3. “View From Operator Stations”. The interior of the premises of any adult entertainment establishment which regularly features persons who appear seminude shall be configured in such a manner that there is an unobstructed view, by a direct line of sight from a fixed operator's station, of every area of the interior premises, excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations, then such view shall be from at least one of the operator's stations. An operator's station shall not exceed thirty two (32) square feet of floor area. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises.

4. “Touching Of Customers”. No employee who regularly appears seminude in an adult entertainment establishment shall knowingly or intentionally touch a customer or the clothing of a customer while on the premises of an adult entertainment establishment.

5. “Alcoholic Beverages”. No person shall sell, use, or consume alcoholic beverages on the premises of an adult entertainment establishment.

6. “Minors”. No person shall knowingly or recklessly allow a person under the age of eighteen (18) years to be or remain on the premises of an adult entertainment establishment.

7. “Compliance Required”. No operator or licensee of an adult entertainment establishment shall knowingly violate or fail to comply with the regulations in this section or knowingly allow an employee or any other person to violate the regulations in this section.

8. “Regulations Posted”. A sign in a form to be prescribed by the city clerk, and summarizing the provisions of subsections 1., 2., 3., 4., 5., and 6. of this section shall be posted near the entrance of the adult entertainment establishment in such a manner as to be clearly visible to patrons upon entry. No person shall cover, obstruct, or obscure said sign.

9 “Separate Restrooms”. An adult entertainment establishment shall provide separate male and female restrooms for and to be used by employees which shall be separate from restrooms provided for and used by nonemployees. This requirement shall not apply to an adult entertainment establishment that neither has live entertainment nor provides prepared food or allows beverages (including alcoholic beverages) other than sealed nonalcoholic beverages for individual retail sales.

3-12-17 SCIENTER REQUIRED TO PROVE VIOLATION OR BUSINESS LICENSEE LIABILITY. This chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the adult entertainment establishment licensee for purposes of finding a violation of this chapter, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

3-12-18 FAILURE OF CITY TO MEET DEADLINE NOT TO RISK APPLICANT/LICENSEE RIGHTS. In the event that a city official is required to act or to do a thing pursuant to this chapter within a prescribed time, and fails to act or to do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the city official under this chapter, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the city of an applicant or licensee's application for an adult entertainment establishment license or an adult entertainment establishment employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the city's action has passed.

3-12-19 NUISANCE DECLARED. An adult entertainment establishment established, operated, or maintained in violation of any of the provisions of this chapter shall be, and is, declared to be a public nuisance. The city may, in addition to, or in lieu of any remedy set forth in this chapter, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law.

3-12-20 SEVERABILITY. This chapter and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the

enforceability of the substantive aspects of this chapter.

(Ord. 2016-143, Passed January 21, 2016)

**TITLE III COMMUNITY PROTECTION**  
**CHAPTER 13 DRUG PARAPHERNALIA**

3-13-1 Definitions  
3-13-2 Exemption

3-13-3 Prohibition

3-13-1 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:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-13-2 EXEMPTION. "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa, Sec. 124.414)

3-13-3 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

(Amended during 2022 codification)

## TITLE IV MENTAL AND PHYSICAL HEALTH

### CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-6	Dangerous Animals
4-1-2	Immunization	4-1-7	Keeping a Vicious Animal
4-1-3	At Large Prohibited	4-1-8	Kennel Dogs
4-1-4	Animal Nuisances	4-1-9	Animals Not Allowed
4-1-5	Impounding		

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.

2. The term "at large" shall mean any animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.

3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

(Amended during codification, 2005)

4-1-2 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

4-1-3 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

(Amended during codification, 2005)

4-1-4 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

(Code of Iowa, Sec. 657.1)

#### 4-1-5 IMPOUNDING.

1. Any dog found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

(Amended during codification, 2005)

2. Owners of dogs shall be notified within two (2) days that upon payment of actual costs, including transportation and other related costs, plus cost of food and care in a reasonable amount, the dog will be returned. If the impounded dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

(Amended during Codification, 2005)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor."

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

#### 4-1-6 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.

b. The following are animals which shall be deemed to be dangerous animals per se:

(1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

(2) Wolves, coyotes, and foxes;

(3) Badgers, wolverines, weasels, skunks and mink;

- (4) Raccoons;
- (5) Bears;
- (6) Monkeys, chimpanzees, and apes;
- (7) Alligators and crocodiles;
- (8) Scorpions; gila monsters;
- (9) Snakes that are venomous or constrictors;

(10) Pit bulls meaning any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

(ECIA Model Code Amended in 2020)

(ECIA Model Code Amended in 2020)

- c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

- a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

(Amended during codification, 2005)

4-1-7 KEEPING A VICIOUS ANIMAL. An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

- 1. An animal is deemed vicious under the following circumstances:

- a. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.

- b. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.

c. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.

d. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.

e. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.

(Amended during codification, 2005)

(ECIA Model Code Amended in 2020)

4-1-8 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this ordinance.

(Amended during codification, 2005)

4-1-9 ANIMALS NOT ALLOWED. The following animals are not allowed within the city limits of Goose Lake: cattle, horses, swine, poultry, sheep, and lamas.

(Amended during codification, 2022)

**TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE**

**CHAPTER 1 VEHICLES AND HORSES ON RECREATIONAL TRAIL**

5-1-1	Purpose	5-1-3	Horses Prohibited on
5-1-2	Motor Vehicles Prohibited on		Recreational Trail
	Recreational Trail	5-1-4	Posting
		5-1-5	Penalty

5-1-1 PURPOSE. The purpose of this ordinance is to prohibit the operation of motor vehicles or any motor driven vehicles or the riding or leading of horses on the recreational trail in the City of Goose Lake, Iowa.

5-1-2 MOTOR VEHICLES PROHIBITED ON RECREATIONAL TRAIL. The operation of motor vehicles or any motor-driven vehicle, including, but not limited to, automobiles, trucks, motorcycles, mopeds, scooters, all terrain vehicles and snowmobiles on the recreational trail in the City of Goose Lake, Iowa is hereby prohibited. Authorized vehicles, including but not limited to emergency vehicles, maintenance vehicles and public safety vehicles are exempt from the prohibition created by this ordinance.

5-1-3 HORSES PROHIBITED ON RECREATIONAL TRAIL. The riding or leading of horses on the Goose Lake recreational trail in the City of Goose Lake, Iowa is hereby prohibited.

5-1-4 POSTING. The Park Board is hereby directed to post appropriate signs at the ends of the recreational trail notifying the public of the prohibition created by this ordinance.

5-1-5 PENALTY. Any person violating any provision of this ordinance shall be subject to the provisions set forth in Chapter 1-3 of the Ordinances of the City of Goose Lake, Iowa.  
(Ord. 98, Passed November 17, 1994)

**TITLE V – HUMAN DEVELOPMENT – EDUCATION AND CULTURE**

**CHAPTER 2 RAGBRAI – MISCELLANEOUS PERMITS**

5-2-1	Purpose	5-2-8	Commercial Booth Non-Food Required Location
5-2-2	Commercial Booth – Permit	5-2-9	Glass Containers
5-2-3	Commercial Booth Fees	5-2-10	Nuisance
5-2-4	Commercial Booth Location	5-2-11	Violations – Penalties
5-2-5	Health Regulations	5-2-12	Street Closings
5-2-6	Commercial Booth Non-Food Permit Required		
5-2-7	Commercial Booth Non-Food Fees		

5-2-1 PURPOSE. This Ordinance as amended is enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the City of Goose Lake when the Des Moines Register’s Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Goose Lake.

5-2-2 COMMERCIAL BOOTH – PERMIT REQUIRED. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Goose Lake, unless said person or entity shall first obtain a Goose Lake Commercial Booth Permit from the City of Goose Lake through the City Clerk located at 1 School Lane in Goose Lake, Iowa. However, any person or entity which is a resident of Goose Lake, Iowa and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section. For purposes of this Section, the Clinton/Jackson County Pork Producers and the Clinton/Jackson County Cattleman’s Association shall each be deemed to be a resident of Goose Lake, Iowa.

5-2-3 COMMERCIAL BOOTH FEES. A Goose Lake Commercial Booth Permit issued to vendors who do not reside in Clinton County, Iowa shall be \$325.00. Permit fees for the operation of Commercial Booths by civic organizations such as any local service club, veterans post, volunteer fire or rescue group, not organized for profit but operated exclusively for educational or charitable purposes, including the promotion of community welfare, of which the net earnings are devoted exclusively to charitable, educational, recreational, or social welfare purposes shall be waived.

(Ord. 2021-152, May 20, 2021)

5-2-4 COMMERCIAL BOOTH LOCATION. A vendor who has been granted a Goose Lake Commercial Booth Permit shall locate its temporary sale facility at a location to be determined by the official Goose Lake RAGBRAI Committee.

5-2-5 HEALTH REGULATIONS. A person or entity issued a Goose Lake Commercial

Booth Permit pursuant to this Chapter (a RAGBRAI COMMERCIAL BOOTH PERMITEE herein) shall comply with the Iowa Department of Health and Clinton County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

5-2-6 COMMERCIAL BOOTH NON-FOOD – PERMIT REQUIRED. No person, club, group organization, corporation or entity of any kind which is in business in Goose Lake shall sell merchandise to the public, at a location other than their regularly-established place of business unless said person or entity shall first obtain a Goose Lake Commercial Booth Non-Food Permit from the City of Goose Lake through the City Clerk located at 1 School Lane in Goose Lake, Iowa 52750. Those Goose Lake businesses, which operate only from their regularly established locations, are exempt from the requirements of this section.

5-2-7 NON-FOOD COMMERCIAL BOOTH FEES. A Goose Lake Non-Food Commercial Booth Permit issued to vendors who do not reside in the City of Goose Lake, Iowa shall be \$325.00. Permit fees for the operation of Non-Food Commercial Booths by civic organizations such as any local service club, veterans post, volunteer fire or rescue group, not organized for profit but operated exclusively for educational or charitable purposes, including the promotion of community welfare, of which the net earnings are devoted exclusively to charitable, educational, recreational, or social welfare purposes shall be waived. A complete copy of this Ordinance may be viewed in the City Clerk’s Office.

(Ord. 2021-152, May 20, 2021)

5-2-8 COMMERCIAL BOOTH NON-FOOD LOCATION. A Goose Lake Commercial Booth Non-Food permittee who has been granted a Goose Lake Commercial Non-Food Permit shall locate its temporary facility at a location to be determined by the official Goose Lake RAGBRAI Committee.

5-2-9 GLASS CONTAINERS. To promote safety during RAGBRAI, all beverages sold in Goose Lake, Iowa, by Commercial Booth permittees, shall be sold in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

5-2-10 NUISANCE. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Goose Lake Commercial Booth Permit or Goose Lake Commercial Booth Non-Food Permit, in violation of the provisions of this Chapter, shall be considered a nuisance, as defined by Section 8.08 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 8.08.080 of the City Code is hereby authorized and may be executed by any peace officer or those acting at their direction by dismantling and removing the nuisance without notice. However, if the only nuisance or violation of this chapter is the offender’s failure to obtain the necessary permit, the RAGBRAI Committee, in lieu of immediate abatement, may allow the person or organization to immediately purchase a necessary Permit as provided by this Ordinance.

5-2-11 VIOLATIONS – PENALTIES. Selling or supplying food or merchandise to any person without a Goose Lake Commercial Booth Permit or Goose Lake Commercial Booth Non-Food Permit, or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 and/or a maximum of thirty (30) days in jail. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Chapter 8 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

5-2-12 STREET CLOSINGS. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Clinton County Sheriff Deputy, or those at their direction, may place barricades or road blocks in any Goose Lake street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the city limits of the City of Goose Lake.

(Ord. 118, Passed July, 2004)

(Amended during codification, 2016)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 1 MOBILE HOME REGULATION

6-1-1	Definition	6-1-4	Building Requirements
6-1-2	Location of Mobile Homes	6-1-5	Traffic Code Applicable
6-1-3	Emergency and Temporary Parking	6-1-6	Permit
		6-1-7	Owner Requirements

6-1-1 DEFINITION. For use in this chapter the following terms are defined as follows:

1. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”

(Code of Iowa, Sec. 103A.3(8)  
(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.

(Code of Iowa, Sec. 435.1(6))

5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7)  
(ECIA Model Code Amended in 2010)

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed on a foundation as described in Section 6-1-4 unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

6-1-3 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of this ordinance, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-1-4 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent foundation. The foundation shall consist of cinder block or formed concrete that is a continuous foundation not less than 30" above ground and not more than 42" above ground at any one point, or a foundation of similar quality.

(Code of Iowa, Sec. 435.26)

6-1-5 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

(Amended during Codification, 2005)

6-1-6 PERMIT. A building permit for a fee of \$25.00 is required to be turned in to Clerk-Treasurer at least 10 days prior to council meeting.

6-1-7 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principle building from the City Clerk.

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principle building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2 ½) inches in height and of a contrasting color with their background.

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principle building and assess the costs against the property for collection in the same manner as a property tax.

**(Ord. 115, Passed October 17, 2002)**

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1	Definitions	6-2-5	Protection from Damage
6-2-2	Use of Public Sewers Required	6-2-6	Powers and Authority to Inspectors
6-2-3	Building Sewers and Connections	6-2-7	Penalties
6-2-4	Use of the Public Sewers	6-2-8	Fats, Oils, and Grease (FOG)

6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567-69.3(1))

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

(IAC 567-69.3(1))

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

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

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

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

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

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

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

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

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

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

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

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

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

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Superintendent" shall mean Sewer Superintendent of Public Utilities of the City of Goose Lake or the Superintendent's authorized deputy, agent, or representative.

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

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

#### 6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction

of said City, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

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

4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

#### 6-2-3 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Council.

2. The owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented with any plans, specifications, or other information considered pertinent in the judgment of the City Council. Upon receipt of the application in compliance herewith, the City Council shall issue the sewer connection permit unless it appears that the proposed connection would be contrary to the best interests of the City. Such permit shall be due to City Clerk-Treasurer 10 days prior to council meeting.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Goose Lake and deposited with the City Clerk-Treasurer a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Goose Lake pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Goose Lake and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that

may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

#### Vitrified Clay Pipe VCP

(1) Pipe and Fittings - ASTM C-700 "Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2) Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings".

#### Extra Heavy Cast Iron Soil Pipe

(1) Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."

(2) Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

#### Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

(1) Pipe - A.S.T.M. D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

(2) Joints - A.S.T.M. D-1869, A.S.T.M. D-1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

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

10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

#### 6-2-4 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

b. Non-payment of bills.

c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

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

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the

opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4. Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.

j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5(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 quantities and rates of discharge, and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and

easily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

#### 6-2-5 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

#### 6-2-6 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection,

observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-5(8).

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

#### 6-2-7 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-5 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2 Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F> 2343, 1994 legislative session).

#### 6-2-8 FATS, OILS, and GREASE (FOG)

1. Fats, oils and Grease Interceptors- Purpose and Policy. This sets forth uniform requirements for users of the City of Goose Lake Publicly Owned Treatment Works (POTW) to capture and dispose of Fats, Oils and Grease (FOG) and enables the City to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C., § 1251, et seq.; and the General Pretreatment Regulations, Title 40 C.F.R. Part 403. The objectives of this ordinance are:

a. To prevent the introduction of FOG into the Publicly Owned Treatment Works that

will interfere with its operation;

b. To prevent the introduction of FOG into the Publicly Owned Treatment Works that could pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

c. To prevent sanitary sewer overflow (SSO), where sewer water flows out of a manhole cover and along the ground. These overflows can then contaminate the ground, local water bodies and any property that the sewerage comes into contact with.

d. To promote the reuse and recycling of waste grease (FOG) from the Publicly Owned Treatment Works;

e. To enable the City to comply with Federal, State and local Pollutant Discharge limits.

## 2. Applicability and Prohibitions

a. This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section II of this Ordinance.

b. Grease interceptors shall not be required for residential users.

c. The ordinance shall apply to both new and existing facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service. Said facilities shall install, use, and maintain appropriate grease interceptors as required in Section 6-2-8 of this ordinance. These facilities include but are not limited to restaurants, food manufacturers, food processors, commercial kitchens, hospitals, schools, hotels and motels, prisons, nursing homes, care facilities, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.

d. No user may intentionally or unintentionally allow the direct or indirect discharge of any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

## 3. Definitions

a. Act: Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

b. BOD: The value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

c. COD: The value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

d. EPA: The United States Environmental Protection Agency.

e. Fats, oils, and greases (FOG): Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases." A wide range of food preparation activities including, but not limited to the following can generate fats, oils and grease: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbequing or other food preparation activity that produces a food product in or on receptacles that require washing and or cleaning.

f. Generator: Any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

g. Grease interceptor: An appurtenance or appliance that is installed in a sanitary drainage system to intercept non- petroleum fats, oils and grease (FOG) from a wastewater. There are two types of Grease interceptors, Gravity Grease Interceptors and Hydromechanical Grease Interceptors

h. Grease Interceptor, Gravity: A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases (FOG) from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation. These interceptors are designed by a registered professional engineer. Gravity Grease Interceptors are generally installed outside.

i. Grease Interceptor, Hydromechanical: A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydro mechanical separation, interior baffling, and/or barriers in combination or separately, and an External flow control, with air intake (vent).

j. Grease Removal Device (GRD): Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils and grease (FOG) from the interceptor, the control of which are either automatic or manually initiated.

k. Grease Waste: Material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

l. FOG Disposal System: A grease interceptor that reduces non-petroleum fats, oils, and grease (FOG) in effluent by separation, and mass and volume reduction.

m. Indirect Discharge or Discharge: The introduction of pollutants into a POTW from any non-domestic source.

n. Interference: A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's NPDES permit.

o. pH: The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

p. POTW or Publicly Owned Treatment Works: A treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

q. Transporter means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with current regulations.

r. TSS: The value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

s. User: Any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

#### 4. Installation and Maintenance Requirements

##### a. Installations

1) New Facilities. Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

2) Existing Facilities. Existing grease interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Model Standards, unless specified in writing and approved by the POTW.

3) All grease interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

b. Cleaning and Maintenance:

1) Grease interceptors shall be maintained in an efficient operating condition at all times.

2) Each grease interceptor when cleaned shall be fully evacuated.

c. Self-Cleaning; Hydro-mechanical Grease interceptors only.

1) Grease interceptor self-cleaning operators must receive approval from the POTW to remove grease from their own grease hydro –mechanical grease interceptors. The following conditions shall apply:

A. The grease interceptor is no more than 100 GPM size.

B. Proper on-site material disposal methods are implemented (e.g. absorb liquid into solid form and dispose into trash);

C. The local solid waste authority allows such practices;

D. Grease waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and

E. Detailed records on these activities are maintained.

2) Grease interceptor self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:

A. Business name and street address;

B. Grease interceptor operator name, title, and phone number;

C. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease interceptor; and

D. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

3) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

- A. Date the grease trap/interceptor was serviced;
- B. Name of the person or company servicing the grease trap/interceptor;
- C. Waste disposal method used;
- D. Gallons of grease removed and disposed of;
- E. Waste oil added to grease interceptor waste; and
- F. Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

4) Violations incurred by grease interceptors self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

d. Cleaning Schedules

1) Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

2) Grease interceptors shall be completely evacuated a minimum of every thirty (30) days, or more frequently when:

A. twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

B. the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or

C. if there is a history of non-compliance.

3) Any person who owns or operates a grease interceptor may submit to the POTW a request in writing for an exception to the thirty (30) day cleaning frequency of their grease interceptor. The POTW may grant an extension for required cleaning frequency and establish a specific cleaning schedule on a case-by-case basis when:

A. the grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by

the POTW, or

B. less than twenty-five (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases

e. Manifest Requirements

1) Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record keeping purposes.

2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

A. name, address, telephone, and registration number of transporter;

B. name, signature, address, and phone number of the person who generated the waste and the date collected;

C. type and amount(s) of waste collected or transported;

D. name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;

E. date and place where the waste was deposited;

F. identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;

G. name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;

H. the volume of the grease waste received; and

I. a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

3) Manifests shall be divided into five parts and records shall be maintained as follows.

A. One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

B. The remaining four parts of the manifest shall have all required information

completely filled out and signed by the appropriate party before distribution of the manifest.

C. One part of the manifest shall go to the receiving facility.

D. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

E. One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

F. One part of the manifest shall go to the local authority.

G. Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

H. Generators of the FOG will pay an inspection fee of \$40.00 per inspection payable to the City for each inspection done as an initial inspection and, or an annual inspection and if necessary any reinspections. Generators will also pay the mileage at the standard Federal rate for the POTW or duly Authorized Representative from their original place of employment to the site of the Generator requiring inspection.

(Ord. 2018-148, Passed April 18, 2018)

f. Bioremediation: Bioremediation media shall only be used with approved Fog Disposal Systems. Generator must submit request to utilize bioremediation media, and receive written permission from the POTW before implementation of bioremediation media. The request must demonstrate that the generator has an appropriate FOG system in place.

g. Compliance and Penalties: All testing designed to satisfy the criteria set forth in Section III (f) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

h. Prohibited Practices: No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, and other solvents.

i. Compliance Monitoring:

1) Right of Entry. The POTW shall have the right to enter the premises of any user or potential user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the POTW ready

access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the POTW will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The POTW shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The POTW may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices. The facility's monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the POTW and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the POTW access to the user's premises shall be a violation of this ordinance.

2) Search Warrants. If the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, then the POTW may seek issuance of a search warrant.

## 5. Schedule of Penalties

a. If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of services.

b. Any person violating any of the provisions of this Ordinance shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service as per 52.040.

## 6. Judicial Enforcement and Remedies

Injunctive Relief. When the POTW finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other

pretreatment standard or requirement, the POTW may petition the District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The POTW may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

(Ord. 2013-138, Passed February 21, 2013)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 3 UTILITIES - WATER SYSTEM

6-3-1	Enforcement	6-3-8	Excavations
6-3-2	Adoption of State Plumbing Code	6-3-9	Inspection and Approval
6-3-3	Bond Required	6-3-10	Completion by the City
6-3-4	Mandatory Connections	6-3-11	Meter Accuracy and Test
6-3-5	Permit	6-3-12	Meters
6-3-6	Water Supply Control	6-3-13	Fire Hydrants
6-3-7	Making the Connection	6-3-14	Shutting Off Water Supply
		6-3-15	Contamination Close to Public Water Wells

6-3-1 ENFORCEMENT. The Water Superintendent shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

6-3-2 ADOPTION OF STATE PLUMBING CODE. The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this Ordinance are on file in the office of the City Clerk-Treasurer for public inspection.

6-3-3 BOND REQUIRED. Before a person takes action under the provisions of this chapter such person shall post with the City Clerk-Treasurer, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000.00 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

6-3-4 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-3-5 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the City Clerk-Treasurer. Application for a permit must be submitted to the City Clerk-Treasurer 10 days prior to council meeting. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the City Clerk-Treasurer. The City Clerk-Treasurer shall issue the permit, bearing the City Clerk-Treasurer's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The City Clerk-Treasurer may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped. The owner or plumber may appeal such action in the manner provided in Chapter 1-4 of this Ordinance.

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

All cost and expense incident to the installation and connection of the building water shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building water.

(Ord. 106, Passed October 16, 1997)

6-3-6 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shot off without interfering with service to others.

(Amended during Codification, 2005)

6-3-7 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Superintendent or the Superintendent's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

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

6-3-8 EXCAVATIONS. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good

a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

6-3-9 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-3-10 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-3-11 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Superintendent or the Superintendent's assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of one percent or more, the cost of the tests shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than three months. If the meter is found to be accurate or slow less than one percent fast, the patron shall pay the reasonable costs of the tests.

6-3-12 METERS. All water shall be supplied through meters purchased from the City. All water meters must be kept in working order at all times. Meters that do not work for over 30 days will be repaired by a plumber hired by the City. The meter owners will be charged for the repair work. Owners who do not cooperate will have the water shut off until they repair or install a new meter. Any new meters purchased from the city should be outside read meters.

6-3-13 FIRE HYDRANTS. Written permission from the City Council shall be obtained prior to use of any fire hydrant within the City. Exceptions may be made in case of fire.

6-3-14 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the Superintendent may shut off the supply of water to any customer because of any substantial violation of this chapter. The supply shall not be turned on again until all violations have been corrected and the

Superintendent has ordered the water to be turned on.

6-3-15       CONTAMINATION CLOSE TO PUBLIC WATER WELLS. The purpose of this ordinance is to regulate and restrict potential courses of contamination within 200 feet of public water wells in Goose Lake, Iowa, as required by Iowa Administrative Code Section 567-43.3(7)(455B).

No structure or facility of the type enumerated in Iowa Administrative Code Section 567-43.3(7)(455B) shall be constructed, located or maintained within the distances set forth in Table A from a public water well in Goose Lake, Iowa. A copy of Table A as contained in the current Iowa Administrative Code is attached to this ordinance and incorporated by reference herein.

(Ord. 116, Passed November 20, 2003)

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 4 SANITARY LANDFILL

6-4-1	Definitions	6-4-8	Schedule of Fees
6-4-2	Sanitary Landfill Sites	6-4-9	Enforcement
6-4-3	Rules and Regulations		
6-4-4	Unlawful Disposal of Solid Waste		YARD WASTE
6-4-5	Posted Instructions		
6-4-6	Excluded Refuse Materials	6-4-10	Definitions
6-4-7	Payment for Disposal of Solid Waste in City	6-4-11	Separation of Yard Waste Required

6-4-1 DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply:

1. "Agency" shall mean the Clinton County Area Solid Waste Agency.

2. "Garbage" shall mean the solid or semi-solid animal and vegetable waste resulting from the handling, preparation, cooling, and serving of foods, including cans, bottles, and cartons in which it was received, and wrappings in which it may be placed for disposal.

3. "Solid Waste" shall mean unwanted or discarded materials resulting from commercial, industrial, domestic, and agricultural operations and normal community activities. Wastes which are solid or semi-solid containing insufficient liquid to be free-flowing are considered to be solid wastes, and include in part the following: Garbage, rubbish, ashes and other residue of incineration; street refuse or sweepings; dead animals, solid animal waste; abandoned automobiles; agricultural, commercial and industrial wastes; construction and demolition wastes; sewage treatment solid residue.

6-4-2 SANITARY LANDFILL SITES. By virtue of contract dated the first day of June, 1972, between the City of Goose Lake, Iowa and the Agency, the sanitary landfill sites now and hereafter operated by the Agency are hereby designated as the public disposal sites for all garbage and refuse collected within the corporate limits of the City of Goose Lake, Iowa.

6-4-3 RULES AND REGULATIONS. The rules and regulations governing the use of the sanitary landfill sites shall be as determined by the Agency to be in the best interests of the general public. The landfill sites shall normally be open to the public on such days and hours as the Agency may designate; however, the Agency may alter the days and hours so scheduled to satisfy unusual conditions or emergencies. The Agency shall be responsible for the operation of the landfill sites in a manner which will assure sanitary and safe conditions at all times. Operation of the landfill sites shall comply with all regulations of all local, State, County or Federal Agencies, which may have jurisdiction over such operation.

1. 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)

6-4-4 UNLAWFUL DISPOSAL OF SOLID WASTE. No person, firm or corporation, shall permanently dispose of solid waste of any kind upon any land within the corporation limits of the City of Goose Lake, unless such land has been designated by the Agency as a public landfill site; provided, however, that the prohibition contained in this paragraph shall not apply to the deposit of inert wastes, not potentially injurious to health or the public welfare where permission to make such a deposit has been obtained from the owner or responsible agent, nor to the filling in or grading of property with earth, mud, ashes, or similar materials; providing all other applicable local and state laws have been complied with.

6-4-5 POSTED INSTRUCTIONS. No person, firm or corporation shall deposit any solid waste at any Agency landfill site, except in compliance with posted instructions or instructions of an attendant in charge.

6-4-6 EXCLUDED REFUSE MATERIALS. Certain materials may be excluded from those refuse materials which may be deposited at an Agency landfill site. These excluded materials may include junk automobile bodies and similar bulky objects, which may require special processing prior to disposal; trees and tree limbs, unless they have been cut into pieces not exceeding ten feet (10') in length, burning materials containing hot or live coals; hazardous materials, and other materials which the Agency deems necessary to exclude. However, hazardous materials may be deposited upon the receipt of written permission of a responsible official or attendant of the Agency and subject to any special instructions issued with said permission. Hazardous material shall include: Explosive materials, materials contaminated by infectious or contagious disease, fly ash or other fine or powdery material, and other material which may present a special hazard to landfill personnel, equipment, or to the public.

6-4-7 PAYMENT FOR DISPOSAL OF SOLID WASTE IN CITY. It shall be unlawful for any person, firm or corporation, other than the Agency or the City on its behalf to receive payment of any kind or request payment of any kind for the disposal of any solid waste at any sanitary landfill site within the City. The charging of a fee for the collection of any garbage or other solid waste from a customer by a private refuse collector, shall not be construed as a violation of this Section since this disposal is considered to be incidental to the total collection and disposal service; provided, however, such collection and disposal shall be conducted entirely by forces with equipment owned or operated by the private refuse collector.

6-4-8 SCHEDULE OF FEES. Fees paid to or for the benefit of the Agency for the use of the public landfill facilities, shall be in accordance with the posted and published schedule of fees of the Agency or the City, as provided in the contract referred to in 6-4-2.

6-4-9 ENFORCEMENT. It shall be the duty of the Sheriff's Department representing the City to enforce the provisions of this chapter.

#### YARD WASTE.

6-4-10 DEFINITIONS.

1. "Yard Waste" means organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance.

6-4-11 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or taken to the landfill by occupant or owner.

(Amended during codification, 2016)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 5 UTILITIES - BILLING CHARGES

6-5-1	Utility Defined	6-5-7	Customer Guarantee Deposits
6-5-2	Districts	6-5-8	Water Rates
6-5-3	Disposition of Fees and Charges	6-5-9	Refuse Collection Rates
6-5-4	Utility Billing, Penalty	6-5-10	Sewer Rates
6-5-5	Discontinuing Services, Fees	6-5-11	Prorated Utility Billing
6-5-6	Residential Rental Property		

6-5-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-5-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Goose Lake, Iowa.

6-5-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City and a written report of the amount and source of the fees and charges shall be on file with the City Clerk-Treasurer.

6-5-4 UTILITY BILLING, PENALTY. Utility bills shall be due on the 20<sup>th</sup> of each month following the period for which service is billed. The billing shall be monthly. Payment shall be made to the accounting and collections clerk. Bills shall become delinquent after 20 days. After 20 days a late payment charge of \$15.00 will be added to the bill. If water meters are not working, the bill shall be figured by using the average of the past year's consumption.

Water billing customers not responding to written requests by the Meter Reader for readings within 24 hours of the request to read the meter shall have a reading estimated based on previous years readings and charged a \$10.00 penalty. If the Utility Billing Clerk bills the customer based on estimated readings for 3 consecutive months the water will be shut off until an accurate reading can be obtained. There will be a \$25.00 charge to turn the water back on once the Meter Reader has taken the actual reading.

(Ord. 122, Passed Sept. 22, 2004)

(Ord. 2011-135, Passed April 21, 2011)

6-5-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid by month's end from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The Billing Clerk shall post a disconnect or discontinuance notice providing the

following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk-Treasurer by noon on the day preceding the scheduled shut-off date or discontinuance of service."

(Amended during codification, 2016)

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$25.00 shall be paid to the City Clerk-Treasurer in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

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

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84(3))

(Amended during Codification, 2005)

5. There will be no extension of water service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.

6. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate of 1-1/2 times the rate charged to premises located within the corporate city limits of the City.

(ECIA Model Code Amended in 2017)

#### 6-5-6 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.

2. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste

collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.

3. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))  
(Code of Iowa, Sec. 384.84(3)(e))  
(ECIA Model Code Amended 2012)  
(ECIA Model Code Amended in 2020)

6-5-7 CUSTOMER GUARANTEE DEPOSITS. Customer deposits of \$25.00 to water trust fund shall be required of all customers. Deposits will be returned when resident discontinues service.

(Code of Iowa, Sec. 384.84(1))  
(Amended during codification, 2016)

6-5-8 WATER RATES. Water shall be furnished at the following MONTHLY rates per meter within the City limits:

5,000 gallons or less per month	\$15.50
Any usage over 5,000 gallons	\$ 5.00 per thousand gallons

(Ord. 129, Passed March 20, 2008)  
(Ord. 2021-157, Passed November 18, 2021)

6-5-9 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residential Rate. For each resident with alley or curb pickup, \$18.60 per month for one garbage or rubbish and recycling collection each week effective December 1, 2015. In the event that alley or curb pickup for any residence is not feasible, the City Clerk is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon. The rate for each resident cart pick-up will increase by \$1.00 each month in each of the next two years as follows:

12/1/2016  
\$19.60

12/1/2017  
\$20.60

2. Residences with more than one garbage cart will be required to pay an additional \$5.00 per month for the pick-up of the extra cart regardless of how many times per month the extra cart is used during said month.

3. Commercial Rate. Rates for commercial establishments shall be established by the City Council.

4. Any Residence with a cart and said cart receives damage by the hauler will have the cart replaced at no cost.

5. Any Residence with a cart and said cart receives damage by anything other than the hauler will be required to pay for a new cart at the rate the hauler charges at the time cart is damaged.

6. Any Resident cart the hauler picks up that contains items not allowed in the normal weekly garbage pick-up such as construction materials, and yard waste will pay any fees assessed by the hauler to the City for those items placed in the cart for pick up.

(Code of Iowa, Section 384.84(1))

(Ord. 127, Passed March 24, 2005)

(Ord. 131, Passed March 20, 2008)

(Ord. 2015-142, Passed November 19, 2015)

6-5-10 SEWER RATES. The rate of sewer rent shall be \$4.00 per month and \$2.80 per thousand gallons of metered water or any part thereof for each meter, for each premises within the sewer district created in Section 6-5-2; school rent shall be at a flat rate of \$4.25 per thousand gallons of water. A surcharge of \$19.50 per month shall be collected per customer. The said rates above will be effective July 1, 2010 and continue until further action by Council.

(Ord 123, Passed September 22, 2004)

(Ord. 130, Passed March 20, 2008)

(Ord. 133, Passed May 20, 2010)

6-5-11 PRORATED UTILITY BILLING.

1. For when a resident moves out and another resident moves in during the same billing month.

a. To Prorate for Sewer. Divide the current monthly sewer rate by the number of days in the month and multiply by the number of days the resident received service for that month.

b. To Prorate for Garbage: Divide the current monthly rate by the number of days in the month and multiply by the number of days the resident received service for that month.

c. Water will be based on meter reading for the time period the resident received water

during that month.

d. Full surcharge will be billed to whoever moves in and to whoever moves out during that month.

2. For when a resident moves out and no one moves in.

a. Charge at least the minimum water gallons, full sewer, garbage and surcharge for the billing month.

b. These charges should be regardless if water is turned off or not turned off.  
(Ord. 121, Passed September 16, 2004)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 6 STREET CUTS AND EXCAVATIONS

6-6-1	Excavation Permit Required	6-6-5	Permit Fees
6-6-2	Improvement of Streets: Underground Pipes	6-6-6	Safety Measures
6-6-3	Application for Permit	6-6-7	Refilling
6-6-4	Liability Insurance	6-6-8	Disposal of Property
		6-6-9	Lien
		6-6-10	Rules and Regulations

6-6-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

(Code of Iowa, Sec. 364.12(2))  
(Amended during Codification, 2005)

6-6-2 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 City 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.

6-6-3 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those person or companies of the time that the excavation will commence. Any person desiring a permit shall make application for the same to the office of the City Clerk-Treasurer stating the place, extent and purpose of such excavation, when the same will be made, and that such person will allow the City to recover the cost and expense incurred by him 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. Such permits are due to City Clerk-Treasurer 10 days prior to council meeting.

(Amended during Codification, 2005)

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 \$100,000 for death or injury to each person and with limits of \$1 million for each occurrence, and with limits of

\$50,000 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 excavation; and provided, further that no permit to dig or excavate in the improved streets, highway, avenue or alley of the City shall be granted by the City when the ground is frozen to a depth of twelve (12”) inches or more, unless in case of extreme emergency.

(Ord. 2021-158, Passed November 18,2021)

6-6-5 PERMIT FEES. The permit fee shall be \$50.00 for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$50.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavations commence before a permit is obtained.

(Ord. 2021-158, Passed November 18,2021)

6-6-6 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Sherriff’s Department the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

(Amended during codification, 2005)

(Amended during codification, 2016)

6-6-7 REFILLING. Paving: All the work of refilling such excavation with sand and/or rock may be done by the City at its option and all work or 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, at the expense of the property owner.

6-6-8 DISPOSAL OF PROPERTY: No person excavating earth or stone in any public street, highway, avenue or alley belonging to the City, or any 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.

6-6-9 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 payment for such expense from the person holding such permit,

and if not paid to proceed to collect the same, and with further provision that such refilling and replacing, when done by the obliger, shall remain in good condition and not settle to become uneven for a period of one (1) year after the acceptance of the same.

6-6-10 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.  
(Amended during Codification, 2005)

**TITLE VI PHYSICAL ENVIRONMENT**

**CHAPTER 7 SUBDIVISION REGULATIONS**

**GENERAL PROVISIONS**

- 6-7-1 Short Title
- 6-7-2 Purpose
- 6-7-3 Application
- 6-7-4 Recording of Plat

**DEFINITIONS**

- 6-7-5 Terms Defined

**IMPROVEMENTS**

- 6-7-6 Improvements Required
- 6-7-7 Inspection
- 6-7-8 Minimum Improvements
- 6-7-9 Completion of Improvements
- 6-7-10 Performance Bond

**MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS**

- 6-7-11 Minimum Standards

**PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS**

- 6-7-12 Procedures and Submission Requirements for Plats
- 6-7-13 Pre-Application Conference
- 6-7-14 Sketch Plan Required
- 6-7-15 Presentation to Planning Commission or City Council
- 6-7-16 Subdivision Classified
- 6-7-17 Plats Required
- 6-7-18 Requirements of Preliminary Plat
- 6-7-19 Referral of Preliminary Plat
- 6-7-20 Action by the City Engineer
- 6-7-21 Action by the Governing Body
- 6-7-22 Final Plat
- 6-7-23 Referral Final Plat
- 6-7-24 Requirements of the Final Plat
- 6-7-25 Final Plat Attachments
- 6-7-26 Action by the Governing Body

**OTHER PROVISIONS**

- 6-7-27 Variances
- 6-7-28 Chain Subdividing
- 6-7-29 Extraterritorial Review Agreement

**GENERAL PROVISIONS**

6-7-1 **SHORT TITLE.** This chapter shall be known and may be cited as "The City of Goose Lake, Iowa, Subdivision Control Ordinance."

6-7-2 **PURPOSE.** The purpose of this Ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Goose Lake, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

6-7-3 APPLICATION. Every owner who divides any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (September 10, 1981) into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City or:

- within two (2) miles of the corporate limits of the City;

shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Code of Iowa, Sec. 354.9)

(Amended during Codification, 2005)

6-7-4 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City of Goose Lake, Iowa, or:

- within two (2) miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor,

as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Ordinance.

Upon the approval of the final plat by the governing body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

(Amended during Codification, 2005)

## DEFINITIONS

6-7-5 TERMS DEFINED. For the purposes of this Ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition Plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

(Code of Iowa, Sec. 354.2(1))

2. "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.

(Code of Iowa, Sec. 354.2(2))

3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. "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.

(Code of Iowa, Sec. 354.2(3))

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. "Building Lines" means a line on a plat between which line and public right-of-way no building or structures may be erected.

7. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the governing body or other hiring authority.

8. "Comprehensive Plan" means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the governing body. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

9. "Conveyance" means an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.

(Code of Iowa, Sec. 354.2(5))

10. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

11. "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 public highway easement, shall not be considered a division for the purpose of this chapter.

(Code of Iowa, Sec. 354.2(6) and 355.1(2))

12. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

13. "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.

14. "Floodway" means 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.

15. "Forty-Acre Aliquot Part" means one-quarter of one-quarter of a section.  
(Code of Iowa, Sec. 354.2(7))

16. "Governing Body" means the City Council of the City of Goose Lake, Iowa.  
(Code of Iowa, Sec. 354.2(8))

17. "Government Lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

(Code of Iowa, Sec. 354.2(9) and 355.1(3))

18. "Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and appurtenances.

19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

(Code of Iowa, Sec. 354.2(10))

20. "Lot, Corner". The term "corner lot" means a lot situated at the intersection of two streets.

21. "Lot, Double Frontage". The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.

22. "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.

(Code of Iowa, Sec. 354.2(11))

23. "Official Plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

(Code of Iowa, Sec. 354.2(12))

24. "Original Parcel" means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before September 10, 1981.

25. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

26. "Parcel" means a part of a tract of land.

(Code of Iowa, Sec. 354.2(13))

27. "Performance Bond" means a surety bond or cash deposit made out to the City of Goose Lake, Iowa, in an amount equal to the full cost of the improvements which are required by this Ordinance, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this Ordinance.

28. "Permanent Real Estate Index Number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

(Code of Iowa, Sec. 354.2(14))

29. "Planning Commission" means the City Council.

30. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.

31. "Plats Officer" means the individual assigned the duty to administer this Ordinance by the governing body or other appointing authority.

32. "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.

(Code of Iowa, Sec. 354.2(15) and 355.1(9))

33. "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 mortgage, easement, or lien interest.

(Code of Iowa, Sec. 354.2(16))

34. "Resubdivision" means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

35. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

36. "Street, Arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

37. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

38. "Street, Local" means a street primarily designed to provide access to abutting property.

39. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

40. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of land, as of September 10, 1981 into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

Any person not in compliance with the provisions of the subdivision definition at the time of its effective date (September 10, 1981), shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

(Code of Iowa, Sec. 354.2(17) and 355.1(10))

41. "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 succinct name or title that is unique for the county where the land is located.

(Code of Iowa, Sec. 354.2(19) and 355.1(11))

42. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

(Code of Iowa, Sec. 354.2(18) and 355.1(12))

43. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

(Code of Iowa, Sec. 354.2(20))

44. "Utilities" means systems for the distribution or collection of water, electricity, wastewater, and storm water.

## IMPROVEMENTS

6-7-6 IMPROVEMENTS REQUIRED. The subdivider shall, at said subdivider's expense, install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

6-7-7 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this Ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

6-7-8 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered

the minimum improvements necessary to protect the public health, safety and welfare.  
(Code of Iowa, Sec. 364.1)

1. Streets and alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the governing body after receiving the report and recommendations of the City Engineer.

2. Roadways. All roadways shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the governing body may require.

3. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the governing body. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG). Curb shall be defined as edge of road and gutter defined as the water channel.

4. Sidewalks. Sidewalks may be required by the governing body if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer or designee.

5. Water lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Water Department standards, procedures and supervision.

6. Sewers.

a. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system as required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the governing body and the State Department of Health and the construction subject to the supervision of the Water/Sewer Superintendent.

b. Where sanitary sewers are not available, other facilities, as approved by the governing body and the State Department of Health must be provided for the adequate disposal of sanitary wastes.

c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the governing body and to the supervision of the Superintendent of Public Utilities.

6-7-9 COMPLETION OF IMPROVEMENTS. Before the governing body shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the governing body. Before passage of said resolution of acceptance, the Superintendent of Public Works shall report that said improvements meet all City specifications and Ordinances or

other City requirements, and the agreements between subdivider and the City.

6-7-10 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the governing body guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

#### MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

6-7-11 MINIMUM STANDARDS. The following standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

1. Relation to existing streets.

a. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

b. The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the governing body to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

2. Acreage subdivisions.

a. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

b. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

c. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. Local streets.

a. Local streets shall be so planned as to discourage through traffic.

b. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

#### 4. Frontage streets.

a. Where a subdivision abuts or contains an existing or proposed arterial street, the governing body may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

b. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the governing body may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the governing body finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

#### 6. Street Geometrics.

a. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

c. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the governing body shall determine for special cases.

#### 7. Intersections.

a. Insofar as is practical, acute angles between streets at their intersection are to be avoided.

b. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

c. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the governing body may deem it necessary. The governing body may permit comparable cutoffs or chords in place of rounded corners.

8. Street names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the governing body.

9. Street grades.

a. Street grades, wherever feasible, shall not exceed five (5) percent, with due allowance for reasonable vertical curves.

b. No street grade shall be less than one-half (1/2) of one (1) percent.

10. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the governing body may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

b. The width of an alley shall be twenty (20) feet.

c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the governing body.

11. Blocks.

a. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the governing body, extraordinary conditions unquestionably justify a departure from these limits.

b. In blocks over seven hundred (700) feet in length, the governing body may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

12. Lots.

a. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

b. Minimum lot dimensions and sizes.

(1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide nor less than ten thousand (10,000) square feet in area.

(2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.

c. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.

d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

e. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building lines. Building lines shall be shown on all lots within the platted area. The governing body may require building lines in accordance with the needs of each subdivision.

14. Easements.

a. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

b. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.

15. Plat markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the governing body. The markers shall be of such material, size and length as may be approved by the governing body.

## PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS.

6-7-12 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the governing body, the subdivider and owner shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

6-7-13 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the City Clerk-Treasurer. The conference should be attended by the City Clerk-Treasurer and such other City or utility representatives as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

6-7-14 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6-7-15 PRESENTATION TO THE CITY COUNCIL. The subdivider may present the sketch plan to the governing body for review, prior to incurring significant costs preparing the preliminary or final plat.

6-7-16 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. Means any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.

2. Major Subdivision. Any subdivision that, in the opinion of the governing body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

6-7-17 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

(Code of Iowa, Sec. 354.6)

6-7-18 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk-Treasurer two (2) copies of a preliminary plat of adequate scale and size

showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitation.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the City Council waives this requirement.

6-7-19 REFERRAL OF PRELIMINARY PLAT. The City Clerk-Treasurer shall forthwith refer two (2) copies of the preliminary plat to the governing body.

6-7-20 ACTION BY THE CITY COUNCIL. The City Council shall carefully examine said

preliminary plat as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Goose Lake, Iowa, the existing street system, and good engineering practices.

(Code of Iowa, Sec. 354.8)

6-7-21 ACTION BY THE GOVERNING BODY. The governing body shall negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the governing body does not act within thirty (30) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the governing body or disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.

2. If approved, the governing body shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.

3. The action of the governing body shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the governing body.

4. The "Conditional Approval" by the governing body shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

6-7-22 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

6-7-23 REFERRAL FINAL PLAT. The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the governing body prepare and file two (2) copies of the final plat and other required documents with the City Clerk-Treasurer as hereafter set forth, and upon the subdivider's failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the governing body. Upon receipt of the final plat and other required documents, the City Clerk-Treasurer shall transmit two (2) copies of the final plat to the governing body for its recommendations and approval.

Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the governing body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth

above.

6-7-24 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of chapter 355, Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing material. It shall show:

(Code of Iowa, Sec. 354.8 and 355.8)

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.
5. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse.
6. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

6-7-25 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.  
(Code of Iowa, Sec. 354.6(2))
2. A certificate by the owner and the owner's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.  
(Code of Iowa, Sec. 354.11(1))
3. A complete abstract of title and an Attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.  
(Code of Iowa, Sec. 354.11(3))
4. A certificate from the County Treasurer that the subdivision land is free from taxes.  
(Code of Iowa, Sec. 354.11 (5))

5. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the Clerk's office.

6. A certificate from the County Recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.  
(Code of Iowa, Sec. 354.11(2))

7. A certificate of dedication of streets and other public property.  
(Code of Iowa, Sec. 354.11(1))

8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolution and certificate for approval by the governing body and for signatures of the Mayor and City Clerk-Treasurer.  
(Code of Iowa, Sec. 354.11(4))

10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the City Clerk-Treasurer or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Clerk-Treasurer, or that the governing body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.  
(Code of Iowa, Sec. 354.11(2) and 354.12)

6-7-26 ACTION BY THE GOVERNING BODY. Upon receipt of the plat, but not more than sixty (60) days following submission of the final plat to the City Clerk-Treasurer as stated in 6-7-23 the governing body shall either approve or disapprove the final plat.  
(Code of Iowa, Sec. 354.8)

1. In the event that said plat is disapproved by the Governing Body, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

2. In the event that said plat is found to be acceptable and in accordance with this Ordinance, the governing body shall accept the same.

3. The passage of a resolution by the governing body accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Clinton, County, Iowa, and shall file

satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

## OTHER PROVISIONS

6-7-27 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the governing body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Governing Body.

6-7-28 CHAIN SUBDIVIDING. No more than two building permits for each separate tract existing at the effective date of this Ordinance shall be issued unless the tract has been platted in accordance with this Ordinance; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by the Restricted Residence District Ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

## 6-7-29 EXTRATERRITORIAL REVIEW AGREEMENT.

The City may negotiate an extraterritorial review agreement between the City of Goose Lake and Clinton, County, for the standards and conditions applied by the City for review and approval of a subdivision as provided in Section 354.9 of the Code of Iowa.

The City of Goose Lake shall apply the same standards and conditions for review and approval of a subdivision in the extraterritorial review area as established in Section 6-7-3 of the City of Goose Lake Municipal Code.

The City of Goose Lake may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of the subdivision in the extraterritorial area. Such resolution shall be certified and recorded with the plat.

Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions with the City unless waived by the Governing Body.

(Code of Iowa, Sec. 354.8 and 354.9)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 8 SIDEWALK REGULATIONS

6-8-1	Purpose	6-8-11	Failure to Obtain Permission; Remedies
6-8-2	Definitions	6-8-12	Inspection and Approval
6-8-3	Cleaning Snow, Ice, and Accumulations	6-8-13	Barricades and Warning Lights
6-8-4	Maintenance Responsibility	6-8-14	Interference with Sidewalk Improvements
6-8-5	Liability of Abutting Owner	6-8-15	Special Assessments for Construction and Repair
6-8-6	Ordering Sidewalk Improvements	6-8-16	Notice of Assessment for Repair or Cleaning Costs
6-8-7	Repairing Defective Sidewalks	6-8-17	Hearing and Assessment
6-8-8	Notice of Inability to Repair or Barricade	6-8-18	Billing and Certifying to County
6-8-9	Standard Sidewalk Specifications	6-8-19	ADAAG Compliance
6-8-10	Permission for Construction or Removal		

6-8-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-8-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
- b. horizontal separations equal to three-fourths (3/4) inch or more.
- c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
- f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-8-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed. The costs shall be \$75.00 per time the City must hire to have the snow and ice accumulations removed from a sidewalk abutting the owner's property. The property will receive a door hanger as a 24- hour notice. After 24-hour notice is given the sidewalk will be cleaned by the City at the owner's expense. The fee will be invoiced to the property owner and or tenant. If the fee is not paid when due, it shall be assessed against the property as taxes. The City Clerk-Treasurer shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

(Ord. 2021-159, Passed November 18, 2021)

6-8-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

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

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their 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 person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage

or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

6-8-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-8-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk-Treasurer shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.

2. Sidewalks shall be on one-course construction.

3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.

4. The sidewalk bed shall be graded to the established grade.

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick

and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the handicapped. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of a City Council Member or the Mayor, and in accordance with the standard sidewalk specifications set forth in this chapter.

(Amended during codification, 2016)

6-8-10 PERMISSION FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain permission from the City Clerk-Treasurer. The person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The work will be done under the direction and approval of the City Superintendent of Public Works. The person shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. The City Council may withhold permission for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 FAILURE TO OBTAIN PERMISSION; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without permission, the Mayor shall serve notice to obtain permission upon the property owner and upon the contractor doing the work.

If the sidewalk is in the course of construction, the notice shall order the work to stop until permission is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed but is not according to specifications, the owner shall perform any needed corrections within five (5) days from receipt of the notice. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-8-12 INSPECTION AND APPROVAL. Upon final completion, a City Council Member or the Mayor shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter and of the specifications, the Superintendent of Public Works shall indicate this in writing.

(Amended during codification, 2016)

6-8-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-8-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

6-8-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-8-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk-Treasurer shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-8-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a

corrected list as the amounts to be assessed against the property.  
(Code of Iowa, Sec. 384.51)

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk-Treasurer shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. No interest shall be charged for assessments, if paid within thirty (30) days of the time the Council determined the final amounts.  
(Code of Iowa, Sec. 384.60)  
(Ord. 2021-159, Passed November 18, 2021)

6-8-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).  
(ECIA Model Code Amended in 2011)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 9 CABLE TELEVISION REGULATIONS

6-9-1	Definitions	6-9-14	Occupancy of City Property
6-9-2	Capacity and Programming	6-9-15	Two Way System
6-9-3	Permission From Schools	6-9-16	Non-Interference
6-9-4	Business Office: Complaints	6-9-17	Tree Trimming
6-9-5	Records	6-9-18	FCC Certificate
6-9-6	Service Rules	6-9-19	Liability of Grantee
6-9-7	Quality of Signal	6-9-20	Preferential Rates Prohibited
6-9-8	Equipment Standards	6-9-21	Assigning Franchise
6-9-9	Joint Use; Poles; Undergrounding	6-9-22	Compliance With Laws, Future Conformance
6-9-10	Maps	6-9-23	Discontinuing Customer's Service
6-9-11	City Codes and Ordinances	6-9-24	Rate, Maximums, Revision
6-9-12	Unauthorized Connections		
6-9-13	Area of Service		

6-9-1 DEFINITIONS. The following words and phrases, when used in this chapter, shall for the purposes of this Ordinance have the meanings described to them in this section:

1. Basic Service. Shall mean the initial minimum level of service provided for by Preston Telephone Company or Mediacom shall include but not be limited to channels WHBF, WOC, WQAD, KIIN and other programs sources from satellites or local origination.

(Amended during codification, 2016)

2. Additional Service. Shall mean service provided by Grantee for which a special charge is made based on program content and provided beyond basic service.

3. Cable Television System. Shall mean any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.

4. Channel. Shall mean the segment of the electromagnetic spectrum to which a source of television transmission is assigned.

5. City. Shall mean the City of Goose Lake, Iowa. When the context so requires, the term City shall mean and include the City, its officers, agents, employees, servants and independent contractors.

6. FCC. Shall mean the Federal Communications Commission.

7. Franchise. Shall mean the rights, privileges, and authority granted by the City to the Grantee hereunder and shall include all of the terms and conditions of this chapter.

8. Grantee. Shall mean the person granted a franchise by an election. When the context so requires, the term Grantee shall mean and include the Grantee, its officers, agents, employees, servants and independent contractors thereof.

9. Person. Shall mean any individual, or any corporation, business, firm or other entity, and shall be construed as singular or plural, or masculine, feminine or neuter, as the context may require.

10. Private Property. Shall mean all property, real, personal, or mixed, owned by a private person, including property owned by a public utility not owned or operated by the City.

11. Property of the Grantee. Shall mean all property, real, personal, or mixed, not owned or operated by the City.

12. Public Property. Shall mean all property, real, personal, or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

#### 6-9-2 CAPACITY AND PROGRAMMING

1. Grantee shall provide a minimum initial forward band with capability of 300 MHZ. The system shall have a 35 channel capability when used with a converter.

2. Grantee shall initially provide the local channels plus satellite channels for basic service. In addition there will be at least two (2) premium channels available for extra cost as outlined in the rate schedule, the minimum total shall be 12 channels.

6-9-3 PERMISSION FROM SCHOOLS. Grantee shall not televise, tape, or in any way reproduce or show to the general public any school activity, either as a public service, or as a commercial activity, without the prior approval of the schools involved.

6-9-4 BUSINESS OFFICE: COMPLAINTS. Grantee shall maintain an office or designated agent within the City of Preston, Iowa for the purpose of receiving, investigating, and responding to service complaints from subscribers. Grantee shall make every reasonable effort to resolve any and all complaints to the satisfaction of the subscriber.

6-9-5 RECORDS. Grantee shall keep complete records of accounts showing the number of subscribers and furnish an annual report to the City Council, the report will give a month by month record of the number of subscribers.

6-9-6 SERVICE RULES. Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of its franchise or with the rules and regulations of the Federal Communications Commission, and other applicable laws, rules and regulations. Grantee shall submit to the City the

form of its service agreement between Grantee and its subscriber and channel users shall furnish the City a full schedule of its charges to be paid by subscribers before soliciting for subscribers within the City, and shall furnish the City any amendments or alterations in the service agreement or schedule of charges.

6-9-7 QUALITY OF SIGNAL. Grantee shall, during the period of its franchise, furnish reasonable, adequate and efficient cable television reception service to the residents of the City wherever possible, and Grantee shall maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements shall be temporarily suspended in the event of natural disaster or emergency conditions or other circumstances beyond the control of Grantee.

6-9-8 EQUIPMENT STANDARDS. Grantee's plant and equipment, including the antenna site, headend, distribution system, towers, structures, poles, wires, underground cable and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the City may deem proper to make, or to unnecessarily hinder, or obstruct pedestrian or vehicular traffic to public ways, places and structures.

All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in a good order and repair.

6-9-9 JOINT USE; POLES; UNDERGROUNDING. The City hereby grants the right, privilege, and authority to Grantee to lease, rent, or in any other manner obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City, and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business. Grantee shall install its cables on existing poles owned by other holders of public licenses and franchises within the corporate limits of the City whenever possible for the installation of its cable. Grantee shall only be allowed to erect its own poles upon receiving the permission of City Council to do so.

6-9-10 MAPS. Grantee shall file with the City Clerk-Treasurer a copy, true and accurate, of maps and/or plats of all existing and proposed installations upon the streets. These maps and plats shall conform to the requirements of the City Council and shall be kept continuously up to date.

6-9-11 CITY CODES AND ORDINANCES. Grantee shall be required to conform to all present City Codes, including but not limited to plumbing and electrical codes and any Ordinance providing for the manner and method of cutting streets, excavations in the right of way, backfills, etc. Grantee shall restore all property of the City and of the inhabitants thereof to its original condition after the installation of either overhead or underground cable.

6-9-12 UNAUTHORIZED CONNECTIONS:

1. It shall be unlawful for any person to injure the property of the Grantee or to deliberately

interfere with the dissemination of cable television and any person so doing if found guilty shall be punishable under subsection 3 of this section or by State statute.

2. It shall be unlawful for any person to intercept or receive signals of the Grantee without having subscribed for said services and entered into an agreement to pay for said services, and persons so doing if found guilty shall be punishable under subsection 3 of this section or by State statute.

3. Any person violating any of the provisions of subsection 1 and 2 above of this section shall upon conviction be subject to a fine of not to exceed \$500.00.

#### 6-9-13 AREA OF SERVICE.

1. Nothing in this Ordinance shall be construed so as to prevent the Grantee from supplying cable service to other cities or rural areas.

2. It shall be the obligation of the Grantee to serve all residents of the City except to the extent that density of homes, adverse terrain or other factors render providing service impractical, technically unfeasible or economically non-compensatory.

3. The Grantee shall have the right to enter into cost sharing or other compensatory agreement with individual residents of the City precluded from service under subsection 2 of this section.

6-9-14 OCCUPANCY OF CITY PROPERTY. In the event the Grantee desires to use any City property for the purpose of attaching cable, locating antennas or a structure for the enclosure of its equipment or otherwise use a City facility, the Grantee shall negotiate with the City an agreement for the use thereof.

6-9-15 TWO WAY SYSTEM. In the event a two way system is required by any subscriber the Grantee shall have the right to negotiate individually the charges required to be compensatory for the installation, operation and maintenance of the two way system.

6-9-16 NON-INTERFERENCE. All transmission and distribution structures, lines, and equipment erected by Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and/or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.

6-9-17 TREE TRIMMING. Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public place of this City so as to prevent the branches of such trees from coming in contact with the wires and cable of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense of the Grantee.

6-9-18 FCC CERTIFICATE. Grantee shall apply to the Federal Communications Commission

for a certificate of compliance within a reasonable period (not exceeding 90 days) from the date of the granting of its franchise. Within one year of the grant of such certificate by the FCC, Grantee shall complete significant construction of its basic trunk line, and within two years, Grantee shall complete installation of its entire system. Grantee shall be entitled to a reasonable and sufficient extension of the schedule specified herein the event of a legal challenge or threat of such challenge to the ability of the Grantee to provide on its cable television system broadcast signals not available off-the-air in the City, and in the event construction is delayed by acts of God, earthquake, lightning, flood, fire, explosion, vandalism, disturbance, late delivery of equipment, supplies or machinery by suppliers, late performance by suppliers or services, or other similar causes reasonably beyond Grantee's control.

6-9-19 LIABILITY OF GRANTEE. Grantee shall at all times defend, indemnify, protect and save harmless the City and other political subdivisions in the area from and against any and all liability, losses and physical damage to property and bodily injury or death to the City or to person, including payments made under workmen's compensation laws, which may arise out of or caused by the erection, construction, replacement, removal, maintenance, and operation of Grantee's cable television system, and resulting from or by any negligence, fault, or misconduct on the part of the Grantee, its agents, officers, servants and employees. Grantee shall carry public liability insurance in the amount of not less than \$100,000/\$300,000 for the protection of itself and the City and the political subdivisions. Grantee shall hold the City and the political subdivisions harmless against damages resulting from legal action which may be brought against it in connection with the establishment and/or operation of Grantee's cable television system in the City, and shall defend at its own expense, any action brought against the City and its political subdivisions by reason of the erection, construction, replacement, removal, maintenance, and operation of the Grantee's cable television system. Grantee shall also carry Workmen's Compensation Insurance coverage on all its employees who are engaged in any manner in the erection, construction, replacement; repair, maintenance and operations of Grantee's plant and equipments. Grantee shall be notified of any claim, demand, or action brought against the City or its political subdivisions for which the City or its political subdivisions may seek reimbursement or defense as provided hereunder, and the City or its political subdivisions shall not settle, capitulate, or admit any such claim, demand or action.

6-9-20 PREFERENTIAL RATES PROHIBITED. Grantee shall not, as to rates, charges, service facilities, rules, regulations or in any other respects, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage; provided, however this section shall not be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedule to which any customer coming within such classifications shall be entitled.

6-9-21 ASSIGNING FRANCHISE. Grantee shall not sell, transfer, or encumber its system or its franchise, without first securing the approval of the City Council; however, Grantee is hereby specifically authorized to assign or encumber its system and franchise for the purpose of financing the construction or operation of its system in the City. If Grantee shall decide to sell its system and franchise, the city is given the right of first refusal to purchase the system and franchise for fair market value as determined by the existing offers from other bonafide purchasers.

6-9-22 COMPLIANCE WITH LAWS, FUTURE CONFORMANCE. Grantee shall at all times

comply with all rules and regulations of the FCC or any duly authorized agency of the United States of America, and all laws duly enacted now or here-after by the United States Congress or Iowa General Assembly. This Chapter shall be conformed, within one year of their date of adoption, to any and all rules and regulations relating to the permissible term of cable television franchises which may hereafter be adopted by the FCC.

6-9-23 DISCONTINUING CUSTOMER'S SERVICE. Grantee may terminate service to any user not paying the established rates when payment shall be delinquent for ten days after billing. In addition, Grantee may charge an installation charge to commence service terminated for non-payment.

6-9-24 RATE, MAXIMUMS, REVISION.

1. Single User Rates.

Rates set by provider.

(Amended during codification, 2016)

Basic Service Charge includes no extra charge for additional sets within the users home, all hook-ups for more than one set is the responsibility of the customers and the cost paid by same, internal wiring for extra hook-ups does not have to be installed by an employee of the cable company. However, construction must be so as not to cause excessive leakage of the cable signal and must be inspected by and meet the approval of the cable company.

2. Multi-user Rates. Charges may be negotiated between the Grantee and the subscriber, but in no event shall the multi-user rates and charges for a subscriber exceed the aggregate of rates and charges which would be changed to a multi-user if computed on the basis of Basic single-user rates and charges.

3. For Promotional Purposes. Installation charges may be lowered at any time by the Grantee.

4. Reconnection Charges. Reconnection Charges shall be set by Provider.

(Ord. 2021-160, Passed November 18, 2021)

5. Additional Service Charges. Rates will be set by Provider.

(Ord. 2021-160, Passed November 18, 2021)

6. Revision of any charges and basic rates will be presented to and reviewed by the City Council for approval before they become effective.

(Ord 82. passed August 11, 1983)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 10 RESTRICTED RESIDENCE DISTRICT

6-10-1	Purpose	6-10-9	Special Permits
6-10-2	Definitions	6-10-10	Protest
6-10-3	District Described	6-10-11	Non Conforming Uses
6-10-4	Buildings Permitted	6-10-12	Action To Abate
6-10-5	Rules and Regulations	6-10-13	Certifying Ordinance
6-10-6	Move Buildings		
6-10-7	Set Back		
6-10-8	Buildings Requiring Special Permits To Locate Within Restricted Districts		

6-10-1 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Goose Lake, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.

(Code of Iowa, Sec. 414.1 and 414.24)

6-10-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

3. "Garage" is a structure for sheltering motor vehicles or household equipment and/or effects.

4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-10-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established. All that area within the city limits of the City of Goose Lake, Iowa, is hereby designated and established as a restricted residence district.

6-10-4 BUILDINGS PERMITTED. No buildings or other structures, including residences, schoolhouses, churches and other similar structures, shall be hereafter erected, reconstructed, altered, repaired or occupied within said district without first securing from the City Council a permit therefor. The permit fee shall be \$100.00 for new houses, garages or commercial buildings; \$50.00 for additions to any house, garage or commercial building or other structures, including residences, schoolhouses, churches and other similar structures.

(Amended during codification, 2016)

(Ord. 2021-161, Passed November 18, 2021)

6-10-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-10-6 MOVE BUILDINGS. It shall be unlawful to move a building or structure of any kind, from without to within a restricted residence district, or from one location in a restricted residence district to another location in a restricted residence district; without first filing plans and specifications with the City Council and securing a permit to remove such buildings or structures within the restricted residence district. No permit shall be issued that will result in a violation of this Ordinance or when in the judgment of the City Council, a permit should be refused.

6-10-7 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty (20) feet, nor shall any construction be required to be built with its front further than thirty (30) feet from said front lines without a variance approved by the City Council. All buildings to be used for residential purposes shall be placed on lots of no less than 10,000 square feet.

(Amended during Codification, 2005)

(Ord. 2021-161, Passed November 18, 2021)

No residence or other building exempted from permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said side lot lines, and overhangs shall not extend over any lot line, regardless of the compliance of the main foundation with this set back rule. However, any residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines, may be extended or altered in conformance with its existing side lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side lot line than it is currently located. Any other building granted a permit by council shall be placed at least as far from side lot lines as the residential, school, and church related buildings. All set backs shall be measured from the main foundation line.

6-10-8 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to highway or other proper reason acceptable to the council. Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-10-7 may be authorized by special permit if it appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners. The cost of a special permit shall be \$25.00 unless the applicant has already paid a permit fee under the provisions of Section 6-10-4. Application for the permit shall be made to the City Clerk-Treasurer at least 10 days before the city council meeting.

6-10-9 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-10-7. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 6-10-7. Said application shall be made to the City Clerk-Treasurer at least ten (10) days before the council meeting at which council action is taken. Permits are subject to inspection by the Water/Sewer Superintendent also prior to Council Meeting.

6-10-10 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the council.

6-10-11 RESERVED.

(Ord. 2021-161, Passed November 18, 2021)

6-10-12 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-10-13 CERTIFYING ORDINANCE. Within fifteen (15) days after this Ordinance becomes effective the City Clerk-Treasurer shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.

(Code of Iowa, Sec. 380.11)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 11 TAX INCREMENT FINANCING

6-11-1 Purpose  
6-11-2 Definitions

6-11-3 Provisions For Division Of Levied  
On Taxable Property In The Urban  
Renewal Area

6-11-1 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Goose Lake Urban Renewal Area No. 1. The taxes may be divided 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. The taxes may be divided in order to create a special fund to pay the principal of and interest on loans, moneys advanced, or indebtedness, including bonds issued by the City of Goose Lake to finance projects in such areas.

6-11-2 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of Goose Lake, Iowa.

“County” shall mean the County of Clinton, Iowa.

“Urban Renewal Area” shall mean the “GOOSE LAKE URBAN RENEWAL AREA NO. 1”, the boundary of which is set out in the Urban Renewal Plan approved and adopted by the City Council and is described as follows:

All real estate or property in the East One Half of Section 28 T83N R5E Clinton County, Iowa located within the city limits of the city of Goose Lake at the effective date of this ordinance.

6-11-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA. 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 an 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 an Urban Renewal Area, as shown on the assessment roll as of January 1, of the calendar year preceding the first year in which the city clerk certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue and the amount of revenue needed to retire debt as a result of projects financed in the

area, 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.

2. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the City to pay debt incurred by the City to finance or refinance, in whole or in part, projects in Urban Renewal Area No. 1, and to provide assistance for low and moderate income family housing, 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 Urban Renewal Area No. 1 exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in Urban Renewal Area No. 1 shall be paid into the funds for the respective taxing districts as taxes by or for said taxing district in the same manner as all other property taxes. When such debt has been fully paid, all money thereafter received from taxes upon the taxable property in Urban Renewal Area No. 1 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 (2) 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. 111, Passed May 24, 2001)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 12 FENCE REQUIREMENTS

6-12-1	Definitions	6-12-4	Height
6-12-2	Permit Requirements	6-12-5	Setback
6-12-3	Location		

6-12-1 DEFINITIONS. For use in this chapter the following terms are defined:

1. Front Yards.

a. When thirty percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or lesser depth of front yard than required by the district in which it is located, no building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the structure, or, if there are buildings only upon one side, then the proposed structure shall observe the same front yard depth as the closest building on that side. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.

b. On lots having double frontage, the required front yard shall be provided on both streets.

c. On empty lots (property where no buildings currently exist) the lots with buildings adjacent to the lot, which the fence is to be constructed, shall be the governing for this standard.

2. Rear and Side Yards.

a. Rear and side yards as pertains to this ordinance shall be meant to be any yard area not described as such Front Yard Definition.

6-12-2 PERMIT REQUIREMENTS. An application for a fence permit must be filled out and submitted to the City Clerk by the Friday prior to the week of the regular City Council meeting along with the fence permit fee of \$25.00. City Clerk will add the item to the agenda for City Council approval. All fence permit requests will be inspected prior to approval.

(Ord. 2021-162, Passed November 18, 2021)

6-12-3 LOCATION.

1. Location of said fence shall be constructed on fence owner's side of property line.

a. Fence shall not be constructed on property line or any part there of.

b. Fence shall be constructed no less than 12 inches (1 foot) from fence owner's property line.

2. City shall not be obligated to determine property lines or any party there of.

3. No fence shall be constructed within drainage easements, access easements, designated floodways, or beyond the property lines of the lot upon which said fence is to be located.

(Amended 11/28/14)

#### 6-12-4 HEIGHT

1. Within the front yard fences shall be limited in height to 36 inches (3 feet).

2. Within the side and rear yard area's fences shall be limited in height to 72 inches (6 feet).

3. In all cases, the smooth, finished, nonstructural or dressed side of the fence, if any, shall be directed toward the neighboring property or properties.

#### 6-12-5 SETBACK

1. Fences shall not be constructed within a thirty-foot visibility triangle at the intersection of two streets (measured along the right-of-way lines of the two streets).

2. Fences shall not be constructed within a ten-foot visibility triangle at the intersection of a street and an alley or at a private driveway (measured along the street right-of-way line and the alley right of way line or along the driveway).

3. Fences, which enclose agricultural, livestock or row crop operations and do not exceed forty-two inches in height may be constructed along all boundaries of a lot without setback, and are exempt from the visibility triangle restrictions.

(Ord. 2014-140, Passed November 20, 2014)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 13 FLOODPLAIN MAINTENANCE

6-13-1	Definitions	6-13-5	Floodplain Management Standards
6-13-2	Statutory, Authority, Findings of Fact and Purpose	6-13-6	Variance Procedures
6-13-3	General Provisions	6-13-7	Non-conforming Uses
6-13-4	Administration	6-13-8	Penalties for Violation
		6-13-9	Amendments

6-13-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. Appurtenant Structure. A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

2. Base Flood. The flood having one (1) percent chance of being equaled or exceeded in any given year (Also commonly referred to as the "100-year flood").

3. Base Flood Elevation (BFE). The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

4. Basement. Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

5. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

6. Enclosed Area Below Lowest Floor. The floor of the lowest enclosed area in a building when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 6-13-5(4.)(a.) of this Ordinance, and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service)

contained in the enclosed area are located at least one (1) foot above the base flood elevation, and

d. The enclosed area is not a "basement" as defined in this section.

7. Existing Construction. Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

8. Existing Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

9. Expansion of Existing Factory-Built Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. Factory-Built Home. Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

11. Factory-Built Home Park. A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

12. Five Hundred (500) Year Flood. A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

13. Flood. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. Flood Insurance Rate Map (FIRM). The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

15. Flood Insurance Study (FIS). A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background

data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. Floodplain. Any land area susceptible to being inundated by water as a result of a flood.

17 Floodplain Management. An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

19. Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

20. Floodway Fringe. Those portions of the Special Flood Hazard Area outside the floodway.

21. Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

22. Historic Structure. Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

23. Lowest Floor. The floor of the lowest enclosed area in a building including a basement

except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

24. Maximum Damage Potential Development. Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. Minor Projects. Small development activities (except for filling, grading and excavating) valued at less than \$500.

26. New Construction. (new buildings, factory-built home parks) Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

27. New Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

28. Recreational Vehicle. A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

29. Routine Maintenance of Existing Buildings and Facilities. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;

Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

30. Special Flood Hazard Area (SFHA). The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

31. Start Of Construction. Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. Structure. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

33. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. Substantial Improvement. Any improvement to a structure which satisfies either of the following criteria:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is

being restored, before the damage occurred. Any repair, reconstruction or improvement of a structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the first improvement of the structure, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure". NOTE: An alternative to exempting substantially improved/damaged historic structures from the elevation requirements of the ordinance by definition would be to handle them individually through the variance process. This option provides the community an opportunity to require that all reasonable measures are used to reduce the structure's flood damage potential (e.g., by relocating utilities above the base flood elevation, using flood resistant materials where practicable, etc.), provided those measures do not preclude the structure's designation as an "historic structure." If this alternative is preferred, the last sentence of the previous paragraph (referring to "historic structures" should be deleted.

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. Variance. A grant of relief by a community from the terms of the floodplain management regulations.

36. Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

## 6-13-2 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

### 2. Findings of Fact

a. The flood hazard areas of the City of Goose Lake are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general

welfare of the community.

b. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

### 3. Statement of Purpose

a. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Goose Lake and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 6-13-7(2.)(1.)(a.) of this Ordinance 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.

### 6-13-3 GENERAL PROVISIONS.

#### 1. Lands to Which Ordinance Apply.

a. The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of the City of Goose Lake. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map (FIRM) for Clinton County and Incorporated Areas, City of Goose Lake, Panels 19045C0300E, 0325E dated July 22, 2020, which is hereby adopted and made a part of this Ordinance.

#### 2. Rules for Interpretation of Flood Hazard Boundaries.

a. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Mayor of Goose Lake shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City of Goose Lake in the enforcement or

administration of this Ordinance.

3. Compliance.

a. 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.

a. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

5. Interpretation.

a. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability.

a. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Goose Lake 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.

a. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

6-13-4 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Local Official.

a. The Mayor of Goose Lake is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

b. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

8) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

A. Development placed within the Floodway results in any of the following:

(i) An increase in the Base Flood Elevations, or

(ii) Alteration to the floodway boundary

B. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base flood elevation; or

C. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

9) Perform site inspections to ensure compliance with the standards of this Ordinance.

## 2. Floodplain Development Permit.

a. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, 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) Location and dimensions of all buildings and building additions

4) Indication of the use or occupancy for which the proposed work is intended.

5) Elevation of the base flood.

6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

c. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

d. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to

submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

6-13-5 FLOODPLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

1. All development within the special flood hazard areas shall:
  - a. Be consistent with the need to minimize flood damage.
  - b. Use construction methods and practices that will minimize flood damage.
  - c. Use construction materials and utility equipment that are resistant to flood damage.
  - d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

Alternate methods of elevating (such as piers or extended foundations) may be allowed 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 located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

3. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level.

When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water.

A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The NFIP's Lowest Floor Guide requires that openings be located on "at least two walls". While FEMA does not require the ordinance to contain this language, including it might help to ensure that the property owner will receive a lower flood insurance premium.

2) The bottom of all openings shall be no higher than one-foot above grade.

3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage. Where the distance between the floor and ceiling of the fully enclosed area below the "lowest floor" is (FIVE (5)) feet or more, the applicant shall be required to sign and record with the (County Name) Recorder a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in 6-13-5(4.). Note: Community may determine the height of the lower-enclosed area at which to require the applicant to sign a Non-Conversion Agreement.

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New 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. New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities (including ductwork) elevated or floodproofed to a minimum of one (1) foot above the base flood elevation.

5. Factory-built homes:

a. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

b. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems:

a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the

base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance.

Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures to Residential Uses.

a. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.

2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

6) The structure's walls shall include openings that satisfy the provisions of Section V (D) 1 of this Ordinance.

b. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

## 12. Recreational Vehicles.

a. Recreational vehicles are exempt from the requirements of 6-13-5(5.) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of 6-13-5(5.) 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.

14. Maximum Damage Potential Development. All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

## 6-13-6 VARIANCE PROCEDURES.

1. The City Council may authorize upon request in specific cases such variances from the

terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

e. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

2. 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:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the City.

- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances. Upon consideration of the factors listed above, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

6-13-7 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. 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.

6-13-8 PENALTIES FOR VIOLATION. Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (500.00 (FIVE HUNDRED DOLLARS)). Nothing herein contained prevent the City of Goose Lake from taking such other lawful action as is necessary to prevent or remedy violation.

6-13-9 AMENDMENTS. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

(Ord. 2011-136, Passed July 21, 2011)  
(Ord. 2020-150, Passed May 22, 2020)

**TITLE VI PHYSICAL ENVIRONMENT**

**CHAPTER 14 NUMBERING OF BUILDINGS**

- |        |                          |        |                       |
|--------|--------------------------|--------|-----------------------|
| 6-14-1 | Buildings to be Numbered | 6-14-4 | Type of Numbers, Size |
| 6-14-2 | Numbering System         | 6-14-5 | Enforcement           |
| 6-14-3 | Mandatory Numbering      |        |                       |

6-14-1 **BUILDINGS TO BE NUMBERED.** All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-14-2 **NUMBERING SYSTEM.** Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

6-14-3 **MANDATORY NUMBERING.** The placing of numbers is mandatory effective February 17, 2022.

6-14-4 **TYPE OF NUMBERS, SIZE.** The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height.

6-14-5 **ENFORCEMENT.** If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

(Amended during 2022 codification)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 15 BUILDING PERMITS

6-15-1	Purpose	6-15-10	Rear Yard Requirements
6-15-2	Structure Defined	6-15-11	Special Requirements for Residences
6-15-3	Permit Required	6-15-12	Variances
6-15-4	Application	6-15-13	Fences
6-15-5	Fees	6-15-14	Curb Cuts
6-15-6	Plans Required	6-15-15	Authority of City Council
6-15-7	Location of Structure	6-15-16	Permit Issued
6-15-8	Front Yard Requirements	6-15-17	Limitations on Permit
6-15-9	Side Yard Requirements		

6-15-1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-15-2 STRUCTURE DEFINED. Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, accessory buildings, residential units, mobile homes, outdoor furnaces, and similar uses.

6-15-3 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-15-4 APPLICATION. All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-15-5 FEES. There shall be a permit fee of \$25.00 for such permit. The fee for an expedited permit shall be \$35.00 paid to each city council member who attends the special meeting. Any person commencing construction without a permit may be asked to deconstruct and shall pay a permit fee of \$25.00. If a permit is rejected the fee shall be returned to the applicant.

6-15-6 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-15-7 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-15-8 FRONT YARD REQUIREMENTS. There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-15-9 SIDE YARD REQUIREMENTS. No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

6-15-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

6-15-11 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.

2. All residences shall have a permanent perimeter foundation constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

6-15-12 VARIANCES. The city council may grant a variance to sections 6-15-8, 6-15-9, and 6-15-10 where the setback requirements would cause a hardship on the property owner.

6-15-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-15-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-15-15 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-15-16 PERMIT ISSUED. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-15-17 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be

deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

Editor's Note: If this Ordinance is adopted be sure that the provisions of this Ordinance are consistent with the provisions of the Restricted Residence Ordinance if the City has one. Specifically, the set back and permit fee requirements should be reviewed.

(Amended during 2022 codification)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 16 OUTDOOR FURNACES

6-16-1 Purpose

6-16-2 Definitions

6-16-3 Existing Outdoor Furnaces

6-16-4 General Requirements

6-16-5 Permit Applications

6-16-6 Enforcement and Violations

6-16-1 PURPOSE. The Goose Lake City Council finds that smoke, odors and emissions caused by the use of outdoor furnaces can be detrimental to the public health and deprive residents of the enjoyment of their property. The purpose of this Chapter is to ban the installation and construction of outdoor furnaces and establish regulations and restrictions regarding the existing outdoor furnaces within the City of Goose Lake, to promote the public health, comfort, safety and welfare of the public.

6-16-2 DEFINITIONS. For the purposes of this Chapter, the following definitions apply:

1. “Existing Outdoor Furnaces” means any outdoor furnace in existence as of February 17, 2022

2. “Outdoor Furnace” means any equipment, device or apparatus which is installed, affixed or situated outdoors or within another structure for the primary purpose of burning fuel to produce heat or energy used in whole or in part as a heating system to provide heat and/or hot water to any structure.

3. “Stack” or “Chimney” means any vertical structure enclosing a flue or flues that carry off smoke, exhaust and other emissions from an outdoor furnace.

6-16-3 RESERVED.

6-16-4 GENERAL REQUIREMENTS.

1. Outdoor furnaces may not be operated between April 1 and October 15 of each year.

2. All outdoor furnaces shall be installed, operated and maintained in accordance with the manufacturer’s specifications and instructions.

3. All outdoor furnaces shall be laboratory tested and listed to appropriate safety standards, such as UL (Underwriters Laboratories), ANSI (American National Standards Institute) or other applicable safety standards. Outdoor furnaces shall not be located less than thirty (30) feet from the nearest lot line. Outdoor furnaces shall not be located within one hundred (100) feet from any residence not being served by the furnace.

4. Only natural, untreated wood or the manufacturer’s listed fuels may be burned in any outdoor furnace. Burning any other materials in the furnace is prohibited. Trash, plastics, gasoline,

rubber, naphtha, household garbage, particle board, railroad ties, pressure treated wood or other materials treated with petroleum products, leaves, paper products and cardboard are prohibited.

5. Petroleum products or chemicals shall not be used to start an outdoor furnace.

6. Every outdoor furnace shall be equipped with a stack or chimney. All stacks and chimneys must be constructed as to withstand high winds and other weather elements. In no event shall a stack or chimney extend less than twenty-five (25) feet above the ground.

7. In order to obtain a permit for an existing outdoor furnace, the furnace must be in compliance with all of the provisions of this Chapter and any other applicable county, state or federal regulations. All provisions shall continue to apply to an outdoor furnace after a permit has been issued. No existing outdoor furnace may be moved or replaced by a new outdoor furnace.

8. All existing outdoor furnaces shall be inspected each year prior to operation.

#### 6-16-5 PERMIT APPLICATIONS.

1. An application for an outdoor furnace permit shall be made to the City Clerk on a form provided by the City and shall contain and/or have attached thereto the following information:

a. Name, address, daytime and evening telephone number of the applicant.

b. Address of the lot upon which the outdoor furnace is located.

c. A site plan indicating the location of the outdoor furnace in relation to all lot lines.

d. The name of the manufacturer and model number of the outdoor furnace, together with a copy of the manufacturer's installation, operation and maintenance instructions.

e. A description of the stack or chimney proposed to be used in connection with the outdoor furnace, including its height and a description of any guy wires or other devices to be used to support or stabilize the stack.

f. Such other information as the City Clerk shall require to show full compliance with this Chapter and other ordinances of the City.

2. Permit Fee. The applicant shall pay an application fee for the administration and inspection of the outdoor furnace, which shall be deposited in the City's general fund. The application fee shall be \$25.00.

3. Applicant. The applicant for an outdoor furnace permit shall in all cases be the owner of the lot on which the outdoor furnace is to be located.

4. The City Clerk shall issue an outdoor furnace permit or deny an outdoor furnace permit application within thirty (30) days of the receipt of a fully completed application. The City Clerk shall deny any application which is not filed in conformity with this section or which proposes an

outdoor furnace which would be contrary to any provisions of the ordinances of the City of Goose Lake. Any denial of an application shall provide, in writing, the reasons for such denial. If an application is denied, the permit fee shall be refunded to the applicant. A denial of an outdoor furnace permit application may be appealed, by the applicant, to the Goose Lake City Council. The appeal must be in writing and filed in the office of the City Clerk within twenty (20) calendar days after the date of the denial of the permit. The City Council will hold a hearing on the appeal within forty-five (45) days of the date that the appeal is filed with the City Clerk's office.

#### 6-16-6 ENFORCEMENT AND VIOLATIONS.

1. Any person who violates any of the provisions of this Chapter or any of the terms and conditions of any permit, regulation or lawful order of the City made under the authority of this Chapter shall be guilty of a simple misdemeanor and a municipal infraction. Each day that a violation exists or continues shall constitute a separate offense.

2. If any outdoor furnace regulated under this Chapter is installed, constructed, moved, maintained or used in violation of this Chapter or in violation of the terms and conditions issued or made under the authority of this Chapter, a simple misdemeanor citation and/or a municipal infraction citation may be issued to remedy and/or abate the violation.

(ECIA Model Code Amended in 2017)

(Amended during 2022 codification)

**TITLE VI PHYSICAL ENVIRONMENT**

**CHAPTER 17 ACCESSORY BUILDINGS AND STRUCTURES**

6-17-1	Timing	6-17-5	Rear Yard
6-17-2	Permit	6-17-6	Number of Accessory Buildings
6-17-3	Location	6-17-7	Materials
6-17-4	Height	6-17-8	Principal Structures

6-17-1 **TIMING.** No accessory building or structure shall be erected on the property more than ninety (90) days prior to the time of completion of the principal structure or use.

6-17-2 **PERMIT.** A building permit must be issued prior to construction of any accessory building or structure.

6-17-3 **LOCATION.** Accessory buildings and structures, other than a private garage, shall be limited to twelve (12) feet in height for sidewalls, and no part of the structure shall be closer than five (5) feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.

6-17-4 **HEIGHT.** A private garage or accessory building or structure may not be taller than the principal structure.

6-17-5 **REAR YARD.** No accessory building or structure shall be erected in any yard other than the rear yard, and the structure shall occupy less than 30 percent of the required rear yard, except for a private garage, which may occupy up to 50 percent of the required rear yard. But in no event shall more than 30 percent of the rear yard be occupied by garage, accessory building or structure.

6-17-6 **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.

6-17-7 **MATERIALS.** Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure and shall be of a matching or complementary color.

6-17-8 **PRINCIPAL STRUCTURES.** Only one (1) principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory use or building may be located on a property that does not have a conforming principal structure in existence.

(ECIA Model Code Amended in 2017)  
(Amended during 2022 codification)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 18 PORTABLE STORAGE CONTAINERS

6-18-1	Definitions	6-18-5	Stacking
6-18-2	Residential Property	6-18-6	Good Repair
6-18-3	Commercial Property	6-18-7	Compliance
6-18-4	Industrial Property		

6-18-1 DEFINITION. “Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

#### 6-18-2 RESIDENTIAL PROPERTY.

1. The use of portable storage containers on a property used for residential purposes is prohibited, except for the following uses:

a. A portable storage container may be used on a residential property when a building permit has been issued for construction of a residential unit on that parcel. The portable storage container shall be allowed to remain on the residential parcel during construction only. The portable storage container must be removed within ten (10) days after completion of the construction project or expiration of the building permit.

b. Portable storage containers shall not impede traffic or pedestrians. No portable storage container shall be located in a fire lane, public utility easement, or on public right-of-way, including streets, sidewalks, and parking strips.

#### 6-18-3 COMMERCIAL PROPERTY.

1. Portable storage containers are prohibited on a property used for commercial purposes, except as follows:

a. Portable storage containers may be used for shipping and receiving merchandise and goods, provided that the storage container does not remain on the property for more than five (5) business days.

b. Portable storage containers may be used for storing merchandise or goods sold or used at the commercial property on which it is located, provided that the portable storage container is in an area that is not visible from any public street and is not in any designated parking areas, fire lane, or public right-of-way.

c. Portable storage containers may be used for construction or remodeling purposes when a building permit has been issued for construction on the commercial property. The portable storage container must be removed within ten (10) days after final building inspection or after the building permit has expired.

#### 6-18-4 INDUSTRIAL PROPERTY.

1. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on public right-of-way, in a fire lane, in the front of the property, or in any area visible from a public street.

2. No portable storage container shall be placed or located in any aisle or driving lane, fire lane, public utility easement, or public right-of-way, including streets, sidewalks, and parking.

6-18-5 STACKING. Portable storage containers may not be stacked on top of one another, and stacking of any other materials on top of or around any storage containers shall be prohibited in all districts.

#### 6-18-6 GOOD REPAIR.

1. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.

2. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.

3. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

#### 6-18-6 RESIDENTIAL USE.

1. A portable storage container may not be used as a dwelling or living quarters.

2. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

6-18-7 COMPLIANCE. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within thirty (30) days of the ordinance's effective date.

(ECIA Model Code Amended in 2020)  
(Amended during 2022 codification)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 19 RECREATIONAL VEHICLE/TRAVEL TRAILER RESIDENCE

6-19-1 Definitions

6-19-2 Occupancy

6-19-1 DEFINITIONS.

1. A “recreational vehicle” is defined as:

- a. A factory-built vehicular structure, not certified as a manufactured home;
- b. Designed only for recreational use and not as a primary residence or for permanent occupancy;
- c. Any vehicle which is self-propelled;
- d. Built and certified in accordance with either the NFPA1192-15, standard for recreational vehicles, or ANSI A119.5-15, recreational park trailer standard.

6-19-2 OCCUPANCY.

1. No recreational vehicle or travel trailer shall be used as a permanent residence or occupied for more than ten (10) days in any twelve (12) month period within the city.

(ECIA Model Code Amended in 2020)

(Amended during 2022 codification)

**TITLE VII SPECIAL ORDINANCES**  
**CHAPTER 1 STREET GRADES - RESERVED**

**TITLE VII SPECIAL ORDINANCES**

**CHAPTER 2 VACATED STREETS AND ALLEYS – RESERVED**

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 3 ELECTRIC FRANCHISE

7-3-1	Grant of Franchise	7-3-8	Continuous Service
7-3-2	City Held Harmless	7-3-9	Term of Franchise
7-3-3	Excavations	7-3-10	Expense
7-3-4	Location of Facilities	7-3-11	Acceptance
7-3-5	Meters	7-3-12	Severability
7-3-6	Modern System	7-3-13	Ordinance May not be Superseded

7-3-1 GRANT OF FRANCHISE. There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

7-3-2 CITY HELD HARMLESS. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages to extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system. •

7-3-3 EXCAVATIONS. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical.

7-3-4 LOCATION OF FACILITIES. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private

developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

7-3-5 METERS. The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

7-3-6 MODERN SYSTEM. The system authorized by this Ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

7-3-7 FRANCHISE NOT EXCLUSIVE. The franchise granted by this Ordinance shall not be exclusive.

7-3-8 CONTINUOUS SERVICE. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

7-3-9 TERM OF FRANCHISE. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

7-3-10 EXPENSE. The expense of the publication of this Ordinance shall be paid by the Company.

7-3-11 ACCEPTANCE. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

7-3-12 SEVERABILITY. If any 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.

7-3-13 ORDINANCE MAY NOT BE SUPERSEDED. This Ordinance sets forth and constitutes

the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the written approval and acceptance of the Company. Upon written acceptance by the Company, this Ordinance shall supersede, abrogate and repeal the prior electric system Ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any Ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this Ordinance, that create additional burdens upon the Company, or which delay utility operations.

(Ord. 86, Passed September 11, 1986)

(Adopted at Election November 25, 1986)

(Accepted by Iowa Electric Light and Power  
December 23, 1986)

(Ord. 2011-134, Passed March 17, 2011)

**TITLE VII SPECIAL ORDINANCES**  
**CHAPTER 4 GAS FRANCHISE – RESERVED**

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 5 TELEPHONE FRANCHISE

7-5-1	Franchise	7-5-3	Cost of Publishing and Election
7-5-2	Rights Granted	7-5-4	Ordinance

7-5-1 FRANCHISE. The franchise of The Preston Telephone Company to erect, maintain, and operate a telephone system in the City of Goose Lake, Iowa, and to use and occupy the streets, alleys, and public places of the City of Goose Lake, Iowa, is hereby renewed for a term of twenty-five years from the effective date of this Ordinance.

7-5-2 RIGHTS GRANTED. That the rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said City.

7-5-3 COST OF PUBLISHING AND ELECTION. That The Preston Telephone Company shall, upon demand, pay the cost of publishing this ordinance and of holding the election hereinafter referred to.

7-5-4 ORDINANCE. That this Ordinance shall be in full force and effect and shall constitute a binding contract between the City of Goose Lake, Iowa, and The Preston Telephone Company, when the same shall have been approved by a majority of the electors of said City voting thereon, and when the provisions hereof shall have been accepted in writing by The Preston Telephone Company and such acceptance filed with the City Clerk.

(Ord. 88, Passed July 9, 1987)

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 6 CABLE FRANCHISE

7-6-1	Grant to Franchise	7-6-3	Ordinance In Force and Effect
7-6-2	Conflicting Ordinances	7-6-4	Ordinance Affirmed
		7-6-5	Inconsistency

7-6-1 GRANT TO FRANCHISE. A non-exclusive right is hereby granted to Preston Telephone Company, and its cablevision company Skitter, the heirs, successors or assigns the right to use and occupy the streets, alleys, easements and other public places of the City of Goose Lake, Iowa to establish, construct, operate, maintain, repair, renew, reconstruct, and remove a cable television system across public property and regulations of the United States of America, the State of Iowa and the Ordinance and regulations of the City of Goose Lake, Iowa.

(Ord. 2021-163, Passed November 18, 2021)

7-6-2 CONFLICTING ORDINANCES. All Ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed, provided that such repeal shall only be to the extent of such conflict.

7-6-3 ORDINANCE IN FORCE AND EFFECT. This Ordinance shall be in full force and effect and shall constitute a binding contract between the City of Goose Lake, Iowa and Preston Telephone Company, and its cablevision company Skitter when the same shall have been approved by a majority of the electors of the City voting thereon and when the provisions hereof shall have been accepted in writing and such acceptance is filed with the City Clerk-Treasurer.

(Ord. 81, Passed August 11, 1983)

(Ord. 2021-163, Passed November 18, 2021)

7-6-4 ORDINANCE AFFIRMED. All terms and provisions of the Franchise Ordinance shall continue in full force and effect. The City consents to the Ten (10) year extension. The City consents to the grant by Telnet of a security interest in the Franchise Ordinance to its lenders to secure indebtedness or other obligations incurred by Telnet with respect to the cable television system to be operated by Telnet pursuant to the Franchise Ordinance.

(Ord. 102, Passed May 15, 1997)

7-6-5 INCONSISTENCY. In the event any of the terms and provisions of any other ordinance or regulation of the City are inconsistent with the terms and provisions of this Ordinance, the terms and provisions of this Ordinance shall govern and control.

(Ord. 102, Passed May 15, 1997)