GRISWOLD CODE OF ORDINANCES

2010

CODIFIED BY: Southwest Iowa Planning Council
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Please note while using this version of Ordinances containing all the amendments and additions the page numbering in the Table of Contents is not accurate

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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

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

2. "Clerk" means City Clerk.

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

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

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

6. “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.

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

8. "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;

9. "May" confers a power;

10. "Month" means a calendar month;

11. "Must" states a requirement;

12. "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";

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

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

15. "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;

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

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

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

19. "Property" includes real and personal property;

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

21. "Shall" imposes a duty;

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

23. "State" means the State of Iowa;

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

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

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

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

28. "Year" means a calendar year;

29. All words and phrases shall be construed and understood according to the common and approved usage of the language; 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;

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

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

1. Gender. Any gender includes the other gender;

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

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

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

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

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

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Griswold Municipal Code of 2010 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

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

City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code 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.

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 Griswold, 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 Griswold, 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.

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
1-3-2 Civil Penalty -Municipal Infraction
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 herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a).

(Code of Iowa, Sec. 903.1(1)(a))

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 Griswold, 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 Griswold, 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 Griswold.

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 five hundred dollars ($500.00).

Repeat Offense: Not more than one thousand dollars ($1,000.00)

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

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

3. Civil Citations

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

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

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

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.

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

1-4-1 Purpose and Intent
1-4-2 General
1-4-3 Form of Notice of Hearing
1-4-4 Subpoenas
1-4-5 Conduct 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 _____ 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 therefore with the City Clerk."

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

1-4-5 CONDUCT OF HEARING.

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

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

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

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

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

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

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

   b. To introduce documentary and physical evidence;

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

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

   e. To rebut the evidence against the party; and

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

7. Official notice.

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

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

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

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

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

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

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

1-4-6 METHOD AND FORM OF DECISION.

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

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

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

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

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Griswold, 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 Griswold, Iowa.

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

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

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

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

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

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1 Creation of Appointive Officers
2-2-2 Appointment of Officers
2-2-3 Terms of Appointive Officers
2-2-4 Residency Requirement
2-2-5 Vacancies in Offices
2-2-6 Bonds Required
2-2-7 Surety
2-2-8 Blanket Position Bond
2-2-9 Bonds Filed
2-2-10 Boards and Commissions

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: City Clerk, City Manager, City Treasurer, Police Chief, Building Official, Attorney, Fire Chief, and Rescue Captain.

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

Fire Chiefs shall be elected for terms of one (1) year by the members of the volunteer Fire Department, with the approval of the City Council.

Rescue Captains shall be elected for terms of one (1) year by the members of the volunteer Rescue 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. (Code of Iowa, Sec. 374.4(3))

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

2-2-4 RESIDENCY REOUIREMENT. The City Manager shall become a resident of the City of Griswold within a term deemed reasonable by the City Council, and continued residency in the city is a requirement for continued employment with the city.

2-2-5 VACANCIES IN OFFICES. A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council, unless filled by election in accordance with State law.

2-2-6 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)

2-2-7 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.

2-2-8 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)

2-2-9 BONDS FILED. All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-10 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Code 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 with the exception of the Cemetery Board of Trustees. 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1 General Duties
2-3-2 Books and Records
2-3-3 Deposits of Municipal Funds
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 Manager
2-3-7 Powers and Duties of the Clerk
2-3-8 Powers and Duties of the Law Enforcement Officer
2-3-9 Powers and Duties of the Treasurer
2-3-10 Powers and Duties of the City Attorney
2-3-11 Powers and Duties of the Water and Wastewater Superintendent
2-3-12 Powers and Duties of the Streets and Grounds Superintendent
2-3-13 Powers and Duties of the Fire Chief
2-3-14 Powers and Duties of the Rescue Captain

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

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

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

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

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

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

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

1. The Mayor shall supervise the City Manager and give direction 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 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 during regular city council meetings. These reports shall concern municipal affairs.

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. The order to remove said nuisances shall be carried out by the City Manager or law enforcement entity.

2-3-6 POWERS AND DUTIES OF THE CITY MANAGER. The duties of the City Manager shall be as follows:

1. Administrative Responsibility. The City Manager shall be responsible for the administration of all municipal affairs as directed by the City Council. All departments of the city shall be responsible to the City Manager. All departmental activity requiring the attention of the City Council shall be brought to the City Council by the City Manager and all City Council policy shall be coordinated through the City Manager.

2. General. See that all resolutions, ordinances, laws, City Council directives, and approved operations policies are either faithfully enforced and executed or referred to the proper official for compliance thereof.

3. Attend Council Meetings. Attend all meetings of the City Council unless otherwise excused by the Mayor and Council.

4. Recommendations. Recommend to the Council any measures as are necessary or expedient for the good government and general welfare of the City.

5. Supervision. Supervise, direct, and evaluate the official conduct of all officers appointed by the Mayor and City Council except the Mayor Pro Tem and City Attorney, and be directly responsible to the City Council for proper function of the same.

6. Personnel and Appointments. Make recommendations for the compensation of all employees, to be fixed by City Council by resolution. Make recommendations for the appointment or employment for officers or employees at the department head level. Employ and appoint all other employees to fill authorized positions not classified at the department head level, with the exception the City Clerk and City Attorney.

7. Annual Budget. Prepare and submit to the Mayor and Council an annual budget in the manner prescribed by law.

8. Code Enforcement. Supervise the enforcement and execution of all ordinances and laws within the city.

9. Purchasing. Supervise all city purchasing; approve capital and repair expenditures up to two thousand five hundred dollars ($2,500) for operational needs and up to five thousand dollars ($5,000) for emergency needs.

10. Financial Condition. Keep the Mayor and City Council fully advised of the financial condition of the city.

11. Combined Offices. The Council may, by resolution passed by a majority of the entire Council, combine the office of City Manager with any other appointed position and so long as the duties of any of those offices are performed by the City Manager, there shall be no appointment to those offices.

12. Liaison. Maintain liaison with citizens, community organizations, businesses, developers, builders, engineers, and other entities important to municipal affairs.

13. Contracts. Supervise the performance of all contracts for work to be done for the city.

14. Investigations. Investigate, summarily and without notice, the conduct and affairs of any department, agency, officer or employee of the City.

15. Boards and Commissions. Attend meetings of other city boards and commissions as directed by the City Council, report to the City Council on the activities of various boards, commissions, and committees.

16. Urban Renewal, Economic Development, and Community Development. Direct and oversee the implementation of the City's Urban Renewal Plan, Economic Development Program, and Community Development programs.

17. Delegated Powers. Perform duties and have direct authority on all matters delegated by City Council action.

18. Other Duties. Perform such other duties as may be direct by the City Council.

2-3-7 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City

fund. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

7. The Clerk shall 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)

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

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

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

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

(Code of Iowa, Sec. 384.22)

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

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

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

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

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

14. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of the Clerk's duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the 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)

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 376.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Treasurer shall reconcile the Clerk's books and records and certify monthly to the City Council the balance of cash and investments of each fund and amounts received and disbursed.

2. The Treasurer shall perform such other duties as specified by the City Council by resolution of ordinance.

2-3-9 POWERS AND DUTIES OF THE LAW ENFORCEMENT OFFICER. The duties of the Law Enforcement Officer shall be as follows:

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

1. The Law Enforcement Officer shall wear upon the Law Enforcement Officer's outer garment and in plain view a badge engraved with "Police", and such uniform as may be specified by the City Council.

2. The Law Enforcement Officer shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.

3. The Law Enforcement Officer shall be sergeant-at-arms of the Council chamber when requested by the City Council.

4. The Law Enforcement Officer shall report to the City Council upon activities as Law Enforcement Officer when requested.

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

6. The Law Enforcement Officer shall have charge of the City jail when such is provided and of all persons held therein. The Law Enforcement Officer shall execute all orders of the court referring to the jail. The Law Enforcement Officer shall feed and shelter persons jailed in the usual manner and as required by law. When no City jail is provided, the Law Enforcement Officer shall make

arrangements to convey any persons requiring detention to the County jail as provided by law and agreements with the County.

7. The Law Enforcement Officer shall, whenever any person is bound over to the district court, convey the prisoner to the County jail.

8. The Law Enforcement Officer shall execute all lawful orders of any board or commission established by the City Council.

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

10. The Law Enforcement Officer may appoint one or more assistant Law Enforcement Officers, who may perform the Law Enforcement Officer's duties and who shall be members of the police force.

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

12. The Law Enforcement Officer shall, when requested, aid other municipal officers in the execution of their official duties.

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

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

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

2-3-10 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

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

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

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

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

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

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

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

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

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

2-3-11 POWERS AND DUTIES OF THE WATER AND WASTEWATER SUPERINTENDENT. The duties of the Water and Wastewater 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 all municipal utilities.

2. The Superintendent shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities.

2-3-12 POWERS AND DUTIES OF THE STREETS AND GROUNDS SUPERINTENDENT. The duties of the Streets and Grounds Superintendent shall be as follows:

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

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

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

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

4. The Superintendent shall make a report every month in writing to the Mayor and City Council on the present state of the public works.

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

2-3-13 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

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

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

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

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

5. The Fire Chief shall make annual written report to the Mayor and City Council during the second August City Council meeting 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.

2-3-14 POWERS AND DUTIES OF THE RESCUE CAPTAIN. The duties of the Rescue Captain shall be as follows:

1. The Rescue Captain shall oversee the day to day operation of Griswold Rescue.

2. The Rescue Captain shall attend necessary City Council meetings and make necessary reports to the City Council.

3. The Rescue Captain shall make recommendations for committee appointments.

4. The Rescue Captain shall attend all meetings/classes deemed necessary by the Iowa Department of Public Health and maintain necessary contact with Griswold Rescue's Medical Director.

5. The Rescue Captain shall make annual written reports to the Mayor and City Council during the second August City Council meeting concerning the general status and efficiency of the Rescue Department, the number of calls answered during the previous month and additional information that may be requested by the Mayor or the City Council. The Rescue Captain shall compile an annual report based upon the records maintained by the Rescue Department and summarizing the activities of the rescue department for the year and shall also contain recommendations for the improvement of the department. This report shall be filed to the Mayor.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member
2-4-2 Mayor
2-4-3 Mayor Pro Tem
2-4-4 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be $25.00 for each regular and special meeting of the City Council and any work sessions.

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

2-4-2 MAYOR. The Mayor shall receive an annual salary of $1,500.00 to be paid in equal monthly installments.

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

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

(Code of Iowa, Sec. 372.13(8)

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

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

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 ten nor more than twenty days before the date that the budget must be certified to the County Auditor, 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 Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

2-5-3 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons, and the number need not be more than one hundred persons.

(Code of Iowa, Sec. 384.19)

2-5-4 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 Manager determines that one or more appropriation accounts need added authorizations to meet required expenditures therein, the City Manager shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

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

2-5-7 ADMINISTRATIVE TRANSFERS. The City Manager shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Manager shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance**.** Such transfers shall not exceed $5,000 at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

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

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

2-5-8 BUDGET OFFICER. The City Manager shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Manager 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 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding ten dollars ($10.00) may be made by those officials authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends, and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

2-5-10 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-11 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by any two of the following: City Manager, Mayor, and Mayor Pro Tem.

(Code of Iowa, Sec. 384.20)

2-5-12 BUDGET ACCOUNTS. The City Manager 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)

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 CITY ELECTIONS

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

2-6-1 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.

2-6-2 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)

2-6-3 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)

2-6-4 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)

2-6-5 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)

2-6-6 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.

2-6-7 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.

2-6-8 PRIMARY AND RUNOFF ABOLISHED. The Council has adopted Chapters 44 and 45 of the Code of Iowa for conducting elections and in accordance with Section 376.6(2), Code of Iowa, no primary or runoff election will be conducted for City offices.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY COUNCIL

2-7-1 Powers and Duties
2-7-2 Exercise of Power
2-7-3 Meetings

2-7-1 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, 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))

2-7-2 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 ten thousand dollars ($10,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

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

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

3. 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))

2-7-3 MEETINGS. Procedures for giving notice of meetings of the City Council and other provisions regarding the conduct of City Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to City Council meetings are the following:

1. Regular Meetings. The time and place of the regular meetings of the City Council shall be fixed by resolution of the 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 Manager. 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 POLICE DEPARTMENT

2-8-1 Department Established
2-8-2 Organization
2-8-3 Peace Officer Qualifications
2-8-4 Required Training
2-8-5 Compensation
2-8-6 Peace Officers Appointed
2-8-7 Police Chief; Duties
2-8-8 Departmental Rules
2-8-9 Summoning Aid
2-8-10 Taking Weapons
2-8-11 Contract Law Enforcement

2-8-1 DEPARTMENT ESTABLISHED. The Police Department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

2-8-2 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part-time, as may be authorized by the City Council.

2-8-3 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

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

2-8-4 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

(Code of Iowa, Sec. 80B.11(2))

2-8-5 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

2-8-6 PEACE OFFICERS APPOINTED. The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor, the other members of the department.

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

2-8-7 POLICE CHIEF; DUTIES. The Police Chief has the following powers and duties subject to the approval of the City Council.

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

1. General. Perform all duties required of the Police Chief by law or ordinance.

2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to the Police Chief.

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.

7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.

9. Reports. Compile and submit to the Mayor and City Council an annual report as well as such other reports as may be requested by the Mayor or City Council.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

2-8-8 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.

2-8-9 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

2-8-10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

2-8-11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to

provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Law Enforcement Officer as provided herein. (Code of Iowa, Sec. 28E.30)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 VOLUNTEER RESCUE SQUAD

2-9-1 Establishment
2-9-2 Purpose
2-9-3 Authority
2-9-4 Membership
2-9-5 Officers

2-9-1 ESTABLISHMENT. A volunteer rescue squad is hereby established as a division of the Fire Department, which shall be called the Griswold Rescue Squad.

2-9-2 PURPOSE. The Rescue Squad is established for the following purposes:

1. To provide emergency medical transportation.

2. To rescue persons involved in accidents.

3. To proved other assistance in time of disaster or accidents requiring rescue services, and

4. To encourage and promote training in the area of emergency medical care.

2-9-3 AUTHORITY. The Rescue Squad shall be equipped with an ambulance and rescue equipment as agreed upon with the City Council. The service shall be operated with standards, rules and regulations set forth by Iowa Code Chapter 147A, 132. Insurance shall be carried to protect the City against loss from damages or public liability, and in an amount to be determined by the Council. Rescue services may be given outside the City limits in accordance with rules and regulations adopted by the Rescue Squad.

2-9-4 MEMBERSHIP. The Rescue Squad shall consist of volunteer persons who are in good health and are 18 year of age or older. The Rescue Squad may adopt such rules and regulation as deemed advisable, not inconsistent with this Code of Ordinance, Council rules or the laws of the State.

2-9-5 OFFICERS. The Rescue Squad shall have a Captain and such other officers as provided in the Constitution of the Rescue Squad. The Captain shall be elected by the Rescue Squad and confirmed by the City Council. Other officers shall be appointed by the Rescue Squad and need not be approved by the City Council.

TITLE II PHYSICAL ENVIRONMENT

CHAPTER 10 PLANNING AND ZONING COMMISSION

2-10-1 Planning and Zoning Commission
2-10-2 Terms of Office
2-10-3 Vacancies
2-10-4 Compensation
2-10-5 Powers and Duties

2-10-1 PLANNING AND ZONING COMMISSION. There shall be appointed by the City Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of five (5) members, who shall be citizens of the city and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the city government.

(Code of Iowa, Sec. 414.6 and 392.1)

2-10-2 TERM OF OFFICE. The term of office of the members of the Commission shall be five (5) years. The terms of not more than one of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

2-10-3 VACANCIES. If any vacancy shall exist on the Commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

2-10-4 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the council.

(Code of Iowa, Sec. 392.1)

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

1. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.5)

3. The Commission shall have and exercise all the powers and duties and privileges in establishing the city zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes, or modifications, all as provided by Chapter 414 of the Code of Iowa.

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

(Code of Iowa, Sec. 392.1)

5. All plans, plats, or re-plats of subdivision or re-subdivision of land embraced in the city or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

6. No plan for any street, part, parkway, boulevard, traffic-way, riverfront, or other public improvement affecting the city plan shall be finally approved by the city or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

7. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the city, all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the city for city planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

8. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

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

Ordinance 1-2012 adds to section

ORDINANCE 1-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING CHAPTER 10 OF ARTICLE II, BY ADDING THERETO SECTIONS 6, 7, 8, 9, & 10 PERTAINING TO BUILDING PERMITS

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

***SECTION 1*. SECTIONS ADOPTED.** *Sections 2-10-6, -7, -8, -9, -10 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is hereby adopted as follows:*

2-10-6 *ADMINISTRATIVE OFFICER. The Administrative Officer of the Planning and Zoning Commission shall be the City Administrator or his or her designee.*

2-10-7 *BUILDING PERMIT REQUIRED. It shall be unlawful to commence or to proceed with the erections, construction, reconstruction, alteration, enlargement, extension thereof, or the use of land, without first having applied in writing to the Administrative Officer for a building permit to do so and until a building permit has been granted therefore.*

2-10-8 *BUILDING PERMIT APPLICATION. Every application for a building permit shall be in writing and delivered to the Administrative Officer, and shall be accompanied by a detailed set of plans, showing the size of the proposed building, structure or use, its location on the lot, the materials of which it is to be constructed, and the details and type of construction to be used.*

2-10-9 *BUILDING PERMIT FEE. Each application for a building permit shall be accompanied by a fee as determined by the schedule below:*

$20 minimum
$30- construction value of $1001 to $10,000
$40- construction value of $10,001 to $25,000
$50- construction value of $25,001 and over.

2-10-10 *ISSUANCE OF BUILDING PERMIT. A permit in writing shall be issued by the Administrative Officer when the application and investigation thereof indicates compliance by the applicant with all of the provisions of this Ordinance and the City of Griswold Zoning Ordinance and all other ordinances of the City of Griswold, Iowa, and the laws of the State of Iowa.*

***SECTION 2*. SEVERABILITY CLAUSE.** *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof no adjudged invalid or unconstitutional.*

***SECTION 3*. WHEN EFFECTIVE.** *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED by the City Council of the City of Griswold on the 12th day of March, 2012.

Lee Wyman, Mayor	*Marylynne Dickinson, City Clerk*

TITLE II POLICY AND ADMINISTRATION

CHAPTER 11 CEMETARY BOARD OF TRUSTEES

2-11-1 Board Created
2-11-2 Board Organization
2-11-3 Vacancies
2-11-4 Powers and Duties

2-11-1 BOARD CREATED. A Cemetery Board of Trustees (hereinafter referred to as the "Board") is hereby created to plan, maintain and operate the cemetery for the city.

2-11-2 BOARD ORGANIZATION. The Board shall consist of three (3) members, including a local funeral director, and two (2) residents of the school district, appointed by the Mayor with approval of the Council for staggered terms of six (6) years, except to fill vacancies. The Board shall choose its Chairperson and Vice Chairperson every two years. Each term shall commence on January 1. All members of the Board shall be over the age of 18 and shall serve without compensation, but may receive their actual expenses.

2-11-3 VACANCIES. The position of any Trustee shall be vacant if he or she moves permanently from the school district or if he or she is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the city. Vacancies on the Board shall be filled by appointment of the Mayor, with approval of the Council, and the new Trustee shall fill out the unexpired term from which the appointment is made.

2-11-4 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

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

2. To plan, maintain and to have control and supervision of the Griswold Cemetery and all property located thereon and needed or used on the maintenance and operation of the cemetery.

3. To employ a caretaker and authorize the caretaker to employ such assistants and employees as may be necessary for the proper care and management of the cemetery and to fix their compensation, provided, however, that prior to such employment, the compensation of the caretaker, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

4. To remove the caretaker, by 2/3 vote of the Board, and to provide procedures for the removal of the assistants or employees for incompetence or inattention to duty.

5. To make written reports to the Council of its activities from time to time as it deems advisable and upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental revenues and expenditures and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

6. To make rules and regulations for the use of the cemetery and for the activities normally carried on at the cemetery, subject to the approval of the rules by the Council. Such rules shall either be posted at the facility or otherwise publicized in a manner to provide adequate notice to the using public.

7. To accept gifts of real property, personal property and bequests, including trust funds; and to expend the funds received from such gifts or bequests as may be given by the donor or as may be decided by the Board.

8. To have exclusive control of the expenditures of all funds allocated for cemetery purposes by the Council and of all money available by gift or otherwise as may be directed in the gift or as directed by the Board.

9. To keep a record of all its proceeds.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

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

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. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.

3-1-4 STREETS.

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

(Code of Iowa, Sec. 716.5)

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

(Code of Iowa, Sec. 716.1)

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

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

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

3-1-5 PUBLIC SAFETY AND HEALTH.

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)

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

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

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

6. Discharging firearms and fireworks.

(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 a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

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

d. In the interest of public health and safety and at such times as approved by the City Council, 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.

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

10. Harassment of City Employees.

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

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 364.12)

3-1-6 PUBLIC PROPERTY.

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

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

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

(Code of Iowa, 364.12(2))

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

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

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

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

(Code of Iowa, Sec. 716.1)

6. Injury to gravestones or property in cemetery. No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of 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)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

9. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 727.8)

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

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

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

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

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

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 657.2(9))

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

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

k. ~~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. Grass is defined as dense when growth is 8 inches or higher.~~ **Replaced with Ordinance 3-2015**

ORDINANCE # 3-2015

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 3-2-1 DEFINITION K PERTAINING TO HEIGHT.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION MODIFIED. *Section 3-2-1 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is repealed and the following adopted in lieu thereof:*

3-2-1 DEFINITION K. *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. Dense growth is defined as 12 inches or higher.*

(Code of Iowa, Sec. 657.2(9))

SECTION 2. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.*

SECTION 3. WHEN EFFECTIVE. *This ordinance shall be in full force and effective upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 8th day of June, 2015.*

_____ _____

Lee Wyman, Mayor *Marylynne Lightner, City Clerk*

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

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

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

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)

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 prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.
(Code of Iowa, Sec. 657.3)

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

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.
(Code of Iowa, Sec. 364.12(3)(b))

2. The removal, repair, or dismantling of dangerous buildings or structures.
(Code of Iowa, Sec. 364.12(3)(c))

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

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

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

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

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

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice.
(Code of Iowa, Sec. 364.12(3)(h))

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

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

2. The location of the nuisance or condition.

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

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

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

3-2-6 METHOD OF SERVICE. The notice may be served by certified mail or personal service to the property owner as shown by the records of the County Auditor.

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

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

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

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

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

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

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

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

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds $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 building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

TITLE III COMMUNITY PROTECTION

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

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

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

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

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

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

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

6. "Residential districts" means all areas of the City not included in business districts.

(Code of Iowa, Sec. 321.1)

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

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

(Code of Iowa, Sec. 321.266)

3-3-4 LAW ENFORCEMENT OFFICER TO SUBMIT ANNUAL REPORTS. The law enforcement officer shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or 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 LAW ENFORCEMENT 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 law enforcement officers. The officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist law enforcement in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 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.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
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27. 321.295 Excessive speed on bridge.
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29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
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43. 321.315 Failure to give continuous turn signal.
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45. 321.317 Signal light requirements; see equipment violation.
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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.
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64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
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67. 321.354 Stopping on traveled part of highway.
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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.
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74. 321.366 Improper use of median, curb, or controlled access facility.
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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).

TRAFFIC CONTROL DEVICES

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Chief of Police 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 Chief of Police shall keep a record of all traffic-control devices maintained by the department.

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

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-8 AUTHORITY TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Streets and Grounds Superintendent 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.

3-3-9 PLAY STREETS. The City Council has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

SPEED REGULATIONS

3-3-10 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. Special 15 MPH Speed Zones

    a. North Street from Adams Street to Maple Street;

    b. Maple Street from North Street to Whitney Street;

    c. Whitney Street from Maple Street to Adams Street;

    d. Montgomery Street from First Street to Second Street;

    e. First Street from Adams Street to Montgomery Street;

    f. Second Street from Adams Street to Montgomery Street.

2. Special 20 MPH Speed Zones:

    a. North Street from Adair Street to Harrison Street;

    b. Harrison Street from North Street to Main Street.

3. Special 25 MPH Speed Zone:

    a. Main Street from Mills Street to Adair Street.

4. Special 35 MPH Speed Zones:

    a. Main Street from Scott Street to Mills Street;

    b. Main Street from Adair Street to Harrison Street;

    c. Adair Street from North Street to Troy Road.

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS. The Superintendant of Public Works may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Superintendant of Public Works 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.

3-3-13 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.

3-3-14 "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

3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police 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.

3-3-16 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

None

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Superintendant of Public Works 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 Superintendant of Public Works 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 lining or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

None

SPECIAL STOPS REQUIRED

3-3-18 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways:

(Code of Iowa, Sec. 321.345 and 321.350)

1. Main Street (Highway 92)

2. Adair Street (Highway 48)

3-3-19 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Superintendant of Public Works 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.

3-3-20 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Superintendant of Public Works is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-21 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.

3-3-22 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.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-23 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-24 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-25 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)

3-3-26 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Superintendant of Public Works, 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)

3-3-27 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-28 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.

2. In front of a public or private driveway.

3. Within an intersection.

4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.

5. On a crosswalk.

6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.

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

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

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

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

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

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

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

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

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

3-3-29 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 City Council 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 secured the permission

of the City Council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-3-30 AUTHORITY TO IMPOUND VEHICLES. The City Manager is 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 otherwise maintained by the City, under the following circumstances:

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

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

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

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

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

STOPPING, STANDING OR PARKING

3-3-31 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 Streets and Grounds Superintendent 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)

3-3-32 PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the Clerk 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 Clerk 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)

3-3-33 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.

3-3-34 **Replaced with Ordinance 5-2012** ~~TRUCK PARKING LIMITED. Trucks licensed for five tons or more shall not be parked at the following locations on the streets named:~~

~~1. Business District, except when such vehicle is engaged in the delivery or receiving of merchandise or cargo.~~

~~2. Residential Areas for more than one hour between the hours of 6:00 a.m. and 6:00 p.m.~~

~~3. Truck parking is allowed in an area located between Clarke and Union Streets on the east and west, respectively, from Second Street, south to the alley located between Second Street and Main Street. Parking in this area is limited to seventy-two (72) hours unless extenuating circumstances exist (e.g., weather conditions, mechanical difficulties, etc.) which are beyond the normal control of the owner or driver of the truck.~~

Ordinance 5-2012 replaces 3-3-34

ORDINANCE # 5-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 3-3-34 PERTAINING TO METHOD OF PARKING.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION AMENDED. *Section 3-3-34 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is hereby repealed and the following adopted in lieu thereof:*

3-3-34. *TRUCK AND LARGE VEHICLE PARKING LIMITED. No person shall park a motor truck, semi-truck, semi-trailer, motor home, recreational vehicle or trailer, boat, boat trailer, farm machinery or equipment, or other motor vehicle with trailer attached or detached on any street, alley or public thoroughfare within the*

City, excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

Truck parking is allowed in an area located between Clarke and Union Streets on the east and west, respectively, from Second Street, south to the alley located between Second Street and Main Street. Parking in this area is limited to seventy-two (72) hours unless extenuating circumstances exist (e.g., weather conditions, mechanical difficulties, etc.) which are beyond the normal control of the owner or driver of the truck.

SECTION 3. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.*

SECTION 4. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 2nd day of July, 2012.*

Lee Wyman, Mayor *Marylynne Dickinson, City Clerk*

MISCELLANEOUS DRIVING RULES

3-3-35 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-36 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.

3-3-37 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.

2. Displaying advertising.

3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City.

4. Storage or as junk or dead storage for more than forty-eight hours.

3-3-38 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-39 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.

3-3-40 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 City Council.

3-3-41 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

1. Community Building east parking lot located at the corner of Montgomery and Second Street.

3-3-42 TRUCK ROUTES.

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

   a. Main Street (Highway 92)

   b. Adair Street (Highway 48)

2. Any motor vehicle licensed for five tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.

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

BICYCLE REGULATIONS

3-3-43 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)

3-3-44 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.

3-3-45 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

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

3-3-46 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

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

3-3-47 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-48 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.

3-3-49 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.

3-3-50 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.

3-3-51 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.

3-3-52 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

3-3-53 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.

3-3-54 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

Streets which have not been plowed during the snow season and such other streets as may be designated by resolution of the City Council except in case of emergencies where snow upon the roadway renders travel by conventional motor vehicles impractical. 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.

3-3-55 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.

3-3-56 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 and at least one headlight and one taillight in good operating condition.

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.

3-3-57 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.

3-3-58 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.

3-3-59 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.

OFF-ROAD VEHICLES

3-3-60 DEFINITIONS. For use in this Chapter the following terms are defined:

1. “All-terrain vehicle” means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2. Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this Chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.

3. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.

4. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

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

3-3-61 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation

(Code of Iowa, Sec. 321I)

3-3-62 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs, off-road motorcycles, and off-road utility vehicles shall comply with the following restrictions as to where the vehicles may be operated within the City:

1. Streets. On streets only in accordance with Sec. 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the City Council for the sport of driving.

(Code of Iowa, Sec. 321I.10(1))
(Code of Iowa, Sec. 321I.10(2a)

2. Trails. Not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10(3))

3. Railroad Right-of-way. Shall not be operated on an operating railroad right-of-way. May be driven across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law, may if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa. Sec. 3321I.14(h))

4. Parks and Other City Land. Not be operated in any park, playground or upon any other property owned by the City without the express permission of the City.

5. Sidewalk or Parking. Not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking".

Not be operated without suitable and effective muffling devices. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the Society of Automotive Engineers under SAE J1287.

3-3-63 NEGLIGENCE. The owner and operator of an ATV, an off-road motorcycle, or an off-road utility vehicle is liable for any injury or damage occasioned by the negligent operation of the ATV, off-road motorcycle, or off-road utility or snowmobile. The owner of an ATV, an off-road motorcycle, or an off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred.

(Code of Iowa, Sec. 321I.19)

3-3-64 ACCIDENT REPORTS. Whenever an ATV, off-road motorcycle, or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars ($1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321I.11)

GOLF CARTS

3-3-65 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.

3-3-66 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 Clerk. The application for a permit shall set forth that the applicant meets the requirements of this section. The City Council may impose restrictions and conditions in addition to those set forth in this section and may revoke a permit if requirements are not followed. 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, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Fee for a golf cart permit shall be $10.00 due March 31 annually. A 10% penalty, or $1.00, will be charged to anyone not renewing their golf cart permit by April 1.

PENALTIES AND PROCEDURE

3-3-67 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to pay the local scheduled fine within thirty days.

3-3-68 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.

3-3-69 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

		Penalty After 30 Days
1. Overtime parking	$15.00	$30.00
2. Prohibited parking	$15.00	$30.00
3. No parking zone	$15.00	$30.00
4. Blocking alley	$15.00	$30.00
5. Illegal parking	$15.00	$30.00
6. Street cleaning	$15.00	$30.00
7. Snow removal ban	$15.00	$30.00
8. Persons with disabilities parking	$100.00	$30.00

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

3-3-70 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 notice of fine affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the notice of fine was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

3-3-71 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.

3-3-72 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 result 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.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 FIRE PROTECTION

3-4-1 Establishment and Purpose
3-4-2 Volunteer Fire Fighters
3-4-3 Fire Fighter's Duties
3-4-4 Worker's Compensation and Hospitalization Insurance
3-4-5 Liability Insurance
3-4-6 Fires Outside City Limits
3-4-7 Open Burning Prohibited

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

(Code of Iowa, Sec. 364.16)

3-4-2 VOLUNTEER FIRE FIGHTERS. Residents of within the Griswold Fire Protection District at least age eighteen (18) shall be appointed to serve as a volunteer fire fighter. Prior to appointment as a volunteer fire fighter and every four years thereafter a volunteer fire fighter must pass a medical physical examination.

(Code of Iowa, Sec. 362.10)

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

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

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

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

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

(Code of Iowa, Sec. 364.16)

3-4-7 OPEN BURNING PROHIBITED. Open burning in the city limits without permission from the fire chief is prohibited.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 CURFEW FOR MINORS

3-5-1 Preamble
3-5-2 Findings and Purpose
3-5-3 Definitions
3-5-4 Offenses
3-5-5 Defenses
3-5-6 Enforcement

3-5-1 PREAMBLE. The City of Griswold 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)

3-5-2 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 Griswold; 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 Griswold 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.

3-5-3 DEFINITIONS. In this chapter:

1. "Curfew hours" means twelve o'clock (12:00) a.m. until six o'clock (6:00) 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 18 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.

3-5-4 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.

3-5-5 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 Griswold, 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 Griswold, 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 3-5-4(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.

3-5-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-5-5 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Griswold.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-6-1 Definitions
3-6-2 Exemptions
3-6-3 License Required
3-6-4 Application for License
3-6-5 Fee for License
3-6-6 Hours of Solicitation
3-6-7 Consumer Protection Law
3-6-8 Obstruction of Pedestrian or Vehicular Traffic
3-6-9 Display of License
3-6-10 License Not Transferable
3-6-11 Revocation of License

3-6-1 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 “vendor” means any person who sells any consumable food, beverage or non-food item upon any publicly-owned City property to the public in the City.

4. A "transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person 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.

3-6-2 EXEMPTIONS. The provisions of this chapter shall not apply to the following:

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.

2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, and similar organizations.

3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.

4. Churches. Local churches and affiliated sub-groups, such as Youth Groups, Women's Guilds and Adult Fellowship Boards.

5. Students. Students representing any School District within Cass County conducting projects sponsored by organizations recognized by the school.

6. Route Sales. Route delivery person who only incidentally solicit additional business or make special sales.

7. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

8. City Sponsored. City sponsored and/or community events held on City property with the knowledge and prior consent of the City Council.

3-6-3 LICENSE REQUIRED. Any person engaging in peddling, soliciting, vending or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

3-6-4 APPLICATION FOR LICENSE. An application in writing shall be filed with the City Clerk for a license under this chapter. Such application shall set forth 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.

At the time of application the applicant must present to the Clerk a form of identification containing the applicant's photograph. All food vendors shall comply with the Iowa Department of Health rules and regulations governing the sale of food for consumption on the premises.

3-6-5 FEE FOR LICENSE. The fee for a license shall be paid at the time of application. The fees are as follows:

Peddler, Solicitor, Vendor and Transient Merchant License Fee	Fee
One Year	$200
One Month Up to Six Months	$100
One Month	$50
One Week	$25
One Day	$15

3-6-6 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-6-1 except between the hours of 8:00 a.m. and 7:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-6-7 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.

3-6-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-6-1, 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.

3-6-9 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the license, 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.

3-6-10 PERMIT NOT TRANSFERABLE. Licenses issued under the provisions of this Chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-6-11 REVOCATION OF LICENSE. The City Council after notice and hearing, may revoke any license issued under this Ordinance where the licensee in the application for the license or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted his or her business in an unlawful manner.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 CIGARETTE LICENSE

3-7-1 Definitions
3-7-2 Permit Required
3-7-3 Issuance
3-7-4 Expiration
3-7-5 Fees
3-7-6 Refunds
3-7-7 Suspension; Revocation; Civil Penalty
3-7-8 Permits not Transferable
3-7-9 Display

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

1. "Cigarette" means any roll for smoking made wholly or in part of tobacco or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition shall not be construed to include cigars.

(Code of Iowa, Sec. 453A.1(2))

2. "Retailer" means and includes every person in this State who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales.

(Code of Iowa, Sec. 453A.1(19))

3. "Place of business" means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(Code of Iowa, Sec. 453A.1(17))

3-7-2 PERMIT REQUIRED. No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Griswold, Iowa, without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13)

3-7-3 ISSUANCE. The City Council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the City Clerk a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-7-5.

(Code of Iowa, Sec. 453A.13(2)(a))

3-7-4 EXPIRATION. Permits expire on June 30 of each year.

(Code of Iowa, Sec. 453A.13(3))

3-7-5 FEES. The fee for permits issued or renewed in July, August, or September is $75.00. The fee for permits issued in October, November, or December is $56.25; in January, February or March, $37.50; and in April, May or June, $18.75.

(Code of Iowa, Sec. 453A.13(3))

3-7-6 REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of $56.25; in October, November, or December, for $$37.50; or in January, February, or March, for $18.75.

(Code of Iowa, Sec. 453A.13(4))

3-7-7 SUSPENSION; REVOCATION; CIVIL PENALTY.

1. If a retailer or employee of a retailer has violated Section 453A.2, 453A.36, subsection 6 or 453A.39, Code of Iowa, the City Council, in addition to the other penalties fixed for such violations in this section, shall assess a penalty after giving the permit holder an opportunity to be heard, upon ten (10) days written notice, stating the reasons for the contemplated action and the time and place at which the person may appear and be heard, as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars ($300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

b. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this paragraph.

c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.

d. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

e. For a fifth violation within a period of four (4) years, the retailer's permit shall be revoked.

f. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.2A at the time of the violation. A retailer may assert only once in a four (4) year period the bar under either

this subsection or subsection 4 against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

g. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the retailer provides written documentation that the employee of the retailer has completed an in-house tobacco compliance employee training program or a tobacco compliance employee training program which is substantially similar to the I Pledge program which is approximately one (1) hour in length as developed by the alcoholic beverages division of the Department of Commerce. A retailer may assert only once in a four (4) year period the bar under this subsection against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

2. If a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

3. The City Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty (30) days of the suspension or revocation of any retail permit.

(Code of Iowa, Sec. 453A.22)

3-7-8 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3-7-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(10))

TITLE III COMMUNITY PROTECTION

CHAPTER 8 ALCOHOLIC BEVERAGES

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

3-8-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.
(Code of Iowa, Sec. 364.1)

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

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

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

(Code of Iowa, Sec. 123.32(2))

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

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 9 JUNK AND ABANDONED VEHICLES

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

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

(Code of Iowa, Sec. 3641.1)

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

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

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

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

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

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

e. Any vehicle parked on the street determined by the Streets and Grounds Superintendent or City Manager to create a hazard to other vehicular traffic.

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

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

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

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

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

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

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

d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

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

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

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

3-9-3 REMOVAL OF ABANDONED VEHICLES.

1. The Mayor or City Manager may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-9-2 (1). The Mayor or City Manager may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

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

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police or Mayor if the Chief of Police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

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

3-9-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Chief of Police or Mayor if the Chief of Police is unavailable, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

a. Describe the year, make, model, and serial number of the vehicle.

b. Describe the personal property found in the vehicle.

c. Describe the location of the facility where the vehicle is being held.

d. Inform the persons receiving notice:

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

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

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

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

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Chief of Police or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-9-6.

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

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-9-5.

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

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

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

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

a. the identity of the last registered owner cannot be determined, or

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

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

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

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

3-9-5 IMPOUNDMENT FEES AND BOND.

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

a. an impoundment fee

b. towing charges

c. preservation charges

d. storage charges

e. notice charges

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

2. The amount of the charges specified in a-e shall be $75.00 for impoundment and remaining charges will be actual costs.

3. If a hearing is requested under Section 3-9-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

a. the fees required by Section 3-9-5(1)

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

3-9-6 HEARING PROCEDURES.

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

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

3-9-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The City Manager shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-9-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Griswold, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-9-9 NOTICE TO ABATE.

1. Whenever the City Manager or Mayor if the City Manager is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-9-8, the City Manager shall notify, by certified mail with five days' return receipt, the following persons:

a. the owner of the property.

b. the occupant of the property.

2. The notice to abate shall:

a. describe, to the extent possible, the year, make, model, and color of the vehicle.

b. describe the location of the vehicle.

c. state that the vehicle constitutes a nuisance under the provisions of this chapter.

d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-9-10 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

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

3-9-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-9-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.

2. A vehicle on the premises of a business enterprise operated in a district properly zoned 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.

3-9-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

~~CHAPTER 10 FLOODPLAIN REGULATIONS~~

Replaced with Ordinance 5-2010

~~3-10-1 Definitions~~
~~3-10-2 Statutory Authority, Findings of Fact and Purpose~~
~~3-10-3 General Provisions~~
~~3-10-4 Flood Plain Management Standards~~
~~3-10-5 Administration~~
~~3-10-6 Nonconforming Uses~~
~~3-10-7 Penalties for Violation~~
~~3-10-8 Amendments~~

~~3-10-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.~~

~~1. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).~~

~~2. 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."~~

~~3. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.~~

~~4. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".~~

~~5. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.~~

~~6. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~7. FACTORY-BUILT HOME - Any structure, designed for residential use:, which 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 includes~~

~~"recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.~~

~~8. FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.~~

~~9. 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.~~

~~10. FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.~~

~~11. 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.~~

~~12. FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.~~

~~13. FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.~~

~~14. 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.~~

~~15. FLOODWAY - The channel of a river or stream and those portions of the flood plains 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.~~

~~16. FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.~~

~~17. 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.~~

~~18. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:~~

~~a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IIID1 of this ordinance and~~

~~b. The enclosed area is unfinished (not carpeted, dry walled, 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 100-year flood level, and~~

~~d. The enclosed area is not a "basement" as defined in this section.~~

~~In cases where the lowest enclosed area satisfies criteria a,b,c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.~~

~~19. 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 Flood Insurance Rate Map.~~

~~20. 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 flood plain management regulations adopted by the community.~~

~~21. ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.~~

~~22. 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 temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~23. SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.~~

~~24. 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.~~

~~25. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks and other similar uses.~~

~~26. 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.~~

~~27. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:~~

~~a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not~~

~~preclude the structure's designation as an "historic structure".~~

~~b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after May 1, 1987 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.~~

~~28. VARIANCE - A grant of relief by a community from the terms of the flood plain management regulations.~~

~~29. VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.~~

~~3-10-2 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 Griswold 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 flood plain causing increases in flood heights and velocities.~~

~~3. Statement of Purpose. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Griswold and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB1 of this ordinance with provisions designed to:~~

~~a. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.~~

~~b. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.~~

~~c. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.~~

~~d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.~~

~~3-10-3 GENERAL PROVISIONS~~

~~1. Lands to Which Ordinance Apply. The provisions of this ordinance shall apply to all areas having special flood hazards within the jurisdiction of Griswold. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for the City of Griswold, May 18, 1992, as amended, which is hereby adopted and made a part of this ordinance.~~

~~2. Rules for Interpretation of Flood Hazard Boundaries. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, Mayor shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Mayor in the enforcement or administration of this ordinance.~~

~~3. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.~~

~~4. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.~~

~~5. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.~~

~~6. Warning and Disclaimer of Liability. The standards required by this ordinance are considered reasonable for regulatory purposes. This ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Griswold or any officer or employee thereof for any flood damages that from reliance on this ordinance or any administrative decision lawfully made thereunder.~~

~~7. Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.~~

~~3-10-4 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-~~

~~year flood data has not been provided on the Flood Insurance Rate Map, 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 determination.~~

~~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 buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.~~

~~All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.~~

~~3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.~~

~~4. All new and substantially improved structures:~~

~~a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:~~

~~(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~(2) The bottom of all openings shall be no higher than one foot above grade.~~

~~(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.~~

~~Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.~~

~~b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.~~

~~c. New 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.~~

~~5. Factory-built homes:~~

~~a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.~~

~~b. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.~~

~~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 100-year 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 100-year 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 100-year flood level. 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 a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.~~

~~9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.~~

~~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 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.~~

~~11. Accessory Structures~~

~~a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.~~

~~(1) The structure shall not be used for human habitation.~~

~~(2) The structure shall be designed to have low flood damage potential.~~

~~(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.~~

~~(4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.~~

~~(5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.~~

~~b. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.~~

~~12. Recreational Vehicles~~

~~a. Recreational vehicles are exempt from the requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.~~

~~(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,~~

~~(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.~~

~~b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section III E of this ordinance regarding anchoring and elevation of factory-built homes.~~

~~13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.~~

~~3-10-5 ADMINISTRATION~~

~~1. Appointment, Duties and Responsibilities of Flood Plain Administrator~~

~~a. The City Manager is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.~~

~~b. Duties of the Administrator shall include, but not necessarily be limited to the following:~~

~~(1) Review all flood plain development permit applications to assure that the provisions of this ordinance will be satisfied.~~

~~(2) Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.~~

~~(3) Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.~~

~~(4) Record and maintain a record of the elevation (in relation to National Geodetic Vertical datum) to which all new or substantially improved structures have been floodproofed.~~

~~(5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.~~

~~(6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.~~

~~2. Flood Plain Development Permit~~

~~a. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to 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) Indication of the use or occupancy for which the proposed work is intended.~~

~~(4) Elevation of the 100-year flood.~~

~~(5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.~~

~~(6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.~~

~~(7) 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 flood plain 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 - Flood Plain 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, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this ordinance, prior to the use or occupancy of any structure.~~

~~3. Variance~~

~~a. 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.~~

~~(1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.~~

~~(2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~(3) 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.~~

~~b. Factors Upon Which the Decision of the Council Shall be Based - In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this ordinance and:~~

~~(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.~~

~~(2) The danger that materials may be swept on to other land or downstream to the injury of others.~~

~~(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.~~

~~(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~

~~(5) The importance of the services provided by the proposed facility to the City.~~

~~(6) The requirements of the facility for a flood plain location.~~

~~(7) The availability of alternative locations not subject to flooding for the proposed use.~~

~~(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~

~~(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.~~

~~(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.~~

~~(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.~~

~~(12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.~~

~~(13) Such other factors which are relevant to the purpose of this Ordinance.~~

~~c. 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:~~

~~(1) Modification of waste disposal and water supply facilities.~~

~~(2) Limitation of periods of use and operation.~~

~~(3) Imposition of operational controls, sureties, and deed restrictions.~~

~~(4) Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this ordinance.~~

~~(5) Flood proofing measures.~~

~~3-10-6 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.~~

~~3-10-7 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 $100 or imprisoned for not more than 30 days. Nothing herein contained prevent the city of Griswold from taking such other lawful action as is necessary to prevent or remedy violation.~~

~~3-10-8 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.~~

Replaced with Ordinance 5-2010

ORDINANCE # 5-2010

AN ORDINANCE REPEALING TITLE III, CHAPTER 10 FLOODPLAIN REGULATIONS, OF THE CODE OF ORDINANCES, 2010, CITY OF GRISWOLD, IOWA AND REPLACING WITH A NEW CHAPTER 10 ENTITLED "FLOODPLAIN REGULATIONS"

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. CHAPTER REPEALED AND REPLACED. *The Code of Ordinances, City of Griswold, Iowa, 2010, is hereby amended by repealing Title III, Chapter 10 entitled "Floodplain Regulations" and is hereby replaced with a new Chapter 10 entitled "Floodplain Regulations."*

10-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

30. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

31. 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."

32. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

33. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".

34. 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 flood plain management regulations adopted by the community.

35. 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).

36. 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 includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

37. FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

38. 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.

39. FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

40. 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.

41. FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.

42. FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

43. 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.

44. FLOODWAY - The channel of a river or stream and those portions of the flood plains 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.

45. FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

46. 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.

47. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

e. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IIID1 of this ordinance and

f. 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

g. 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 100-year flood level, and

h. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a,b,c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

48. 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 Flood

Insurance Rate Map.

49. 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 flood plain management regulations adopted by the community.

50. ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

51. 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 temporary living quarters for recreational, camping, travel, or seasonal use.

52. SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

53. 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.

54. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks and other similar uses.

55. 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.

56. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after May 1, 1987 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

57. VARIANCE - A grant of relief by a community from the terms of the flood plain management regulations.

58. VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

3-10-2 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 Griswold 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 flood plain causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Griswold and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB1 of this ordinance with provisions designed to:

a. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

b. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

c. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

3-10-3 GENERAL PROVISIONS

4. Lands to Which Ordinance Apply. The provisions of this ordinance shall apply to all areas having special flood hazards within the jurisdiction of Griswold. The Flood Insurance Rate Map (FIRM) for Cass County and Incorporated Areas, City of Griswold, Panel 19029C0382D, dated January 6, 2011, which were prepared as part of the Cass County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as

having significant flood hazards. The Flood Insurance Study for the County of Cass County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

8. Rules for Interpretation of Flood Hazard Boundaries. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, Mayor shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Mayor in the enforcement or administration of this ordinance.

9. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.

10. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

11. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

12. Warning and Disclaimer of Liability. The standards required by this ordinance are considered reasonable for regulatory purposes. This ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Griswold or any officer or employee thereof for any flood damages that from reliance on this ordinance or any administrative decision lawfully made thereunder.

13. Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

3-10-4 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, 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 determination.

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 buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New 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.

5. Factory-built homes:

a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

b. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

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 100-year 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 100-year 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 100-year flood level. 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 a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

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 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures

a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

(1) The structure shall not be used for human habitation.

(2) The structure shall be designed to have low flood damage potential.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

b. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles

a. Recreational vehicles are exempt from the requirements of Section 3-10-4 (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(3) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(4) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section III E of this ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

3-10-5 SPECIAL FLOODWAY PROVISIONS

In addition to the General Floodplain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. *No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. 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.*

2. *All uses within the floodway 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.*

3. *No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.*

4. *Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.*

5. *Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.*

6. *Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.*

7. *Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.*

8. *Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.*

9. *Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.*

3-10-6 SPECIAL PROVISIONS FOR SHALLOW FLOODING AREAS

In addition to the General Floodplain Standards, uses within shallow flooding areas must meet the following applicable standards.

1. *In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map (FIRM), the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.*

2. *In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.*

3-10-7 ADMINISTRATION

1. Appointment, Duties and Responsibilities of Flood Plain Administrator

a. The City Manager is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.

b. Duties of the Administrator shall include, but not necessarily be limited to the following:

(7) Review all flood plain development permit applications to assure that the provisions of this ordinance will be satisfied.

(8) Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

(9) Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

(10) Record and maintain a record of the elevation (in relation to North American Vertical datum) to which all new or substantially improved structures have been floodproofed.

(11) 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.

(12) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

2. Flood Plain Development Permit

a. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and

unimproved real estate, including but not limited to 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:

(8) Description of the work to be covered by the permit for which application is to be made.

(9) 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.

(10) Indication of the use or occupancy for which the proposed work is intended.

(11) Elevation of the 100-year flood.

(12) Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

(13) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(14) 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 flood plain 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 - Flood Plain 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.

3. Variance

a. 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.

(4) 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.

(5) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) 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.

b. 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:

(14) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(15) The danger that materials may be swept on to other land or downstream to the injury of others.

(16) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(17) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(18) The importance of the services provided by the proposed facility to the City.

(19) The requirements of the facility for a flood plain location.

(20) The availability of alternative locations not subject to flooding for the proposed use.

(21) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(22) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(23) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(24) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(25) 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.

(26) Such other factors which are relevant to the purpose of this Ordinance.

d. 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:

(6) Modification of waste disposal and water supply facilities.

(7) Limitation of periods of use and operation.

(8) Imposition of operational controls, sureties, and deed restrictions.

(9) 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.

(10) Floodproofing measures.

3-10-8 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.

3-10-9 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 $100 or imprisoned for not more than 30 days. Nothing herein contained prevent the city of Griswold from taking such other lawful action as is necessary to prevent or remedy violation.

3-10-10 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.

SECTION 2. *All general ordinances or parts thereof passed prior to the effective date of this ordinance, not contained in the Code of Ordinances, City of Griswold, Iowa, 2010, are hereby repealed.*

SECTION 3. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 13th day of September 2010.*

Jerry Putnam, Mayor	*Marylynne Dickinson, City Clerk*

TITLE III COMMUNITY PROTECTION

CHAPTER 11 DRUG PARAPHERNALIA

3-11-1 Definitions
3-11-2 Exemption
3-11-3 Prohibition

3-11-1 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)

3-11-2 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)

3-11-3 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

TITLE III COMMUNITY PROTECTION

CHAPTER 12 DANGEROUS BUILDINGS

3-12-1 Enforcement Officer
3-12-2 General Definition of Unsafe
3-12-3 Unsafe Building
3-12-4 Written Notice to Owner of Building or Structure
3-12-5 Conduct of Hearing
3-12-6 Posting of Signs
3-12-7 Right to Demolish
3-12-8 Costs

3-12-1 ENFORCEMENT OFFICER. Either the Mayor or the Code Enforcement Officer shall be responsible for the enforcement of this chapter.

3-12-2 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason or inadequate maintenance, dilapidation obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe building are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12 (3a))

3-12-3 UNSAFE BUILDING. "Unsafe building" means any structure, or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of:

   a. dilapidation, deterioration, or decay;

   b. faulty construction;

   c. the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;

   d. the deterioration, decay, or inadequacy of its foundation or

   e. any other cause, is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is

determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated conditions, deteriorations, damage, or other cause, is determined by the Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

3-12-4 WRITTEN NOTICE OR OWNER OF BUILDING OR STRUCTURE. The Enforcement Officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the Enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This written notice may require the owner, person or persons in charge of the building or structure, within forty-eight (48) hours or such reasonable time as the circumstances may require, to commerce either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. All such work shall be completed with ninety (90) days from date of the written notice, unless otherwise agreed to by the Enforcement Officer. If necessary, such written notice shall also require the building structure, or portion thereof to be vacated immediately and not reoccupied until the required repairs and improvements are completed and inspected and approved by the enforcement officer.

1. Written Notice Served. The written notice shall be served upon the record owner of the building or structure in one of the following manners:

   a. By way of certified mail in accord with Iowa Code Section 354.123(3)(h).

   b. By registered mail;

   c. By personal service; or

   d. By publication in the Griswold American if the record owner of the building or structure is unable to be located and upon the Enforcement Officer or Mayor attesting in affidavit form that a diligent search for the known address of the record owner of the building or structure was made, but to no avail In the event of service by publication, the Enforcement Officer or Mayor shall also cause the written notice to be posted upon the dangerous building or structure.

2. Oral Hearing. All written notices shall also advise the owner that he or she may request an oral hearing before the City Council on the written notice by filing a written request for oral hearing within the tie provide in the written notice.

3-12-5 CONDUCT OF HEARING. If requested, the City Council shall conduct a hearing in accordance with the following:

a. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

b. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.

c. Determination. The City Council shall make and record findings of fact and my issue such order as it deems appropriate.

3-12-6 POSTING OF SIGNS. The Enforcement Officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER UNSAFE TO OCCUPY. CITY OF GRISWOLD, IOWA." Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the Enforcement Officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

3-12-7 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provision of this chapter and may order the Enforcement Officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council.

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

3-12-8 COSTS. Costs incurred under Section 3-12-7 shall be paid out of the City of Griswold Treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the Cass County Treasurer for collection in the manner for other taxes.

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

TITLE III COMMUNITY PROTECTION

CHAPTER 13 SEXUALLY ORIENTED BUSINESSES

3-13-1 Purpose
3-13-2 Jurisdiction
3-13-3 Definitions
3-13-4 Classifications
3-13-5 License Required Temporary License Upon Application
3-13-6 Issuance of License
3-13-7 Fees
3-13-8 Periodic Inspections
3-13-9 Expiration of License
3-13-10 Cause for Suspension
3-13-11 Cause for Revocation
3-13-12 Nature of Revocation
3-13-13 Right to Hearing Prior to Denial, Suspension, Revocation: Prompt Judicial Review; Right to Provisional License Pending Judicial Review
3-13-14 Transfer of License
3-13-15 Hours of Operation
3-13-16 Loitering and Exterior Lighting and Monitoring Requirements
3-13-17 Violations and Penalties
3-13-18 Application to Existing Business
3-13-19 Regulations Concerning Live Public Nudity on Premises
3-13-20 Employee License Violation Imputed to Business Licensee

1-13-1 PURPOSE. It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location concentration of sexually oriented business within the City limits. The provisions of this ordinance have neither the purpose nor the 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 ordinance 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 ordinance to condone or legitimize the distribution of obscene material.

3-13-2 JURISDICTION. The provisions of this Chapter shall apply to all of the incorporated territory of Griswold, Iowa.

3-13-3 DEFINITIONS. The following terms are defined for use in this ordinance.

1. ADMINISTRATOR: means the City Manager or Law Enforcement Officer.

2. ADULT ARCADE: 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 or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

3. ADULT BOOKSTORE, ADULT NOVELTY STORE, ADULT VIDEO STORE: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration, anyone or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas";

b. Instruments, devices, or paraphernalia designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store, so long as one of its principal business purposes is the offering for sale or rental for consideration, the specified materials which depict or describe specified sexual activities or specified anatomical areas. A principal business purpose need not be a primary use of an establishment, so long as it is a significant use, based upon the visible inventory or commercial activity of the establishment.

4. ADULT CABARET: Means a commercial establishment that regularly features:

a. Persons who appear in a state of semi-nudity; or

b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

d. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interest or titillation of an audience or customers.

5. ADULT MOTEL: A motel, hotel, or similar commercial establishment which:

a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions, or live performances which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of

any on or off premises advertising, including but no limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (l0) hours.

6. ADULT MOTION PICTURE THEATRE: A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

7. ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

8. CITY: Griswold, Iowa.

9. CITY ATTORNEY: The City Attorney of Griswold, Iowa.

10. CITY CLERK: The City Clerk of Griswold, Iowa.

11. CITY COUNCIL: The City Council of Griswold, Iowa.

12. CONTROLLING INTEREST: The power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control, or power to vote twenty percent (20%) or more of any class of voting securities of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

13. DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON: The dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of "Specified Sexual Activities" or "Specified Anatomical Areas", the films so described are those whose dominant or principal character and theme are the exhibition or description "specified sexual activities" or "specified anatomical areas".

14. EMPLOY, EMPLOYEE, AND EMPLOYMENT: Any person who performs any service on the premises of a sexually oriented business, 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.

15. ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

16. ESCORT AGENCY: A person or business association who furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes for a fee, tip or other consideration.

17. ESTABLISHMENT: Means and includes any of the following:

a. The opening or commencement of any sexually oriented business as a new business.

b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.

c. The additions of any sexually oriented business to any other existing sexually oriented business; or

d. The relocation of any sexually oriented business.

18. LICENSED DAY CARE CENTER: Means a facility licensed by the state, whether situated within the City or not, that provides care, training, education, custody, treatment, or supervision for more than twelve children under fourteen years of age, where such children are not related by blood, marriage, or less than twenty-four hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

19. LICENSEE: A person, in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In the case of an employee, it shall mean the person in whose name the sexually oriented business employee license has been issued.

20. NUDE MODEL STUDIO: Means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

21. NUDITY OR STATE OF NUDITY: Means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque, complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

22. OPERATE OR CAUSE TO OPERATE: The term or terms shall mean to cause to function or to put or keep in a state of doing business.

23. OPERATOR: Any persons on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

24. PERMITTEE: Means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.

25. PERSON: Any individual, proprietorship, partnership, corporation, association or other legal entity.

26. REGULARLY FEATURES OR REGULARLY SHOWS: A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

27. SEMI-NUDE OR STATE OF SEMI-NUDITY: A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple and areola of the female beast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part.

28. SEMI-NUDE MODEL STUDIO: Any place where a person, who regularly appears in a state of semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

It is a defense to prosecution for any violation of this ordinance that a person appearing seminude or in a state of semi-nudity did so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation,

b. By a private college or university that 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 semi-nude 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.

29. SEXUAL ENCOUNTER CENTER: Means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.

30. SEXUALLY ORIENTED BUSINESS: Means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude motel studio, or sexual encounter center.

31. SEXUALLY ORIENTED ENTERTAINMENT ACTIVITY: The sale, rental, or exhibition, for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity.

32. SPECIFIED ANATOMICAL AREAS: Human genitals, anus, cleft of the buttocks, or the nipple or areola of the female breast.

33. SPECIFIED CRIMINAL ACTIVITY: Any of the following offenses:

a. Iowa Code § 728.2 (dissemination and exhibition of obscene materials to minors); Iowa Code § 728.3 (admitting minors to premises where obscene material is exhibited); Iowa Code § 728.4 (rental or sale of hard-core pornography); Iowa Code § 728.5 (public indecent exposure in certain establishments); Iowa Code § 728.12 (sexual exploitation of a minor); Iowa Code § 709.24 (sexual abuse); Iowa Code § 709.8 (lascivious acts with a child); Iowa Code § 709.9 (indecent exposure); Iowa Code § 709.12 (indecent contact with a child); Iowa Code § 709.14 (lascivious conduct with a minor);Iowa Code § 709C. 1 (criminal transmission of human immunodeficiency virus); Iowa Code § 711.4 (extortion); Iowa Code § 725.14 (prostitution, pimping, pandering, leasing premises for prostitution);criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses in other jurisdictions that, if the acts would have constituted any of the foregoing offenses, if the acts had been committed in Iowa; for which:

1) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3) Less than five (5) years have elapsed since the date of conviction or the date of release

from confinement imposed for the conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

b. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

34. SPECIFIED SEXUAL ACTIVITIES: Means and includes any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

c. Masturbation, actual or simulated; or

d. Excretory functions as part of, or in connection with, any of the activities set forth in subsections A through C above.

35. SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent from the original premises.

36. TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes the following:

a. The sale, lease or sublease of the business;

b. The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

c. The establishment of a trust, gift, or other similar legal device that 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.

37. VIDEO ROOM: The room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

3-13-4 CLASSIFICATIONS. Sexually oriented businesses shall be classified as follows:

1. Adult bookstores, adult novelty stores, adult video stores;

2. Adult cabarets;

3. Adult motels;

4. Adult motion picture theatres;

5. Semi-nude model studios.

3-13-5 LICENSE REQURIED: TEMPORARY LICENSE UPON APPLICAION

1. It is unlawful for any person to operate a sexually oriented business in the City without a valid sexually oriented business license.

2. It is unlawful for any person to be an employee, as defined in this Chapter, of a sexually oriented business in the City without a valid sexually oriented business employee license.

3. An applicant for a sexually oriented business license or a sexually oriented business 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. The application shall be signed by the applicant and notarized. An application shall be considered complete when it contains the information required in paragraphs 1 through 6 as follows:

a. The applicant's full name and any other names used in the preceding five (5) years.

b. Current business address or another mailing address of the applicant.

c. Written proof of age, in the form of a copy of a birth certificate and a picture identification document issued by a governmental agency.

d. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.

e. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.

f. A statement of whether the applicant has been convicted or has pled guilty or nolo contender (no contest) to a specified criminal activity as defined in this Chapter, and if so, the 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.

The information provided pursuant to paragraphs 1 through 6 of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the City Clerk within ten (10) working days of a change of circumstances that would render the information originally submitted as false or incomplete.

4. An application for a sexually oriented business license shall be accompanied by 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 (6) inches. Applicants who are required to comply with Section 240.20 of this Chapter shall submit a diagram meeting the requirements of that section.

5. If a person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each officer, director, general partner, each other person who will manage, supervise, or control the premises, and each other person who will participate in decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under Section 240.07 of this Chapter and each applicant shall be considered a licensee, if a license is granted.

6. The information provided by an applicant in connection with an application for a license under this Chapter shall be maintained by the City Clerk on a confidential basis, except that such information may be disclosed only to law enforcement agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

3-13-6 ISSUANCE OF LICENSE.

1. Upon the filing of a completed application under 3-13-5 for a sexually oriented business license, the City Clerk shall immediately issue a Temporary License to the applicant. The Temporary License shall expire upon the final decision of the City Council to deny or grant the license. Within twenty (20) days of the initial filing date of the completed application, the City Council shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The City Clerk shall approve the issuance of a license unless:

a. An applicant is less than eighteen (18) years of age.

b. An applicant has failed to provide information as required by 3-13-5 of 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 has not been paid.

d. An applicant has committed a violation of 3-13-11 of this Chapter within the previous year.

e. The sexually oriented business premises are not in compliance with the interior configuration requirements of this Chapter.

f. An applicant has been convicted of a specified criminal activity, as defined by this Chapter.

2. Upon the filing of a completed application for a sexually oriented business employee license, the City Clerk shall issue a Temporary License to the applicant. The Temporary License shall expire upon the final decision of the City Council to deny or grant the license. Within twenty (20) days of the initial filing date of the completed application, the City Clerk shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The City Clerk shall approve the issuance of a license unless:

a. An applicant is less than eighteen (18) years of age.

b. An applicant has failed to provide information as required by Section 240.06 of 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 has not been paid.

d. An applicant has committed a violation of 3-13-11 of this Chapter within the previous year.

e. An applicant has been convicted of a specified criminal activity, as defined by this Chapter.

3. The license, if granted, shall state on its face:

a. The name of the person or persons to whom it is granted;

b. The number of the license issued to the licensee(s);

c. The expiration date; and

d. The address of the sexually oriented business, if the license is for a sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business, so that it may be easily read at any time.

A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing and shall produce such license for inspection upon request by a law enforcement officer or other City official performing functions connected with the enforcement of this Chapter.

3-13-7 FEES.

1. FILING FEE REQUIRED. A filing fee, in accordance with the established fee schedule, shall be charged for each application for initial license and annual renewals to assist in deferring the costs of the administrative review. The applicant shall be held responsible for submitting the required fees upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.

2. FEE SCHEDULE. The fee schedule shall be established by the City Council.

3. FEE REFUND. Whether the request is granted or denied, the applicant shall not be entitled to a refund of the fee paid.

3-13-8 PERIODIC INSPECTION.

1. Sexually oriented businesses and sexually oriented business employees shall permit agents of the City to inspect, from time to time, on an occasional basis, the portions of the sexually oriented business premises where the patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this Chapter, during those times when the sexually oriented business is occupied by patrons or is open for business. A licensee's knowing or intentional refusal to permit such an inspection shall constitute a violation of this section for purposes of license denial, suspension, and/or revocation. This section shall be narrowly construed by the City to authorize reasonable inspection of the licensed premises pursuant to this Chapter, hut not to authorize a harassing or excessive pattern of inspection.

2. The provisions of this section do not apply to areas of an Adult Motel, which are currently being rented by a customer for use as a permanent or temporary habitation.

3-13-9 EXPIRATION OF LICENSE.

1. Each license shall remain valid for a period of one (1) 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 3-13-5 and 3-13-7 of this Chapter.

2. Application for renewal should be made at least ninety (90) days before the expiration date. When made less than ninety (90) days before the expiration date, the expiration of the license will not be affected.

3-13-10 CAUSE FOR SUPENSION.

1. The City shall issue a letter of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days, if the sexually oriented business licensee has violated this Chapter or has knowingly allowed an employee to violate this Chapter.

2. The City shall issue a letter of intent to suspend a sexually oriented business employee license for a period not to exceed thirty (30) days, if the employee has violated this Chapter.

3-13-11 CAUSE FOR REVOCATION.

1. The City shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license, if the respective licensee commits two (2) or more violations within a twelve (12) month period.

2. The City shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license if:

a. The licensee knowingly gave false information in the application for a sexually oriented business license or sexually oriented business employee license;

b. The licensee knowingly engaged in possession, use, or sale of controlled substances on the premises;

c. The licensee knowingly engaged in prostitution on the premises;

d. The licensee knowingly operated the sexually oriented business during a period of time when the license was suspended;

e. The licensee knowingly engaged in any specified sexual activity to occur in or on the licensed premises.

3. A business licensee shall he liable for the acts of an employee only pursuant to the standard established in 3-13-20 of this Chapter.

3-13-12 NATURE OF REVOCATION. When, after the notice and hearing procedure described in 3-13-13 of this Chapter, the City Clerk revokes a license, the revocation shall continue for two (2) years and the licensee shall not be issued a sexually oriented business license or sexually oriented employee license for two (2) years from the date revocation becomes effective, provided that, if the conditions or 3-13-13-2 of this Chapter are met, a Provisional License will be granted pursuant to that section. If, subsequent to revocation, the City Clerk finds that the basis for the revocation pursuant to Section 3-13-11-2 (a) of this Chapter has been corrected or abated, the applicant shall he granted a license, if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under subsections 3-13-11-2 (b), (c), (d), or (e) of this Chapter, an applicant may not be granted another license until at least two (2) years have elapsed.

3-13-13 RIGHT TO HEARLING PRIOR TO DENIAL, SUSPENSION, REVOCATION, PROMPT JUDICIAL REVIEW, RIGHT TO PROVISIONAL LICENSE PENDING JUDICAL REVIEW.

1. If facts exist that warrant the denial, suspension, or revocation of a license under this Chapter, the City Clerk shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend, or revoke the license, including the grounds thereof, by personal delivery, or by certified mail. The notification shall be directed to the most current business address or other mailing address on file with the City Clerk for the respondent. Within ten (10) working days of the receipt of such notice, the respondent may submit a written request to the City Clerk for a hearing before the City Clerk to refute the grounds alleged by the City Clerk for denial, suspension, or revocation of the license.

Within five (5) days of the receipt of respondent's written response, the City Clerk shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding. Within twenty (20) working days of the receipt of respondent's written response, the City Council shall conduct a hearing at which 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 to meet the requirements of due process and proper administration of justice. The City Council shall issue a written decision within five (5) days after the hearing. If the decision is to deny, suspend, or revoke the license, it shall state the reasons for such action, and the denial, suspension, or revocation shall become final for purposes of appeal immediately, but shall not take effect or be enforced until thirty (30) days thereafter. If the decision is to grant the license, the City Clerk shall immediately issue a license to the respondent.

If the respondent does not request a hearing within ten (10) business days of receiving the City Clerk's notice of intent to deny, suspend, or revoke the license, the license shall be deemed denied, suspended, or revoked, as applicable.

2. An applicant or licensee (aggrieved party) whose application for a license has been denied or whose license has been suspended or revoked shall have the right to challenge or appeal such action or seek a declaration of rights concerning such action and/or concerning this Chapter, upon factual grounds or constitutional grounds or both, to a court of law within thirty (30) days after issuance of the City Council's written decision. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin or seek a declaration of rights concerning this Chapter or the City Clerk's denial, suspension, or revocation, the City Council shall immediately issue the aggrieved party a Provisional License. The City shall supply the court with any documents, reports, or transcripts relevant to the lawsuit within fifteen (15) days after receiving notice of the lawsuit. The Provisional License shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire only upon the court's entry of a judgment on the merits of the aggrieved party's action to appeal, challenge, restrain, or otherwise

enjoin or seek a declaration of rights concerning this Chapter or the City's denial, suspension, or revocation of a license under this Chapter.

If, in the alternative, the aggrieved party does not wish to bear the burden of initiating a court action, he or she may, within thirty (30) days after the City Council's written decision is issued, elect to require the City to file a declaratory action in a court of competent jurisdiction, seeking a declaration that the denial, suspension, or revocation is valid and that the ordinance is constitutionally sound. Such an election must be made in writing and be delivered to the City Attorney's Office within thirty (30) days of issuance of the City Clerk's written decision. Upon the delivery of the election notice to the City Attorney's Office, the City shall immediately issue the aggrieved party a Provisional License. The Provisional License shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire only upon the court's entry of a judgment on the merits of the validity of this Chapter and the City's denial, suspension, or revocation decision. This section shall be liberally construed to permit the uninterrupted operation of the sexually oriented business or the uninterrupted employment of the sexually oriented business employee during the course of any court action challenging this Chapter or an adverse licensing decision under this Chapter until the court of law rules upon all the aggrieved party's factual and or constitutional claims.

3-13-14 TRANSFER OF LICENSE. A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

3-13-15 HOURS OF OPERATION. No sexually oriented business, except for an Adult Motel, shall be or remain open for business between 2:00 a.m. and 6:00 a.m. on a weekday, or between 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday, however, a sexually oriented business which holds a liquor license or retail beer permit entitling the holder to sell alcoholic liquor or beer on Sunday may remain open between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday.

3-13-16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

1. It shall be the duty of the operator of a sexually oriented business to:

a. Post conspicuous signs stating that no loitering is permitted on such property;

b. Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every two (2) hours or inspecting such property by use of video camera and monitors; and

c. Provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering.

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 a manager's station or at a cash register where an employer is regularly present.

2. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

3-13-17 VIOLATIONS AND PENALTIES. The penalty for violating the provision of this Chapter shall be as set forth in Chapter 3 Penalty of Title I - General Provisions.

3-13-18 APPLICABLILITY TO EXISTING BUSINESSES. The provision of this Chapter shall apply to the activities of all sexually oriented businesses and sexually oriented business employees described herein, whether such business or activities were established or commenced before, on, or after the effective date of this Chapter. All existing sexually oriented businesses and sexually oriented business employees are hereby granted a De Facto Temporary License to continue operation or employment for a period of one hundred eighty (180) days following the effective date of this Chapter. Within said one hundred eighty (80) days, all sexually oriented businesses and sexually oriented business employees must make application for a license pursuant to this Chapter. Within said one hundred eighty (180) days, sexually oriented businesses must make any necessary changes to the interior configurations of the regulated business premise to conform to this Chapter.

3-13-19 REULATIONS CONCERNING LIVE PUBLIC NUDITY ON PREMISES.

1. It shall be a violation of this Chapter for a licensee required to obtain a sales tax permit to knowingly or intentionally violate Iowa Code § 728.5. It shall be a violation for any person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

2. It shall be a violation of this Chapter for an employee to knowingly and intentionally appear semi-nude in a sexually oriented business unless the employee, while seminude, shall be at least six (6) feet from any patron or customer and on a stage at least two (2) feet from the floor.

3. It shall be a violation of this Chapter for an employee, while semi-nude in a sexually oriented business, to knowingly or intentionally receive any payor gratuity directly from any patron or customer or for any patron or customer to knowingly or intentionally payor give any gratuity directly to any employee, while said employee is semi-nude in a sexually oriented business.

4. It shall be a violation of this Chapter for an employee, while semi-nude in a sexually oriented business, to knowingly or intentionally touch a customer or the clothing of a customer or for a customer to knowingly and intentionally touch an employee or the clothing of an employee, while said employee is semi-nude in a sexually oriented business.

A sign, in a form to be prescribed by the City Council and summarizing the provisions of Paragraphs 1 through 4 of this Section, shall he posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry into the inside of the building.

3-13-20 EMPLOYEE LICENSE VIOLATION IMPUTED TO BUSINESS LICENSEE. 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 sexually oriented business licensee 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 business premises, knew or reasonably should have known that such act was occurring and failed to prevent such act. It shall be a defense to liability under this Chapter that the person to whom the violative act is imputed was powerless to prevent the act.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1 Definitions
4-1-2 License
4-1-3 Immunization
4-1-4 At Large Prohibited
4-1-5 Animal Nuisances
4-1-6 Livestock
4-1-7 Impounding
4-1-8 Dangerous Animals
4-1-9 Keeping a Vicious Animal

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.

2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.

3. The term “cats” shall mean animals of the feline species whether altered or not.

4. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

5. The term “livestock” shall mean an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry

4-1-2 LICENSE. Every owner of a dog or cat over the age of six (6) months shall procure a license from the City Clerk on or before the first day of May of each year. The annual license fee shall be $5.00 for each male dog or cat, $5.00 for each female dog or cat, and $5.00 for each spayed dog or cat. Licenses become delinquent May 1 of each year and the delinquent license fee is $10.00, except in those cases where by reason of residence or age the dog or cat was not subject to licensing during the January 1 to May 1 period.

Upon payment of the license fee, and providing proof of a current vaccination against rabies, the City Clerk shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog or cat. The City Clerk shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued.

Any dog or cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-1-3 IMMUNIZATION. All dogs or cat six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the license. It shall be a violation of this Ordinance for any dog or cat to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog or cat when not confined.

(Code of Iowa, Sec. 351.33)

4-1-4 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to be at large.

(Code of Iowa, Sec. 351.41)

4-1-5 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

(Code of Iowa, Sec. 657.1)

4-1-6 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the City Council or except in compliance with the city’s zoning regulations.

4-1-7 IMPOUNDING.

1. Any unlicensed or unvaccinated dog or cat found at large or any licensed dog or cat found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of licensed dogs or cat shall be notified within two (2) days that upon payment of impounding fees, the dog or cat will be returned. If the impounded licensed dog or cats are not recovered by their owners within seven (7) days after notice, the dogs or cat shall be disposed of as provided in Section 717B.4 Code of Iowa.

Impounding fees are the actual costs of food and care or a minimum of $15.00 per day.

3. Impounded unlicensed dogs or cat may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs or cats are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

4-1-8 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.

(11) Any cross breed of such animals which have similar characteristics of the animals specified above.

c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

4-1-9 KEEPING A VICIOUS ANIMAL. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A vicious animal is deemed so when it shall have attacked or bitten any person without provocation, or when the propensity to attack or bite persons or other animals shall exist and such propensity is known or ought reasonably be known to the owner thereof.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2 BASEBALL AND SOFTBALL BOARD OF TRUSTEES

4-2-1 Purpose
4-2-2 Board Organization
4-2-3 Duties of the Board

4-2-1 PURPOSE. The purpose of this ordinance is to provide for the care, maintenance and operation of all city-owned softball (all forms of softball) and/or baseball (all forms of baseball) fields and any baseball or softball field or fields that may be added in the future.

4-2-2 **Replaced with Ordinance 7-2012** ~~BOARD ORGANIZATION. The Board shall consist of nine (9) members all residents of the Griswold Community School District, appointed by the Mayor with the approval of the City Council for overlapping three-year terms. The Mayor shall designate the terms of the first appointed members, the first Chairperson, Vice-Chairperson, Secretary and the Board shall choose its officers every year thereafter. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner and term as original appointments. All terms will begin January 1.~~

Ordinance 7-2012

ORDINANCE # 7-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 4-2-2 PERTAINING TO THE BASEBALL AND SOFTBALL BOARD OF TRUSTEES.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION AMENDED. *Section 4-2-2 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is hereby repealed and the following adopted in lieu thereof:*

4-2-2. *BOARD ORGANIZATION.*

The Board shall consist of seven (7) members all residents of the Griswold Community School District, appointed by the Mayor with the approval of the City Council for one, two, and three-year terms. The Mayor shall designate the terms of the first appointed members, the first Chairperson, Vice-Chairperson, Secretary and the Board shall choose its officers every year thereafter. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner and term as original appointments. All terms will begin January 1.

SECTION 3. SEVERABILITY CLAUSE. *If any section, provision, or*

part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 8th day of October, 2012.*

Lee Wyman, Mayor	*Marylynne Dickinson, City Clerk*

4-2-3 DUTIES OF THE BOARD. The Board shall have the following duties and powers:

1. To elect from its members a Chairperson, Vice-Chairperson, Secretary and such other officers or committees as it deems necessary.

2. To plan, maintain, supervise and control all City-owned baseball and softball fields.

3. To make an annual report to the City Council of its activities or more frequently if requested by the City Council.

4. Make rules and regulations for the use of the baseball and softball fields and for all activities carried on at said fields. Such rules shall be adopted by the Board and posted at the facility and publicized in a manner to provide adequate notice to the public.

5. To accept gifts of real or personal property, bequests including trust funds; and to expend the funds received from such gifts or bequests as indicated by the donor or as may be decided by the Board.

6. To have exclusive control of expenditures of all funds allocated to this Board for ball field purposes by the City Council and of all money received as gifts or otherwise a may be directed in the gift or decided by the Board.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1 Public Library
5-1-2 Library Trustees
5-1-3 Qualifications of Trustees
5-1-4 Organization of the Board
5-1-5 Powers and Duties
5-1-6 Power to Contract with Others for the Use of the Library
5-1-7 Non-Resident Use of the Library
5-1-8 Library Accounts
5-1-9 Annual Report

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Griswold Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Griswold Public Library, hereinafter referred to as the board, consists of four (4) resident members and one (1) nonresident member. All resident board members shall be appointed by the Mayor with the approval of the City Council. The nonresident board member shall be appointed by the Mayor with the approval of the County Board of Supervisors.

(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the City. The nonresident member of the board shall be bona fide citizens and residents of the unincorporated county, and all shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

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

(Code of Iowa Sec. 336.5)

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the City or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by the City Council, and the new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

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

(Code of Iowa Sec. 336.7)

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

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

(Code of Iowa Sec. 336.8(1)

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

(Code of Iowa Sec. 336.8(2)

3. To direct and control all the affairs of the library.

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

(Code of Iowa Sec. 336.8(3)

5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.

(Code of Iowa Sec. 336.8(4)

6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.

(Code of Iowa Sec. 336.8(5)

7. To authorize the use of the library by non-residents of the City and to fix charges therefor.

(Code of Iowa Sec. 336.8(6)

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

(Code of Iowa Sec. 336.8(7)

9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8)

10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute

deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.

(Code of Iowa, Sec. 336.8(9)

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

13. To have authority to make agreements with the local County historical associations, where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the library by their respective residents.

(Code of Iowa, Sec. 336.18(1))

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

(Code of Iowa, Sec. 336.18(2)(a and b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.

2. By establishing depositories of library books or other materials to be loaned to non-residents.

3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

4. By establishing branch libraries for lending books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the City Clerk.

5-1-9 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1 Definitions
6-1-2 Location of Mobile Homes
6-1-3 Special Permits for Location of Mobile Homes Outside Mobile Home Parks
6-1-4 Emergency and Temporary Parking
6-1-5 Traffic Code Applicable
6-1-6 Building Requirements
6-1-7 Mobile Home Hookups

6-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. "Factory-built structure" includes the terms "mobile home," "manufactured home", and "modular home."

(Code of Iowa, Sec. 103A.3(8)

2. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3)

3. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5)

4. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6)

5. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7)

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes

parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of 1 year(s) but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.

2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.

3. A statement of the desired duration of the special permit.

6-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

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.

6-1-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement. (The effective date of this Ordinance is _____).

(Code of Iowa, Sec. 435.26)

6-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by City Officials and the mobile home dealer shall pay an inspection fee of $50.00. No additional permits shall be required.

(Code of Iowa, Sec. 322B.3)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1 Definitions
6-2-2 Use of Public Sewers Required
6-2-3 Private Sewage Disposal
6-2-4 Building Sewers and Connections
6-2-5 Use of the Public Sewers
6-2-6 Protection from Damage
6-2-7 Powers and Authority to Inspectors
6-2-8 Penalties

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 (l.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 (l/2) inch (l.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

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

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Superintendent" shall mean the Water and Wastewater Superintendent of the City of Griswold 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 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of $25.00 dollars shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in

compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of $5.00 dollars for a residential or commercial building sewer permit and $15.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.

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 Griswold and deposited with the City Clerk 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 Griswold pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Griswold 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, course 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.

6-2-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

b. Non-payment of bills.

c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

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

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any water or wastes having (l) 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 (l) 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.

6-2-6 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

6-2-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in 6-2-7(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.

6-2-8 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2 Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

6-3-1 Definitions
6-3-2 Enforcement
6-3-3 Adoption of State Plumbing Code
6-3-4 License Required
6-3-5 Mandatory Connections
6-3-6 Application for Water Service Line
6-3-7 Fee for Permit
6-3-8 Customers Install and Maintain Water Service Lines
6-3-9 Making the Connection
6-3-10 Excavations
6-3-11 Water Service Specifications
6-3-12 Renewal of Water Service Lines
6-3-13 Protection of Water Service at Main
6-3-14 No Other Utilities Allowed in the Same Trench with Water Service Line
6-3-15 Installation Requirements for Water Service Line Between Curb Stop Valve and Meter
6-3-16 Installation of Curb Stop
6-3-17 Shut-Off Valves on the Ball valves and Fitting for Water Meters
6-3-18 Inspection of Water Services
6-3-19 Completion by the City
6-3-20 Repairing Water Meters
6-3-21 Meter Accuracy and Test

6-3-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. CONSUMER or CUSTOMER is a person, business, or corporation taking water service from the City of Griswold.

2. WATER SERVICE LINE is the line or the conductor which provides connection between the water Distribution System and the consumer's premises, and normally consists of a corporation valve, stop valve, water meter, and service line material.

3. WATER MAINS or WATER DISTRIBUTION MAINS are those lines in the system to which connections for water service are normally made.

4. PRIVATE WATER LINE is a line or water service supplying property not abutting upon a water main.

5. TAP is the opening made on a water main for a water service connection.

6. CURB STOP VALVE is the shut off device installed on the water service at or near the property line with suitable box to permit operation of the shut-off valve from the top of the ground.

7. STOP AND WASTE VALVE is the shut-off device generally installed on the main side of the water meter to permit shutting off the water from the inside of the house and provide drainage for the plumbing system.

8. METER is the device that measures and registers in gallons the quantity of water passing through a service.

6-3-2 ENFORCEMENT. The Water and Wastewater Superintendent shall supervise the installation of water service lines 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))

6-3-3 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 for public inspection.

6-3-4 LICENSE REQUIRED. All installation of water service pipes and connections to the municipal water system shall be made by a licensed plumber.

6-3-5 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.

Ordinance 3-2012 adds to section

ORDINANCE # 3-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 6-3-5 PERTAINING TO THE WATER SYSTEM.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION AMENDED. *Section 6-3-5 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is hereby repealed and the following adopted in lieu thereof:*

6-3-5. *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 ***accessible*** *and if the building is not furnished with pure and*

wholesome water from some other source. ***No private or non-public water well or water supply system shall be installed or constructed where a public water supply system is reasonably accessible.***

The determination of reasonably accessible shall be made by the City Manager. In the event the City Manager determines the property is not reasonably accessible to a public water supply system, then a variance from this Ordinance may be obtained from the City Council if a well construction permit is obtained pursuant to state law regulations or county ordinance.

The City Council may grant a permit to a landowner to construct a private water well, providing the conditions of this Section are met. Each of the following conditions must be met for issuance of a permit for construction and operation of a private water well:

1. *The well and pump installation meet the requirements of applicable state law and county ordinances.*
2. *The landowner or the landowner's agent shall first obtain a well construction permit issued by the Iowa Department of Natural Resources, or by the County Board of Supervisors or the Board's designee authorized to issue permits, pursuant to state law or administrative rules.*
3. *Adequate showing that the well construction and pump installation will produce bacteriologically safe water.*
4. *Adequate showing that the well construction and pump installation will produce water that will not be contaminated by hazardous substances.*
5. *There are no cross-connections between the well and pump installation and the public water supply systems. No fixture shall be served both by the well and by the municipal public water supply system.*
6. *The contractor engaged by the landowner to construct the well and install the pump shall first register with the Iowa Department of Natural Resources as required by departmental rules.*
7. *The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal public water supply system or as useful in conserving water.*

SECTION 3. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part*

thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 2nd day of July, 2012.*

Lee Wyman, Mayor	*Marylynne Dickinson, City Clerk*

6-3-6 APPLICATION FOR WATER SERVICE LINE. An application for a new water service line or complete replacement of an existing water service line shall be made in writing on the application for permit provided by the City of Griswold. The application shall be made by the owner of the building to be served, if possible, but may be made by an authorized agent of the owner.

6-3-7 FEE FOR PERMIT. At the time of application for permit, the applicant shall pay in full the tapping fee, the meter charge if any, and the pro rata share of the contract main cost where applicable.

6-3-8 CUSTOMERS INSTALL AND MAINTAIN WATER SERVICE LINES. Water service customers shall furnish, install, and keep in repair, at their own expense, all water service lines and other attachments from the curb stop into the premise.

6-3-9 MAKING THE CONNECTION. All tapping of water mains shall be done by the Water and Wastewater Superintendent or a designated assistant, including the installation of the necessary corporation valves in the mains. A tapping fee will be charged for the services and will vary based on the size of the tap. Notice for tapping water mains shall be given to the City of Griswold forty-eight (48) hours prior to the proposed tapping time, excluding weekends and holidays. 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. New water lines shall be connected to the nearest (in feet) water main.

6-3-10 EXCAVATIONS. The plumber shall make the excavation for tapping a water main and the excavation shall be constructed and shored in accordance with the requirements of the Occupational Safety and Health Administration (OSHA). The excavation shall extend under and entirely around the water main a minimum of six (6) inches. All water service pipes must be laid so as to prevent rupture by settlement of 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. 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. All cuts in the street surfaces shall be replaced to the satisfaction of the Streets and Grounds Superintendent. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling.

6-3-11 WATER SERVICE SPECIFICATIONS All water service lines shall conform to the specifications approved by the City Council and shall extend from the main to the meter. Water service lines smaller than one (1) inch diameter will not be allowed. All water services one (1) inch, one and a half (1.5) inch and two (2) inch in diameter shall be Type K copper tubing. All services over two (2) inch shall be ductile iron, pressure class 350 or approved equal. All corporation valves, curb valves, and curb stop boxes, and all stop and waste valves controlling services to the building regardless of make shall be approved by the Water and Wastewater Superintendent.

The plumber shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

6-3-12 RENEWAL OF WATER SERVICE LINES. Any renewal of an existing water service line shall be made using materials as specified for new services, extending from the water main to the meter. Repairs to water services not involving major renewal or replacement may be made using material of the same type as in the existing service.

6-3-13 PROTECTION OF WATER SERVICE AT MAIN. All water service lines one (1) inch in diameter shall have sufficient length at the main to allow for settlement and frost action.

6-3-14 NO OTHER UTILITIES ALLOWED IN THE SAME TRENCH WITH WATER SERVICE LINE. No other utilities shall be laid in the same trench with a water service line, nor within a parallel trench less than three feet from the water service line.

6-3-15 INSTALLATION REQUIREMENTS FOR WATER SERVICE LINE BETWEEN CURB STOP VALVE AND METER. The water service line from the curb stop valve to the meter shall be laid not less than five (5) feet below the surface of the ground, and shall extend through and beyond the outer wall of the building to a point not less than one (1) foot from the inside of the wall or foundation.

6-3-16 INSTALLATION OF CURB STOP. A curb stop valve shall be at or near the property line, so as to bring the top flush with the final grade. The valve box shall be plumb and the plug in the top of the box must be screwed in tightly by the plumber or person setting the box. In back filling the earth around the box the refilled material shall be thoroughly tamped.

Requests to move curb stop valves for existing water lines shall be reviewed by the City Council.

6-3-17 SHUT-OFF VALVES ON THE BALL VALVES AND FITTING FOR WATER METERS. All meters shall have valves installed on each side of water meter installation.

6-3-18 INSPECTION OF WATER SERVICES. The inspection of services shall cover the installation of the service in the street and all work performed to the stop and waste valve in the basement or cellar, including the curb valve or vale and the box protecting the valve. No service or extension of the service shall be covered until it has been inspected by the Water and Wastewater Superintendent. It shall be the duty of the plumber to give notice to the Superintendent that the service or extension is installed and ready for inspection. Any service line or extension installed by a plumber that fails inspection by the Superintendent shall be corrected and re-inspected.

6-3-19 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. 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))

6-3-20 REPAIRING WATER METERS. All water meters will be repaired by the City without charge except when damaged by freezing or through carelessness or neglect of the owner or customers, in which case charges will be made for replacement repairs.

6-3-21 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 10%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 twelve (12) months. If the meter is found to be accurate or slow less than 4% percent fast, the patron shall pay the reasonable costs of the tests.

Every meter shall be removed from service at least once each fifteen (15) years and thoroughly tested for accuracy. Any meter found inaccurate beyond a tolerance of 5% percent shall not be returned to service until properly adjusted.

6-3-22 PENALTY FOR UNAUTHORIZED TURNING ON OF WATER SERVICE. Where a water service has been turned off at the stop-box for any reason, and is subsequently found turned on without proper authority, the Water and Wastewater Superintendent may disconnect the water service and the water service shall not be turned on again except under a new application and upon payment of the expense of disconnecting such water service line.

6-3-23 RESPONSIBILITY FOR REPAIR AND MAINTENANCE OF WATER SERVICES. Whenever it shall come to the knowledge of the City that a private water service is broken or otherwise in a dangerous or unsafe condition, the City Manager will notify the owner or occupant of the premises, as the case may be, to have the said private water service, immediately repaired, the City may turn off water service, and keep the water turned off, until the said private water service is repaired and put in safe condition.

The City shall not be responsible for service lines from the curb stop to the premise. All owners at their own expense must keep service lines from the curb stop to the premise in good working order. No claim shall be made or maintained against the City of Griswold for damages due to the breaking of any of the service line from the curb stop to the premise or for accidental failure in the supply of water.

6-3-24 ABANDONED SERVICE. Whenever a service line is to be abandoned for any reason it shall be the responsibility of the customer to disconnect such old service at the curb stop valve. No new service shall be turned on until an abandoned service is so disconnected.

Ordinance 1-2011 adds to section

ORDINANCE 1-2011

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING CHAPTER 3 OF ARTICLE VI, BY ADDING THERETO SECTIONS 25, 26, & 27 PERTAINING TO OUTSIDE WATER SERVICE METERS

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTIONS ADOPTED. *Sections 6-3-25, -26, and -27 of the Code of Ordinances of the City of Griswold, Iowa, 2010, are hereby adopted as follows:*

Section 6-3-25. *OUTSIDE WATER SERVICE METERS*

Water service customers may obtain a permit to have water used for lawn care, gardening, or other outside purposes metered through a separate meter. An application for the permit shall be filed with the City Clerk on forms furnished by the City.

Upon the issuance of the permit, the customer will be responsible for obtaining a water meter compatible with the City's meter reading system at the expense of the customer. The installation of the meter shall be to a dedicated outside line and shall be at the expense of the customer. Upon completion of the installation, the plumbing and installation of the meter must be inspected and approved by the City prior to the meter becoming active.

Section 6-3-26. *RESTRICTIONS ON OUTSIDE METERED SERVICE.*

The following restrictions apply to outside metered service:

1. *During any period in which the City determines that it is necessary to conserve water, all outside metered services shall be disconnected immediately. Disconnection may be completed by the City. Reconnection shall occur only when the water conservation period is over, as determined by the City.*
2. *Any sign of meter tampering by the customer shall result in the immediate termination of the outside metering service.*

Section 6-3-27. *RATES FOR OUTSIDE METERED SERVICE.*

Water service measured through outside service meters shall be billed in the same manner and at the rate established in Section 6-5-8 of this Code of Ordinances to include the water surcharge.

SECTION 2. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof no adjudged invalid or unconstitutional.*

SECTION 3. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED by the City Council of the City of Griswold on the11th day of April, 2011.

_____ _____

Jerry Putnam, Mayor *Marylynne Dickinson, City Clerk*

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

6-4-1 Definitions
6-4-2 Duty to Provide Cans
6-4-3 Administration
6-4-4 Storage
6-4-5 Collections
6-4-6 Collection Service
6-4-7 Collection Vehicles
6-4-8 Loading
6-4-9 Bulky Rubbish
6-4-10 Right of Entry
6-4-11 Burning of Refuse
6-4-12 Refuse Other Than Garbage
6-4-13 Sanitary Landfill
6-4-14 Separation of Yard Waste Required

6-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.

2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.

4. "Can". Means a container for the storage of garbage or rubbish, which is:

a. Provided with a handle and tight fitting cover.

b. Made of non-corrosive material.

c. Water-tight.

d. With a capacity of no more than thirty-five (35) gallons.

6-4-2 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

6-4-3 ADMINISTRATION. Administration of this chapter shall be by the Streets and Grounds Superintendent, or such employee designated by the Superintendent.

(Code of Iowa, Sec. 372.13(4)

6-4-4 STORAGE. All garbage must be drained and that accumulated from dwellings must be placed in a can. All rubbish shall be placed in a can except as otherwise provided.

6-4-5 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

6-4-6 COLLECTION SERVICE. The collection of solid waste within the City shall be by private contract with a collector.

6-4-7 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

6-4-8 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

6-4-9 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefore established by the council.

6-4-10 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

6-4-11 NECESSITY OF PERMIT. No person shall engage in the business of collecting garbage or rubbish other than waste produced by that person within the city without first obtaining an annual collector's permit from the City. The City may issue a written permit to each applicant upon the payment of a twenty-five dollar ($25.00) permit fee. The City may revoke such permit upon the collector's failure to comply with this chapter and other regulations established pursuant thereto.

1. Annual Renewal. The collector's permit may be renewed annually upon City review and payment of the required fee.

2. Permit Not Transferable. No permit authorized by this section may be transferred to any other person.

3. Insurance. No collector's permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all pertinent operations of the applicant related to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily Injury	$100,000 per person.
	$300,000 per occurrence
Property Damage	$100,000 or single limit of $300,000

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than thirty (30) days prior to the effective date of such action.

4. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.

5. Grading or Excavation Excepted. No permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

6-4-11 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.

2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-4-12 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-4-13 SANITARY LANDFILL. The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

6-4-14 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - BILLING CHARGES

6-5-1 Utility Defined
6-5-2 Districts
6-5-3 Disposition of Fees and Charges
6-5-4 Billing, Penalty
6-5-5 Discontinuing Services, Fees
6-5-6 Residential Rental Property
6-5-7 Connection Fee
6-5-8 Water Rates
6-5-9 Rate of Sewer Rent and Manner of Payment
6-5-10 Determination and Payment of Sewer Rent From Premises With Private Water Systems

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 Griswold, Iowa.

6-5-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-5-4 BILLING, PENALTY. Utility bills shall be issued on the first of the month following the period for which service is billed. Payment shall be made to the City Clerk within fifteen (15) days of issuance. Bills shall become delinquent after the date in which due and bills paid after said day shall have added a penalty of five percent (5%) of the amount of the bill with a minimum penalty of $5.00. When the fifteenth falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

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

6-5-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days 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 City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

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 $50.00 shall be paid to the City Clerk 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(1))

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3)

6-5-6 RESIDENTIAL RENTAL PROPERTY. For residential rental property where a charge for water service is separately metered and paid directly by the tenant, the rental property is exempt from a lien for those delinquent charges incurred after the property lessor gives written notice to the City that the tenant is liable for the charges and a deposit not exceeding the usual cost of ninety (90) days of water service is paid to the utility. Upon receipt, the City shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for charges, address of the property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice and deposit. When the tenant moves from the rental property, the City shall return the deposit, within ten days, if the water service charges are paid in full and the lien exemption shall be lifted from the rental property. The lien exemption for rental property does not apply to charges for repairs to a water service if the repair charges become delinquent.

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 or property lessor.

(Code of Iowa, Sec. 384.84(3))

6-5-7 CONNECTION FEE. Connection fees of $40.00 shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered.

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

For non-emergency disconnects or reconnects during non-working hours a fee of one hundred dollars ($100.00) shall be charged per occurrence.

Replaced with Ordinance 1-2015 water rates, Ordinance 2-2011 adds to section, Ordinance 2-2012 sewer rates, Ordinance 1-2013 adds to section

~~6-5-8 WATER RATES. Water shall be furnished at the following monthly rates per property serviced within the City limits:~~

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

~~1. Metered Water.~~

~~a. Monthly base rate $17.88 (includes zero (0) gallons)~~

~~b. $3.42 per 1,000 gallons or part thereof;~~

~~2. Bulk Water.~~

~~a. $3.00 per each 500 gallons or part thereof.~~

~~3. Rates for outside the city. The City Council may permit an owner of property located outside the corporate limits of the City to connect to the City water system. No such person, however, will be served unless the person shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the City Council. The rates for water service outside the City are as follows:~~

~~a. Metered Water.~~

~~(1) Monthly base rate $26.82 (includes zero (0) gallons)~~

~~(2) $3.42 per 1,000 gallons or part thereof;~~

~~4. Future Rates. On July 1, 2007, all water rates shall be increased by the inflation rate set by the government or that year over the rates established in subsection 1,2 and 3of this section, which rates shall be in effect until June 30, 2008. Each July1 thereafter, said water rates shall be increased by the inflation rate set by the government for that year over rates in effect during the preceding year or 3% whichever is higher.~~

~~6-5-9 RATE OF SEWER RENT AND MANNER OF PAYMENT. The rate of sewer rent shall be as follows:~~

	FY08-09	FY09-10	FY10-11
Effective	11-1-08	7-1-09	7-1-10
1. Single-family dwelling	$25.04	$29.04	$33.04
2. Mobile home	$25.04	$29.04	$33.04
3. Business (not otherwise specified)	$25.04	$29.04	$33.04

~~4. Griswold Community School $250.40 $290.40 $333.40~~

~~5. Griswold Care Center, Inc. $232.88 $270.08 $307.28~~

~~6. Beauty Shops and Car/Truck Washes. FY08-09 $2.50 per 1,000 gallons or part thereof used with a minimum of $25.04. FY09-FY10 $2.90 per 1,000 gallons or part thereof used with a minimum of $29.04. FY10-11 $3.30 per 1,000 gallons or part thereof used with a minimum of $33.04.~~

~~7. Future Rates. On July 1, 2012, all sewer rates shall be increase by the average inflation rate of the previous year as set by the government or an increase of 3% whichever is greater over the rates established in subsection 1-6 of this section. On July 1, thereafter, said sewer rates shall be increased by the average inflation rate of the previous year as set by the government or an increase of 3% whichever is greater~~

~~The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made, after the connection to the sewer system is made.~~

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

~~6-5-10 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in Section 6-5-9 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-5-9.~~

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

Replaced with Ordinance 1-2015 water rates, Ordinance 2-2011 adds to section, Ordinance 2-2012 sewer rates, Ordinance 1-2013 adds to section – AS FOLLOWS

ORDINANCE # 1-2015

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 6-5-8 PERTAINING TO WATER RATES.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION MODIFIED. *Section 6-5-8 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is repealed and the following adopted in lieu thereof:*

6-5-8 WATER RATES. *Water shall be furnished at the following monthly rates per property serviced within the City limits:*

(Code of Iowa, Sec. 684.84(1))

1. Metered Water.

*a. Monthly surcharge of **$9.00** (includes zero (0) gallons)*

b. $4.41 per 1,000 gallons or part thereof;

SECTION 2. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.*

SECTION 3. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 11th day of May, 2015.*

_____ _____

Lee Wyman, Mayor *Marylynne Lightner, City Clerk*

ORDINANCE # 2-2011

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING CHAPTER FIVE OF ARTICLE VI, BY ADDING THERETO SECTION 6-5-8(4) AND PERTAINING TO OUTSIDE WATER METER RATES AND SECTION 6-5-11 PERTAINING TO THE EXEMPTION OF OUTSIDE METERED WATER FROM SEWER CHARGES

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION MODIFIED. *Section 6-5-8(4) and Section 6-5-11 of the Code of Ordinances of the City of Griswold, Iowa, 2010,*

is hereby adopted:

6-5-8 WATER RATES. *Water shall be furnished at the following monthly rates per property serviced within the City limits:*

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

4. Outside Metered Water.

a. Monthly surcharge of $5 (includes zero (0) usage)

b. $4.41 per 1,000 gallons or part thereof.

6-5-11 EXEMPTION OF OUTSIDE METERED WATER. *All water used for outside watering as measured through a meter dedicated to the outside water line and installed in accordance with Section 6-3-25 of this Code of Ordinances, shall be exempt from the sewer surcharge and sewer usage charge contained herein.*

SECTION 2. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.*

SECTION 3. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 11th day of April, 2011.*

_____ _____

Jerry Putnam, Mayor *Marylynne Dickinson, City Clerk*

ORDINANCE # 2-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 6-5-9 PERTAINING TO THE RATE OF SEWER RENT AND MANNER OF PAYMENT.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION MODIFIED. *Section 6-5-9 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is repealed and the following adopted in lieu thereof:*

6-5-9 RATE OF SEWER RENT AND MANNER OF PAYMENT. *The rate of sewer rent shall be charged as follows:*

1. Monthly surcharge of $43.30 (includes zero (0) gallons)

2. $3.69 per 1,000 gallons or part thereof based upon water consumption;

3. $2.00 per 1,000 gallons or part thereof based upon water consumption over 100,000 gallons.

4. Multi-Family Housing shall be charged one (1) monthly surcharge per meter

The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made, after the connection to the sewer system is made.

SECTION 2. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.*

SECTION 3. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the _29th_ day of__May___, 2012.*

_____ _____

Lee Wyman, Mayor *Marylynne Dickinson, City Clerk*

ORDINANCE # 1-2013

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 6-5-5 PERTAINING TO THE UTILITIES- BILLING CHARGES.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION AMENDED. *Section 6-5-5 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is hereby repealed and the following adopted in lieu thereof:*

6-5-5. *DISCONTINUING SERVICE, FEES.*

1. If any account is not paid within thirty days 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 City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

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.

c. If the City Clerk has not received payment by 10 A.M. on the shut off date, a posting will be placed on the residence, in addition to a $20 posting fee. The posting shall state that the account must be paid in full (including the posting fee) by 9 A.M. the next business day to avoid being disconnected. If the account is not paid by 9 A.M., service will be disconnected with no further notice.

SECTION 3. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.*

SECTION 4. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and publication, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 11th day of March, 2013.*

Adams: ___Absent____
Askeland: ___Aye____
Mundorf: ___Aye____
Cook: ___Aye____
J.Wyman: ___Aye____

_____ Lee Wyman, Mayor

_____ Marylynne Dickinson, City Clerk

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

6-6-1 Excavation Permit Required
6-6-2 Application for Permit
6-6-3 Permit Fees
6-6-4 Safety Measures
6-6-5 Backfilling and Restoration
6-6-6 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))

6-6-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-6-3 PERMIT FEES. The permit fee shall be $15.00 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 $15.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

6-6-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the city is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-6-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SIDEWALK REGULATIONS

6-7-1 Purpose
6-7-2 Definitions
6-7-3 Cleaning Snow, Ice, and Accumulations
6-7-4 Maintenance Responsibility
6-7-5 Liability of Abutting Owner
6-7-6 Ordering Sidewalk Improvements
6-7-7 Repairing Defective Sidewalks
6-7-8 Notice of Inability to Repair or Barricade
6-7-9 Standard Sidewalk Specifications
6-7-10 Awnings
6-7-11 Encroaching Steps
6-7-12 Openings and Enclosures
6-7-10 Permits for Construction or Removal
6-7-11 Failure to Obtain Permit; Remedies
6-7-12 Inspection and Approval
6-7-13 Barricades and Warning Lights
6-7-14 Interference with Sidewalk Improvements
6-7-15 Special Assessments for Construction and Repair
6-7-16 Notice of Assessment for Repair or Cleaning Costs
6-7-17 Hearing and Assessment
6-7-18 Billing and Certifying to County

6-7-1 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.

6-7-2 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.

6-7-3 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 City Manager may have the natural accumulations of snow or ice removed without notice to the property owner. The City Manager shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-7-4 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))

6-7-5 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)

6-7-6 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.

6-7-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-7-8 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.

6-7-9 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 Streets and Grounds Superintendent.

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 Streets and Grounds Superintendent 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 disabled**.** There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at last 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 by so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Streets and Grounds Superintendent, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-7-10 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

6-7-11 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

6-7-12 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

6-7-13 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Streets and Grounds Superintendent. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-7-14 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the City Manager shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the City Manager shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-7-15 INSPECTION AND APPROVAL. Upon final completion, the Streets and Grounds Superintendent shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Streets and Grounds Superintendent shall indicate this on both copies of the permit.

6-7-16 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.

6-7-17 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.

6-7-18 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)

6-7-19 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the City Manager submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-7-20 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)

6-7-21 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds $100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

6-8-1 SHORT TITLE. This ordinance shall be known as the "Subdivision Ordinance" of the City of Griswold, Iowa.

6-8-2 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 land uses 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 Griswold, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

6-8-3 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 into two 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)

6-8-4 AMENDMENT. When necessary to further its purpose, this ordinance shall be amended in accordance with the text amendment procedure for the Zoning Ordinance by the Planning Commission and the Governing Body.

6-8-5 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City of Griswold, 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)

6-8-6 PRE-APPLICATION Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the Commission. The conference should be attended by Commission and such other city or Utility representative 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.

6-8-7 PRELIMINARY APPLICATION FEE. The subdivider shall pay to the Clerk a preliminary application fee of ten dollars ($10.00) before application.

6-8-8 PRELIMINARY APPLICATION. In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the Commission, plats and other information as required by this

ordinance. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat.

(Code of Iowa, Sec. 354.6)

The subdivider shall prepare and file with the City Clerk four (4) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

1. Title, scale, north point and date.

2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county. The Plats Officer shall verify with the County Auditor that the proposed subdivision name is not duplicating an existing subdivision name in the county.

(Code of Iowa, Sec. 354.6(2) and 355.8(5))

3. The name and address of the owner and the name, address and profession of the person preparing the plan.

4. A key map showing the general location of the proposed subdivision in relation to surrounding development.

5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.

(Code of Iowa, Sec. 355.8(18))

6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.

7. Existing and proposed zoning of the proposed subdivision and adjoining property.

8. 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.

9. The legal description of the area being platted.

10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.

11. The layout, numbers and approximate dimensions of proposed lots.

12. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.

13. The proposed names for all streets in the area being platted. The Plats Officer shall verify that the proposed street names do not duplicate existing street names in the City unless such names are a continuation of an existing street.

14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.

15. Proposed easements, showing locations, widths, purposes and limitations.

16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.

17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

18. Any other pertinent information, as necessary.

19. The fee, as required by this ordinance.

The City Clerk, upon receipt of four (4) copies of the preliminary plat, shall file one copy in the records of the city, shall retain one copy for public inspection, and shall forward the remaining copies of the plat to the Commission. The Commission shall provide copies of the plat to the City Engineer, and such other persons as necessary to review the plat.

The Commission shall examine the plat and the report of the City Engineer, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the city, and conforms to the Comprehensive Plan and other duly adopted plans of the city. The Planning Commission shall, within forty-five (45) days of the filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the Governing Body. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.

The Governing Body shall examine the plat, the report of the City Engineer, the report of the Planning Commission, and such other information as it deems necessary or desirable. Upon such examination, the Governing Body shall ascertain whether the plat conforms to the ordinances and standards of the city, conforms to the Comprehensive Plan and other duly adopted plans of the city, and will be conducive to the orderly growth and development of the city; in order to protect the public health, safety, and welfare. Following such examination, the Governing Body may approve,

subject to conditions, or disapprove the plat. If the decision of the Governing Body is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the Governing Body, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Governing Body shall be taken within sixty (60) days of the filing of the plat with the City Clerk.

6-8-9 FINAL APPLICATION FEES. The subdivider shall pay to the City Clerk a final application fee after preliminary approval and before final application. The fee shall be twenty-five dollars ($25.00) plus one dollar ($1.00) per acre for all parcels or lots larger than one acre in size.

6-8-10 FINAL PLAT APPLICATION. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk, eight (8) copies of the final plat and required attachments, as set forth in this ordinance. 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.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8 1/2" x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and show the following:

1. The name of the subdivision.
(Code of Iowa, Sec. 354.6(2) and 355.8(5))

2. Name and address of the owner and subdivider.

3. Scale, and a graphic bar scale, north arrow and date on each sheet.
(Code of Iowa, Sec. 355.8(4) and (6))

4. All monuments to be of record, as required by Chapter 355, Code of Iowa.
(Code of Iowa, Sec. 355.8(7))

5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
(Code of Iowa, Sec. 355.8(12))

6. All distance, bearing, curve and other survey data, as required by Chapter 355, Code of Iowa.
(Code of Iowa, Sec. 355.8)

7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat. (Code of Iowa, Sec. 355.8(18))

8. Street names and clear designation of public alleys.
(Code of Iowa, Sec. 354.6(2))

9. Block and lot numbers.
(Code of Iowa, Sec. 354.6(2))

10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
(Code of Iowa, Sec. 354.6(2))

11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
(Code of Iowa, Sec. 355.8(19))

12. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat".

13. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Governing Body.
(Code of Iowa, Sec. 354.6(2))

14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
(Code of Iowa, Sec. 355.8(15))

15. A statement by a registered land surveyor that the plat conforms to Section 409A.8 of the Code of Iowa, was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
(Code of Iowa, Sec. 355.8(21))

16. A certificate by the owner and said owner's spouse, if any, that the subdivision is with their 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))

17. 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(2))

18. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes.

(Code of Iowa, Sec. 354.11(5))

19. A certificate from the Clerk of the District Court that the subdivision land is free from all judgments, attachments, or mechanics or other liens of record in said Clerk of District Court's office.

20. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.

(Code of Iowa, Sec. 354.11(2))

21. 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)

22. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

23. A certificate by the City Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements shall have been provided to the City Engineer. In lieu thereof, the City Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Governing Body has agreed that the city will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.

24. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet city standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance, shall be required.

25. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

(Code of Iowa, Sec. 354.11(4))

26. The applicable fee, if any.

The City Clerk, upon receipt of eight (8) copies of the final plat, shall file one copy in the records of the city, shall retain one copy for the public inspection, and shall forward the remaining copies to the Commission. The Commission shall provide copies of the plat to the City Engineer, and such other persons as are necessary to review the plat; and shall schedule the plat for review by the Governing Body.

The Commission and the City Engineer shall examine the plat as to its compliance with Section 409A.8 of the Code of Iowa, the ordinances and standards of the city, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Governing Body for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Commission for review, prior to review by the Governing Body. The Commission shall then review the plat and shall forward a written recommendation thereon to the Governing Body within forty-five (45) days of the filing of the plat with the City Clerk. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

Upon receipt of the plat and written reports thereon, the Governing Body shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the city and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Governing Body shall approve the plat, and shall cause its approval to be entered on the plat as required by law.

Action on the final plat by the Governing Body shall be taken within sixty (60) days of the date of filing of the plat with the City Clerk. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Governing Body and such decision shall be provided to the subdivider.

6-8-11 PENALTIES. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the Governing Body, and recorded as required by law, shall forfeit and pay one hundred dollars ($100.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this ordinance.

6-8-12 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been accepted by the City.

DEFINITIONS

6-8-13 TERMS DEFINED. For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in this 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 Griswold, 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, drainage ways, 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 (date of original subdivision ordinance).

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 Griswold, 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 appointed commission designated by the Governing Body for the purpose of this ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

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 into two (2) 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.

(Code of Iowa, Sec. 354.2(16) 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 a succinct name or title that is unique for the county where the land is located.

(Code of Iowa, Sec. 354.2(18) 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(19) 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, gas, electricity, wastewater, and storm water.

IMPROVEMENTS

6-8-14 IMPROVEMENTS REQUIRED. The subdivider shall, at 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.

6-8-15 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.

6-8-16 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. Streets. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City. Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the City, become the property of the City.

2. Sanitary Sewer System. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the City and at the sewer grades as established by the City.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the City, become the property of the City.

3. Storm Sewer System. The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with plans and specifications of the City and at sewer grades established by the City.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the city storm sewer system as it relates to both the area being platted and

other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The sewers shall, upon inspection, approval and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management, or the provisions of a storm water management plan if such plan has been adopted by the City.

4. Water Main System. The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the City's existing water mains.
Under some circumstances the City may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area.

The water mains shall, upon inspection, approval, and acceptance by the City, become the property of the City.

5. Other Improvements. The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within the street area; the installation of walkways as necessary; grading, seeding or sodding of all lots; the planting of any required trees in the parking area; the installation of street signs, and the provision of street lighting. All such improvements shall be under the direction of the City Engineer or director of the electric utility, as appropriate.

6-8-17 EASEMENTS REQUIRED.

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across, lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at said subdivider's expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the City.

6-8-18 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City, proper maintenance bonds satisfactory to the City, so as to insure that for a period of one (1) year from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

6-8-19 ALTERNATIVE SYSTEMS FOR SEWER OR WATER. Where connection to the City sewer or water system cannot reasonably be made the City may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health safety and welfare, and shall meet all requirements of state, county, or other applicable health regulations. Prior to granting approval of such alternate systems, the City shall require that the owner and subdivider provide to the City a waiver of assessment protest or such other legally binding documents necessary to protect the City from the expense of the subsequent installation of sewer or water facilities.

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

6-8-20 STANDARDS PRESCRIBED. The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.
(Code of Iowa, Sec. 364.1)

6-8-21 LAND SUITABILITY. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City.

If land is found to be unsuitable for subdivision for any of the reasons cited in this Section, the Governing Body shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Governing Body may reaffirm, modify or withdraw its determination regarding such unsuitability.

6-8-22 LANDS SUBJECT TO FLOODING. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City without the approval of the Iowa Department of Natural Resources. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City:

1. Included within individual lots in the subdivision, subject to the limitations of this Section.

2. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.

3. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

6-8-23 PLAT TO CONFORM TO COMPREHENSIVE PLAN. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

(Code of Iowa, Sec. 354.8)

6-8-24 CONSTRUCTION STANDARDS FOR IMPROVEMENTS. In addition to the Standards set forth in this ordinance, the City Engineer shall from time to time prepare, and the Governing Body shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

Upon adoption by the Governing Body by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

6-8-25 STREET STANDARDS. The following standards shall apply to all streets to be located within the subdivision:

1. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or the Street Plan, the plat shall provide for such street.

2. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.

3. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.

4. Street right-of-way widths and pavement widths shall be as specified in the Comprehensive Plan, the Streets Plan, or technical standards for public improvements.

5. Half-streets are prohibited, except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required.

6. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.

7. Street jogs with centerline offsets of less than one hundred twenty five feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.

8. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.

9. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.

10. Dead end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.

11. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed 400 feet in length unless a greater length is unavoidable and shall terminate with a turnaround having a curb line diameter of not less than 80feet.

12. In general, alleys shall be permitted in residential areas and required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred (100) feet.

13. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Governing Body, be made a requirement of the plat.

14. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Governing Body.

15. Private streets, not dedicated to the City, shall be avoided. The Governing Body may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

16. The right-of-way widths and pavement widths (back to back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification, as follows:

TYPE	PAVEMENT WIDTH	RIGHT-OF-WAY
Major Arterial	45 feet	80 feet
Secondary	40 feet	80 feet
Local	29 feet	60 feet
Alleys	14 feet, Residential 20 feet, Commercial	20 feet

17. The horizontal alignment on all streets where the centerline deflects two degrees or more shall be as follows:

RADII OF HORIZONTAL CURVES	
Major Streets	700 feet minimum
Minor Streets	100 feet minimum

6-8-26 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions:

1. No residential block shall be longer than thirteen hundred (1,300) feet or shorter than three hundred (300) feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.

2. In blocks over seven hundred (700) feet in length, the Governing Body may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.

3. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.

4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.

5. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.

6. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least thirty-five (35) feet measured as a straight line between the two front lot corners.

7. Unless unavoidable, lots shall not front, or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

8. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Governing Body, a variation to this provision will provide a better street and lot layout.

9. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.

10. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

11. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drainfield. No subdivision to be served by septic systems shall be approved by the Governing Body until percolation tests have been performed and the results of said tests have been provided to, and reported on, by the City Engineer.

6-8-27 PARKS AND OPEN SPACE. All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of their residents. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space, provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

6-8-28 PARKS AND SCHOOL SITES RESERVED. When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the City, the subdivider shall indicate such areas on the plat.

(Code of Iowa, Sec. 354.6(2))

1. Proposed park sites shall be reserved for three (3) years, giving the City or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park site not be purchased within three (3) years, the subdivider may then amend the final plat.

2. Proposed school sites shall be reserved for three (3) years, giving the appropriate school district the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of

purchase by the school district. Should the school sites not be purchased within three (3) years, the subdivider may then amend the final plat.

6-8-29 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. 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 subdivision.

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.

6-8-30 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of the preliminary plat shall constitute authorization by the Governing Body for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvement have been submitted to, and approved in writing by, the City Engineer.

6-8-31 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the Governing Body will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the City.

6-8-32 PERFORMANCE BOND PERMITTED. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the City, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

6-8-33 REQUIREMENT OF THE FINAL PLAT. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk, two (2) copies of the final plat and required attachments, as set forth in this ordinance. 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.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8 1/2" x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the

sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and show the following:

1. The name of the subdivision.
(Code of Iowa, Sec. 354.6(2) and 355.8(5))

2. Name and address of the owner and subdivider.

3. Scale, and a graphic bar scale, north arrow and date on each sheet.
(Code of Iowa, Sec. 355.8(4) and (6))

4. All monuments to be of record, as required by Chapter 355, Code of Iowa.
(Code of Iowa, Sec. 355.8(7))

5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
(Code of Iowa, Sec. 355.8(12))

6. All distance, bearing, curve, and other survey data, as required by Chapter 355, Code of Iowa.
(Code of Iowa, Sec. 355.8)

7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
(Code of Iowa, Sec. 355.8(18))

8. Street names and clear designation of public alleys.
(Code of Iowa, Sec. 354.6(2))

9. Block and lot numbers.
(Code of Iowa, Sec. 354.6(2))

10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
(Code of Iowa, Sec. 354.6(2))

11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer;

easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

(Code of Iowa, Sec. 355.8(19))

12. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat".

13. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Governing Body.

(Code of Iowa, Sec. 354.6(2))

14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

(Code of Iowa, Sec. 355.8(15))

15. A statement by a registered land surveyor that the plat conforms to Section 409A.8 of the Code of Iowa, was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

(Code of Iowa, Sec. 355.8(21))

6-8-34 ATTACHMENTS TO THE FINAL PLAT. The following shall be attached to and accompany any final plat:

1. A certificate by the owner and said owner's spouse, if any, that the subdivision is with their 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))

2. 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))

3. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes.

(Code of Iowa, Sec. 354.11(5))

4. A certificate from the Clerk of the District Court that the subdivision land is free from all judgements, attachments, or mechanics or other liens of record in said Clerk of District Court's office.

5. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.

(Code of Iowa, Sec. 354.11(2))

6. 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)

7. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

8. A certificate by the City Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements shall have been provided to the City Engineer. In lieu thereof, the City Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Governing Body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.

9. Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.

10. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance, shall be required.

11. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
(Code of Iowa, Sec. 354.11(4))

12. The applicable fee, if any.

6-8-35 PROCEDURES FOR THE REVIEW OF FINAL PLATS.

1. The City Clerk, upon receipt of two copies of the final plat, shall file one copy in the records of the City, shall retain one copy for the public inspection, and shall forward the remaining copies to the Plats Officer.

2. The Plats Officer shall provide copies of the plat to the City Engineer, and such other persons as are necessary to review the plat; and shall schedule the plat for review by the Governing Body.

3. The Plats Officer and the City Engineer shall examine the plat as to its compliance with Section 409A.8 of the Code of Iowa, the ordinances and standards of the City, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

4. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Governing Body for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning Commission for review, prior to review by the Governing Body. The Planning Commission shall then review the plat and shall forward a written recommendation thereon to the Governing Body within forty-five (45) days of the filing of the plat with the City Clerk. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

5. Upon receipt of the plat and written reports thereon, the Governing Body shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the City and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Governing Body shall approve the plat, and shall cause its approval to be entered on the plat as required by law.

6. Action on the final plat by the Governing Body shall be taken within sixty (60) days of the date of filing of the plat with the City Clerk. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Governing Body and such decision shall be provided to the subdivider.

OTHER PROVISIONS

6-8-39 VARIANCES. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements 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 secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Governing Body may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 NUMBERING OF BUILDINGS

6-9-1 Buildings to be Numbered
6-9-2 Numbering System
6-9-3 Type of Numbers, Size
6-9-4 Enforcement

6-9-1 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.

~~6-9-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of four-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.~~ **Replaced with Ordinance 6-2010**

~~6-9-3 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.~~
Replaced with Ordinance 6-2010

6-9-4 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.

ORDINANCE # 6-2010

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING SECTION 6-9-2 AND 6-9-3 PERTAINING TO THE NUMBERING OF BUILDINGS

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. SECTION MODIFIED. *Sections 6-9-2 and 6-9-3 of the Code of Ordinances of the City of Griswold, Iowa, 2010, is repealed and the following adopted in lieu thereof:*

6-9-2 NUMBERING SYSTEM. *Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of four-digit numbering. The even numbers shall be on the east and south sides of all streets and the odd numbers shall be on the west and north sides of all*

streets.

6-9-3 TYPE OF NUMBERS, SIZE. *The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than four inches in height.*

SECTION 2. SEVERABILITY CLAUSE. *If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.*

SECTION 3. WHEN EFFECTIVE. *This ordinance shall be in full force and effect upon its passage and published, as required by law.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 13th day of September, 2010.*

Jerry Putnam, Mayor *Marylynne Dickinson, City Clerk*

I certify that the foregoing was published as Ordinance No. 6-2010 on the 22nd day of September 2010.

Marylynne Dickinson
City Clerk

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 TREES

6-10-1 Definition
6-10-2 Planting Restrictions
6-10-3 Duty to Trim Trees
6-10-4 Trimming Tress to be Supervised
6-10-5 Disease Control
6-10-6 Inspection and Removal

6-10-1 DEFINITION. For use in this chapter "parking" means that part of the street, avenue or highway in the city not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved street, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

6-10-2 PLANTING RESTRICTIONS. No person shall plant a tree in any parking or street without first obtaining a permit from the Clerk at least five days prior to such planting. Any trees planted in the parking or street shall be planted in accordance with the following:

1. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

6-10-3 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the city may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c,d & e])

6-10-4 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 6-10-3, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the city.

6-10-5 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared a nuisance.

6-10-6 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the city reported or suspected to be infected with or damaged by any disease or insect or disease pests, and such trees and shrubs shall be subject to removal as follows:

1. Removal from city property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, and that danger to other trees within the city is imminent, the Council shall immediately cause such condition to be corrected by treatment or removal so as to destroy or prevent as fully as possible the spread of the disease or the insect or disease pests. The Council may also order the removal of any trees on the streets of the city which interfere with the making of improvements or with travel thereon.

2. Removal from private property. If it is determined with reasonable certainty that any such condition exists on private property and that the danger to other trees within the city is imminent, the Council shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the nuisance to be removed and the cost assessed against the property.

(Code of Iowa, Sec. 364.12[3b &h])

Should the City remove a tree or shrub from private property, in addition to the cost to remove the tree or shrub, the property owner shall also be responsible for any costs associated with removing a stump.

Ordinance 2-2015 adds a new Chapter

ORDINANCE # 2-2015

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY ADDING CHAPTER 11 UNDER TITLE VI PHYSICAL ENVIRONMENT: MOWING OF PROPERTIES.

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. MOWING OF PROPERTIES. *Any property within the City of Griswold, whether vacated or non-vacated, is required to be mowed any time the vegetation reaches a height of more than 12 inches*

by the first (1st) and the fifteenth (15th) day of the month in April, May, June, July, August, September and October of each year.

SECTION 2. PENTALTY. *The City of their agents may mow any property, which is not mowed by the dates, and a charge of $75.00 per hour for such mowing, plus a surcharge of $100.00, will be charged to the property owner. Any property owners who fail to mow their properties, thus allowing the same to be mowed by the City of their agents, and who do not provide payment for the mowing as required, will be assessed by the City for such costs, which will be collected in the same manner as general property taxes.*

SECTION 3. METHOD OF SERVICE AND BILLING. *Annual publication of the ordinance codified by this chapter will serve as notice to property owners. Any billings for mowing done by the City or their agents are to be sent by regular mail and are payable within 30 days of the billing date.*

PASSED and APPROVED *by the City Council of the City of Griswold on the 11th day of May, 2015.*

_____ _____

Lee Wyman, Mayor *Marylynne Lightner, City Clerk*

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 ELECTRIC FRANCHISE

7-1-1 Franchise Granted
7-1-2 Rights and Privileges
7-1-3 Poles and Wires
7-1-4 Construction and Maintenance
7-1-5 Excavations
7-1-6 Indemnification
7-1-7 Applicable Regulations
7-1-8 Quality and Quantity
7-1-9 Police Regulations

7-1-1 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the "Company," its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate within the city, a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the city, and to furnish and sell electric energy to the city and its inhabitants. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of the ordinance codified by this chapter.

7-1-2 RIGHTS AND PRIVILEGES. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa or as subsequently amended or changed.

7-1-3 POLES AND WIRES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy and communications signals in and through the city, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water there from, which have been or may hereafter be located by authority of the city. The Company is authorized and empowered to cut and trim at its expense, any trees extending into any street, alley or public ground so as to prevent limbs or branches from interfering with the wires and facilities of the Company.

7-1-4 CONSTRUCTION AND MAINTENANCE. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the city in such 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 pubic improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the city has a reasonable alternative route for the street, alley or public improvements which alternative route would not cause the relocation of the Company installations, the city shall select said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and is less than the Company's, the city shall select the route which requires the other franchisees or users to relocate. If project funds from a source other than the city are available to pay for the relocation of utility facilities, the city shall use its best efforts to secure said funds and provide them to the Company to

compensate the Company for the costs of relocation.

7-1-5 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for the excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the original condition as nearly as practicable.

7-1-6 INDEMNIFICATION. The Company shall indemnify and save harmless the city from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, caused or occasioned in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the city for any costs or damages arising from the negligence of the city, its officers, employees or agents.

7-1-7 APPLICABLE REGULATIONS. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

7-1-8 QUALITY AND QUANTITY. During the term of this franchise the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

7-1-9 POLICE REGULATIONS. All reasonable and proper police regulations shall be adopted and enforced by the city for the protection of the facilities of the Company.

Editor's Note: Ordinance No 3-98 adopting an electric franchise for the city was passed adopted on June 22, 1998.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 GAS FRANCHISE

7-2-1 Franchise Granted
7-2-2 Rights and Privileges
7-2-3 Pipes and Mains
7-2-4 Construction and Maintenance
7-2-5 Excavations
7-2-6 Indemnification
7-2-7 Applicable Regulations
7-2-8 Quality and Quantity
7-2-9 Police Regulations

7-2-1 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the "Company," its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate within the city, a gas distribution system, to furnish natural gas along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the city, and to furnish and sell natural gas to the city and its inhabitants. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of the ordinance codified by this chapter.

7-2-2 RIGHTS AND PRIVILEGES. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa or as subsequently amended or changed.

7-2-3 PIPES AND MAINS. The Company shall have the right to excavate in any public street for the purpose of laying, re-laying, repairing or extending gas pipes, mains, conduits and other facilities provided that the same shall be so placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water there from, which have been or may hereafter be located by authority of the city.

7-2-4 CONSTRUCTION AND MAINTENANCE. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the city in such 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 pubic improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the city has a reasonable alternative route for the street, alley or public improvements which alternative route would not cause the relocation of the Company installations, the city shall select said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and is less than the Company's, the city shall select the route which requires the other franchisees or users to relocate. If project funds from a source other than the city are available to pay for the relocation of utility facilities, the city shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

7-2-5 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, the Company shall not unreasonably obstruct

the use of the streets, and shall replace the surface, restoring the original condition as nearly as practicable.

7-2-6 INDEMNIFICATION. The Company shall indemnify and save harmless the city from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, caused or occasioned in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the city for any costs or damages arising from the negligence of the city, its officers, employees or agents.

7-2-7 APPLICABLE REGULATIONS. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

7-2-8 QUALITY AND QUANTITY. During the term of this franchise the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

7-2-9 POLICE REGULATIONS. All reasonable and proper police regulations shall be adopted and enforced by the city for the protection of the facilities of the Company.

Editor's Note: Ordinance No 4-98 adopting an electric franchise for the city was passed adopted on June 22, 1998.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 PROPERTY TAX EXEMPTIONS

7-3-1. Purpose
7-3-2. Definitions
7-3-3. Period of Partial Exemption
7-3-4. Amounts Eligible for Exemption
7-3-5. Limitations
7-3-6. Applications
7-3-7. Approval
7-3-8. Exemption Repealed
7-3-9. Dual Exemptions Prohibited

7-3-1. PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to residential, commercial, and industrial real estate by the new construction of real estate, research-service facilities, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate.

7-3-2. DEFINITIONS. For use in this chapter the following terms are defined:

1. "Actual value added" means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the local assessor as of January 1 of each year for which to exemption is received.

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

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

4. "New machinery and equipment assessed as real estate" means new machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1 Paragraph "e", Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

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

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

7-3-3. PERIOD OF PARTIAL EXEMPTION. The actual value added to real estate by the new construction of industrial, commercial, or residential real estate, and the acquisition of or improvement to machinery and equipment assessed as real estate, is eligible to receive a partial exemption from taxation for a period of five (5) years.

7-3-4. AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added for residential properties which is eligible to be exempt from taxation shall be as follows:

1. For the first year, one hundred percent (100%)

2. For the second year, eighty percent (80%)

3. For the third year, sixty percent (60%)

4. For the fourth year, forty percent (40%)

5. For the fifth year, twenty percent (20%)

The amount of actual value added for industrial and commercial properties which is eligible to be exempt from taxation shall be as follows:

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

2. For the second year, sixty percent (60%)

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

4. For the fourth year, thirty percent (30%)

5. For the fifth year, fifteen percent (15%)

7-3-5. LIMITIATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed

value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

7-3-6. APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

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

2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its costs, and other information deemed necessary by the Director of Revenue.

7-3-7. APPROVAL. A person shall submit a proposal with the application for a building permit to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with city zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

7-3-8. EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the city, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

7-3-9. DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 CABLE TELEVISION FRANCHISE

7-4-1 Franchise Grant
7-4-2 Rights Conferred by Franchise
7-4-3 Installation of Cable System
7-4-4 Relocation of Property
7-4-5 Rates and Charges
7-4-6 Indemnification
7-4-7 Payment to City
7-4-8 Franchise Termination
7-4-9 Local Office or Agent
7-4-10 Sale or Transfer of Franchise

7-4-1 FRANCHISE GRANT. Pursuant to the law, a non-exclusive franchise is granted to Griswold Cooperative Telephone Company to construct, own and operate a cable television franchise for a period of ten (10) years, shall vest all the rights, privileges, and immunities of a cable system with Griswold Cooperative Telephone Company; however, said franchise shall be subject to and conditional upon all the terms, duties, and obligations found in the laws of the State of Iowa, rules and regulations of the Federal Communications Commission and of this ordinance.

7-4-2. RIGHTS CONFERRED BY FRANCHISE.

1. This ordinance confers upon the Grantee the non-exclusive authority, power and franchise to establish, construct, acquire, own, operate, and maintain a cable television system within the city, and to render, furnish and sell such service to the inhabitants of the city and to use and occupy the streets and other public places within the corporate limits of the city as the same now exist or may hereafter exist for its cable television system, including the right to enter and construct, erect, locate, relocate, repair, and rebuild, in, on, under, along, over and across the street, alleys, avenues, parkways, lanes, bridges, to make use of all land dedicated or acquired for public use and other public property and places and locations approved by the city, in the city, all towers, poles, cable, amplifiers, conduits, and other facilities owned, leased, or otherwise used by the Grantee for the furnishing of cable service within the city during the continuance of the franchise hereby granted. and in accordance with the laws and regulations of the Federal Communications Commission, the State of Iowa, the ordinances and regulations of the city.

2. The poles for the Grantee's distribution system shall be those erected and maintained by anyone authorized to maintain poles in the streets or public ways when and where practicable. It is contemplated that reasonable standard pole attachment agreements will be entered into. The Grantee shall have the right to set its own pole line for its distribution system. however, when it deems it economically feasible to do so. In any areas where electric or telephone utilities are underground the Grantee may construct its cable underground.

3. The city reserves the right of reasonable regulation of the erection, construction or installation of any facilities by the Grantee and to reasonably designate where such facilities are to be placed within the public ways and places.

7-4-3 INSTALLATION OF CABLE SYSTEM.

1. The installation of the Cable System shall be in accordance with the requirements of the National Electric Safety Code of the American Insurance Association, latest edition, all applicable laws, ordinances, rules and regulations of the FCC, the State of Iowa, and of the city affecting electrical installations and building, now or hereafter in affect.

2. The Grantee, subject to the rights of adjoining property owners, at its expense, shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee. All trimming is to be done under the supervision and direction of the city.

3. The Grantee shall at its expense, protect, support, temporarily disconnect. relocate or remove any property of the Grantee located upon streets, rights of way and easements of the city, when required by the city because of traffic conditions, public safety, street vacation, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines and tracks or any other type of structure or improvement by the city. If the Grantee fails to do so, the city may cause the necessary work to be completed and Grantee shall pay the city the cost thereof within ten (10) days after receipt of an itemized account.

7-4-4 RELOCATION OF PROPERTY. The Grantee, at the request of any person holding a permit issued by the city, shall temporarily remove, raise or lower its wires or cables to permit the moving of building or equipment. The expense of such temporary removal, raising or lowering shall be paid by the person requesting the same, and the Grantee may require such payment in advance. The Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire or cable changes.

7-4-5 RATES AND CHARGES. All rates and charges made by the Grantee for its services shall be fair, reasonable, uniform and designed to meet all necessary costs of service, including a fair rate of return on net valuation of its properties devoted thereto under efficient and economic management. All subscribers to the services of the Grantee shall be on a purely voluntary basis, and may be terminated at any time by the customer. Such services shall be maintained so as not to interfere with existing television and radio reception within the city. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its services under this franchise and to assure an uninterrupted service to each and all of its customers.

The Grantee will provide free cable service to city owned buildings of necessity.

7-4-6 INDEMNIFICATION. The Grantee agrees to hold and save city harmless from any and all liability that may arise out of the construction, maintenance, operation or use of Grantee's system and works and the providing of such services and to provide and keep in force adequate liability insurance therefore, to the extent of bodily injury limits of $500,000-$500,000 and a property damage limit of $300,000-$300,000 naming the city as an additional insured, as its interest may

appear. Grantee shall also provide and maintain insurance under a Broad Form Automobile policy with $100,000/$300,000/$100,000 coverage limits and Workmen's Compensation Insurance with Iowa statutory limits. All insurance shall be issued by a company authorized to do business in the State of Iowa. The city shall notify the Grantee's representative or employee in the city, if any, within ten (10) days after presentation of any demand or claim that may arise, whether by suit or otherwise, against the city. Grantee shall maintain on file upon request of the City Clerk, a current certificate of insurance. All insurance policies shall, if possible, provide for not less than thirty (30) days' notice of cancellation.

7-4-7 PAYMENT TO THE CITY. In consideration of its rights, privileges, and franchise hereby granted, and as compensation to the city for the use of its public ways and places by the Grantee, the Grantee shall, on or before the last day of January and the last day of July of each year, pay to the city a sum equal to five (5) percent of the gross basic subscriber revenues for cable television service within the then existing corporate limits of the city for the preceding six-month period ending on the last day of December and the last day of June, respectively. The books of Grantee shall be open to inspection by the city at all reasonable times to verify the accuracy of the computation and correctness of the report which shall accompany payment. Grantee shall keep books and records pursuant to established practices to established practices using generally accepted auditing procedures.

7-4-8 FRANCHISE TERMINATION. The city may terminate the franchise and all rights therein granted in the event the Grantee or its successors or assigns thereof shall fail to comply with any of the terms and condition s of the ordinance. The city may exercise such right of termination by mailing notice thereof by registered mail or certified mail to the Grantee, unless within thirty (30) days after such mailing full compliance with the terms and conditions has been effected. Upon termination or forfeiture of its franchise, the Grantee shall within a reasonable time, remove its cables, wires and appliance from the city streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements and other public places within the city, and shall restore such streets and other public places to their original condition.

7-4-9 LOCAL OFFICE OR AGENT. Grantee shall maintain a local office or local agent in the city or provide toll-free telephone service, so as to provide adequate service during all usual business hours, and have a listed telephone number so that messages, complaints and requests for service or repairs or adjustments may be received at any time without toll charges.

7-4-10 SALE OR TRANSFER OF FRANCHISE. The franchise shall not be sold, transferred, leased or otherwise disposed of by the Grantee, without the prior consent of the city, which consent shall not be unreasonably withheld.

Editor's note: Ordinance 1-2006 adopting a Cable Franchise for the city was adopted on January 9, 2006.

Ordinance 3-2011 added to section

CITY OF GRISWOLD, IOWA

ORDINANCE 3-2011

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY ADDING TITLE VII, CHAPTER 6, ENTITLED "RAGBRAI- MISCELLANEOUS PERMITS"

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. 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 in the City of Griswold when the Des Moines Register's Annual Great Bike Ride Across Iowa™ (RAGBRAI®) arrives in Griswold on July 24, 2011, and departs on July 24, 2011.

SECTION 2. NEW CHAPTER. The Code of Ordinances of the City of Griswold, Iowa is amended by adding a new Chapter 6 to Title VII- Special Ordinances, entitled RAGBRAI- MISCELLANEOUS PERMITS, which is hereby adopted to read as follows:

7-6-1 Commercial Food Booth—Permit Required
7-6-2 Commercial Food Booth Fees
7-6-3 Commercial Food Booth Location
7-6-4 Health Regulations
7-6-5 Commercial Non-Food Booth—Permit Required
7-6-6 Commercial Non-Food Booth Fees
7-6-7 Commercial Non-Food Booth Location
7-6-8 Glass Containers
7-6-9 Nuisance
7-6-10 Violations—Penalties
7-6-11 Effective Period
7-6-12 Street Closings

7-6-1 COMMERCIAL FOOD BOOTH—PERMIT REQUIRED. *No person, club, group, organization, corporation, or entity of any kind shall provide or sell food to the public in Griswold on July 24, 2011, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Griswold through the*

City Clerk located at 601 2nd Street in Griswold, Iowa. However any person or entity which is a resident of Cass County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of June 30, 2011, or in possession of a current Iowa retail sales tax permits, shall be exempt from the requirements of this Section. For the purposes of this Section, the Cass County Pork Producers and the Cass County Cattleman's Association shall each be deemed to be a resident of Griswold.

7-6-2 COMMERCIAL FOOD BOOTH FEES. *The fee for Griswold Commercial Booth Permit shall be $200 for non-profit food booths within the Griswold Community School District, $300 for for-profit food booths within the Griswold Community School District, and $400 for any food booth outside of the Griswold Community School District.*

7-6-3 COMMERCIAL FOOD BOOTH LOCATION. *A vendor who has been granted a Griswold Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the official Griswold RAGBRAI Committee.*

7-6-4 HEALTH REGULATIONS. *A person or entity issued a commercial booth permit pursuant to the Chapter (a RAGBRAI COMMERCIAL BOOTH PERMITTEE herein) shall comply with the Iowa Department of Health and Western Iowa Regional Inspections rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.*

7-6-5 COMMERCIAL NON-FOOD BOOTH—PERMIT REQUIRED. *No person, club, group, organization, corporation or entity of any kind which is in business in Griswold shall sell merchandise to the public on July 24, 2011, at a location other than their regularly established place of business unless said person or entity shall first obtain a Commercial Booth Non-Food Permit from the City of Griswold through the City Clerk located at 601 2nd Street in Griswold, Iowa. Those Griswold businesses, which operate only from their regularly established locations, are exempt from the requirements of this section.*

7-6-6 COMMERCIAL NON-FOOD BOOTH FEES. *The fee for a Griswold Commercial Booth Non-Food permit shall be $100.*

7-6-7 COMMERCIAL NON-FOOD BOOTH LOCATION. *A Commercial Booth Non-Food permittee who has been granted a Griswold*

Commercial Booth Non-Food permit shall locate its temporary facility at a location to be determined by the Griswold RAGBRAI Committee.

7-6-8 GLASS CONTAINERS. *To promote safety during RAGBRAI, all beverages sold in Griswold, Iowa, by Commercial Booth permittees on July 24, 2011 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.*

7-6-9 NUISANCE. *The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Griswold Commercial Booth or Griswold Commercial Booth Non-Food permit on July 24, 2011, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Title III, Chapter 2 of the Griswold Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 3-2-8 of the Griswold Code of Ordinances is hereby authorized and may be excecuted 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.*

7-6-10 VIOLATIONS—PENALTIES. *Selling or supplying food or merchandise to any person without a Griswold Commercial Booth or Griswold Commercial Booth Non-Food permit on July 24, 2011, 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 for the Title I, Chapter 3 of the Griswold Code of Ordinances, and therefore, any civil penalties may likewise be assessed and enforced as set forth.*

7-6-11 EFFECTIVE PERIOD. *The provisions of this ordinance shall be effective from 7:00 a.m. on July 24, 2011, to 4:00 p.m. on July 24, 2011.*

7-6-12 STREET CLOSINGS. *During the effective date of this ordinance and without prior Council approval regarding the blocking of any city streets, any Cass County Sheriff's*

Department deputy, or those at their direction, may place barricades or road blocks in any City 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 Griswold.

SECTION 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof no adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in full force and effect upon its passage and publication, as required by law.

PASSED and APPROVED by the City Council of the City of Griswold on the 9th day of May, 2011.

Jerry Putnam, Mayor	*Marylynne Dickinson, City Clerk*

New Chapter made by Ordinance 4-2012

CITY OF GRISWOLD, IOWA

ORDINANCE 4-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY ADDING TITLE VII, CHAPTER 7, ENTITLED TEMPORARY REFUSE COLLECTION

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. 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 in the City of Griswold during the Sanitary Sewer Rehabilitation Project construction phase.

SECTION 2. NEW CHAPTER. The Code of Ordinances of the City of Griswold, Iowa is amended by adding a new Chapter 7 to Title VII- Special Ordinances, entitled TEMPORARY REFUSE COLLECTION, which is hereby adopted to read as follows:

7-7-1 Definitions
7-7-2 Effective Period
7-7-3 Collection Schedule
7-7-4 Refuse
7-7-5 Compliance Required

7-7-1 DEFINITIONS

1. ***"****Bulky waste" means large household appliances such as stoves, refrigerators, television sets, washing machines, dryers, logs, and other items of similar size, and fixtures and materials too large to fit into a bag or rigid container. Bulky waste does not include tires, hazardous substances, dead animals, and batteries.*
2. *"Collection Can" shall be defined to mean a plastic or galvanized metal can of a type commonly sold as a garbage can with a capacity not to exceed thirty-two (32) gallons, and each such can shall have two (2) handles upon the sides so it may be lifted, and shall have a tight-fitting top.*
3. *"Curbside" means the area next to the curb or the traveled portion of the roadway.*
4. *"Dumpster" refers to any device where the public regularly permits trash, refuse, garbage, or other waste to be deposited therein and which may be emptied or dumped by specially equipped trucks which lift, tilt, or dump the contents thereof through the use of a mechanical arm lift or other device into the collection container of the truck.*
5. *"Dwelling unit" means any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.*
6. *"Hauler" means the person, firm, or corporation which collects, conveys, and disposes of refuse.*
7. *"Refuse" includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.*

7-7-2 EFFECTIVE PERIOD. *The provisions of this ordinance shall be effective immediately through December 31, 2012 to coincide with the construction phase of the Sanitary Sewer Rehabilitation project.*

7-7-3 COLLECTION SCHEDULE.

1. *Dumpsters will be emptied once per month and collected by arrangement with the hauler. Dumpsters are not to be over filled with refuse.*
2. *If pickup is needed more than once a month all other refuse shall be prepared as set forth in Section 7-7-5 and collected weekly at the curbside. The hauler shall determine the weekday and hours of collection and may substitute for holidays.*
3. *Bulky waste shall be collected by arrangement with the hauler.*

7-7-4 REFUSE. *Refuse shall be drained of liquid and placed within a collection can or container approved by the hauler. Full containers and cans being placed on the curbside for collection shall be placed no sooner than twelve (12) hours before the next scheduled collection date. Emptied cans and containers shall be removed from the curbside the day of collection. Residential property owners are responsible for providing their own cans and containers and for the maintenance of.*

7-7-5 COMPLIANCE REQUIRED. *All persons residing in dwelling units located within the city limits of Griswold shall dispose of refuse and bulky waste in compliance with the provisions of this ordinance. The hauler may refuse to collect improperly prepared material.*

SECTION 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof no adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in full force and effective upon its passage and publication, as required by law.

PASSED and APPROVED by the City Council of the City of Griswold on the _29th__day of__May___, 2012.

_____	_____
Lee Wyman, Mayor	*Marylynne Dickinson, City Clerk*

Ordinance 8-2012 Replaces Ordinance 4-2012

CITY OF GRISWOLD, IOWA

ORDINANCE 8-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY AMENDING TITLE VII, CHAPTER 7, ENTITLED TEMPORARY REFUSE COLLECTION

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. 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 in the City of Griswold during the Sanitary Sewer Rehabilitation Project construction phase.

SECTION 2. NEW CHAPTER. The Code of Ordinances of the City of Griswold, Iowa is amended by adding a new Chapter 7 to Title VII- Special Ordinances, entitled TEMPORARY REFUSE COLLECTION, which is hereby adopted to read as follows:

7-7-1 Definitions
7-7-2 Effective Period
7-7-3 Collection Schedule
7-7-4 Refuse
7-7-5 Compliance Required

7-7-1 DEFINITIONS

8. ***"****Bulky waste" means large household appliances such as stoves, refrigerators, television sets, washing machines, dryers, logs, and other items of similar size, and fixtures and materials too large to fit into a bag or rigid container. Bulky waste does not include tires, hazardous substances, dead animals, and batteries.*

9. *"Collection Can" shall be defined to mean a plastic or galvanized metal can of a type commonly sold as a garbage can with a capacity not to exceed thirty-two (32) gallons, and each such can shall have two (2) handles upon the sides so it may be lifted, and shall have a tight-fitting top.*

10. *"Curbside" means the area next to the curb or the traveled portion of the roadway.*

11. *"Dumpster" refers to any device where the public regularly permits trash, refuse, garbage, or other waste to be deposited therein and which may be emptied or dumped by specially equipped trucks which lift, tilt, or dump the contents thereof through the use of a mechanical arm lift or other device into the collection container of the truck.*

12. *"Dwelling unit" means any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.*

13. *"Hauler" means the person, firm, or corporation which collects, conveys, and disposes of refuse.*

14. *"Refuse" includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.*

7-7-2 EFFECTIVE PERIOD. *The provisions of this ordinance shall be effective immediately through* ***November 1, 2012*** *to coincide with the construction phase of the Sanitary Sewer Rehabilitation project.*

7-7-3 COLLECTION SCHEDULE.

4. *Dumpsters will be emptied once per month and collected by arrangement with the hauler. Dumpsters are not to be over filled with refuse.*
5. *If pickup is needed more than once a month all other refuse shall be prepared as set forth in Section 7-7-5 and collected weekly at the curbside. The hauler shall determine the weekday and hours of collection and may substitute for holidays.*
6. *Bulky waste shall be collected by arrangement with the hauler.*

7-7-4 REFUSE. *Refuse shall be drained of liquid and placed within a collection can or container approved by the hauler. Full containers and cans being placed on the curbside for collection shall be placed no sooner than twelve (12) hours before the next scheduled collection date. Emptied cans and containers shall be removed from the curbside the day of collection. Residential property owners are responsible for providing their own cans and containers and for the maintenance of.*

7-7-5 COMPLIANCE REQUIRED. *All persons residing in dwelling units located within the city limits of Griswold shall dispose of refuse and bulky waste in compliance with the provisions of this ordinance. The hauler may refuse to collect improperly prepared material.*

SECTION 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof no adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in full force and effective upon its passage and publication, as required by law.

PASSED and APPROVED by the City Council of the City of Griswold on the 8th day of October, 2012.

_____	_____
Lee Wyman, Mayor	*Marylynne Dickinson, City Clerk*

New Chapter made by Ordinance 6-2012

CITY OF GRISWOLD, IOWA

ORDINANCE 6-2012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, 2010, BY ADDING TITLE VII, CHAPTER 8, ILLEGAL DUMPING

BE IT ENACTED *by the City Council of the City of Griswold, Iowa:*

SECTION 1. The purpose of this Ordinance is to prohibit illegal dumping in public places and on private property within the city limits of the City of Griswold and to promote health, safety, and general welfare in the City of Griswold.

SECTION 2. NEW CHAPTER. The Code of Ordinances of the City of Griswold, Iowa is amended by adding a new Chapter 8 to Title VII- Special Ordinances, entitled ILLEGAL DUMPING, which is hereby adopted to read as follows:

7-8-1 Exemptions
7-8-2 Definitions
7-8-3 Illegal Dumping Prohibited
7-8-4 Violations and Penalties
7-8-5 Compliance Required

7-8-1 DEFINITIONS

AUTHORIZED RECEPTACLE: *A storage and collection receptacle designed for containment of litter in covered containers.*

DUMPING. *To intentionally or unintentionally abandon, deposit, discard, drop, place, scatter, or throw any garbage, litter, refuse, rubbish, rubble, solid waste or waste building materials; and/or to intentionally or unintentionally allow to be abandoned, deposited, discarded, dropped, placed, scattered or thrown any garbage, litter, refuse, rubbish, rubble, solid waste or waste building materials as a result of a person's failure to not properly secure, tie-down or cover said materials while transporting same for disposal.*

GARBAGE. *Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.*

LITTER: *Litter shall include, but not be limited to garbage, refuse, rubbish, solid waste, waste building materials and other similar solid or semi-solid materials resulting from industrial, commercial, agricultural and domestic activities.*

NONPUTRESCIBLE WASTE: *A waste that is not liable to become putrid, decomposed, rotten, and foul smelling.*

PUBLIC PLACE: *Any and all city property, sidewalk, street, alley or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, spaces, grounds or buildings. This term also includes any freshwater lake, river, canal, ditch or stream.*

PUTRESCIBLE: *A waste that is liable to become putrid, decomposed, rotten, and foul smelling.*

REFUSE: *Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.*

RUBBISH: *Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.*

RUBBLE: *Stones, blocks, bricks or similar inorganic material including, but not limited to masonry building materials.*

SOLID WASTE: *Garbage, refuse, rubbish, litter, construction and demolition waste and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities, Solid waste includes but is not limited to: municipal solid waste, old corrugated cardboard, waste paper, old tires, inoperative and abandoned household appliances, furniture, mechanical equipment, construction and demolition debris, brush or yard waste, abandoned, junked or inoperable vehicles, abandoned, junked or inoperable watercraft, aircraft, equipment, farm machinery, vehicles or vehicle parts, bio-solids, or dead animals.*

WASTE BUILDING MATERIALS: *Waste building materials including asbestos, asphalt, concrete, drywall, glass, iron, plastic material, copper wiring, wiring of any type, wood, metals and rubble which result from construction or demolition of structures.*

7-8-3 ILLEGAL DUMPING PROHIBITED. *No person shall dump any garbage, litter, refuse, rubbish, rubble, solid waste, or waste building materials in or upon any private or public place within the City of Griswold, except in authorized receptacles or in a State licensed sanitary disposal project.*

7-8-4 VIOLATIONS AND PENALTIES. *The penalty for violating the provisions of this ordinance shall be as set forth in the schedule of civil penalties as follows:*

1. *For any person who engages in the act of illegal dumping in an amount not exceeding 10 pounds in weight:*

a.	*First Offense*	*$ 100.00*
b.	*Second and Subsequent Offenses*	*$ 250.00*

2. *For any person who engages in the act of illegal dumping in amounts exceeding 10 pounds but not 100 pounds in weight:*

a.	*First Offense*	*$ 250.00*
b.	*Second and Subsequent Offenses*	*$ 500.00*

3. *For any person who engages in the act of illegal dumping in amounts exceeding 100 pounds but not 500 pounds in weight:*

a.	*First Offense*	*$ 500.00*
b.	*Second and Subsequent Offenses*	*$ 750.00*

4. *For any person who engages in the act of illegal dumping in amounts exceeding 500 pounds in weight:*

a.	*First Offense*	*$ 750.00*
b.	*Second and Subsequent Offenses*	*$ 1,000.00*

5. *For purposes of this section, an offense is considered a second or subsequent offense, if, prior to the person having been convicted of the offense; the offender has ever been convicted under this ordinance.*

6. *Notwithstanding any civil penalties assessed in paragraphs 1, 2, 3, or 4, any person who engages in the act of illegal dumping shall also be responsible for the complete abatement, cleanup, removal and disposal of any items described in this ordinance herein including but not limited to the cost of any equipment or materials used, any wages paid, and any landfill or disposal fees incurred.*

7. *Multiple Violations. Each day that a person is in violation of this ordinance, said violation shall constitute a separate violation of this ordinance.*

7-8-5 COMPLIANCE REQUIRED. *All persons shall be in compliance with the provisions of this ordinance.*

SECTION 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall

be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof no adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in full force and effective upon its passage and publication, as required by law.

PASSED and APPROVED by the City Council of the City of Griswold on the 10th day of September, 2012.

_____	_____
Lee Wyman, Mayor	*Marylynne Dickinson, City Clerk*