

# **Centerville Municipal Code**

June 21, 2019

# Centerville Municipal Code

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- Chapter 1.04 - Construction of Code
- Chapter 1.08 - Corporate Limits
- Chapter 1.12 - City Seal
- Chapter 1.16 - Wards and Precinct Boundaries
- Chapter 1.20 - City Charter
- Chapter 1.24 - Violations of the Centerville Municipal Code

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Chapter 1.01 - Code Adoption

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Sections:

- 1.01.010 - Adoption.
- 1.01.020 - Copy filed with the city clerk.
- 1.01.030 - Public inspection and sale.
- 1.01.040 - To whom copies furnished.

**1.01.010 - Adoption.**

Pursuant to published notice as required by law, a public hearing was held on November 8, 1965, on the matter of the adoption of the Centerville Municipal Code in loose-leaf form prepared by Book Publishing Company of Seattle, Washington, and the council determined at that time that the municipal code should be adopted in its original form, and the printed volumes having now been received, same is now by the ordinance codified in this chapter adopted as the municipal code of the ordinances of the city of Centerville, Iowa.

*(Ord. 819 § 1, 1966)*

**1.01.020 - Copy filed with the city clerk.**

An official copy of the municipal code as adopted, including a certificate by the clerk as to its adoption and the effective date, is on file at the office of the city clerk, and said copy shall be retained on file at the clerk's office.

*(Ord. 819 § 2, 1966)*

**1.01.030 - Public inspection and sale.**

Copies of said loose leaf code shall be kept available at the clerk's office for public inspection and for sale at cost to the public.

*(Ord. 819 § 3, 1966)*

**1.01.040 - To whom copies furnished.**

A copy of the municipal code shall be furnished to the state law library, the municipal library of the city of Centerville, the Centerville Daily Iowegian and Citizen, being the only newspaper of general circulation published in the city, and to Radio Station KCOG, being the only commercial radio station situated in the city.

*(Ord. 819 § 4; February 8, 1966)*

Sections:

1.04.010 - Interpretation.

1.04.020 - Effect of repeal.

1.04.030 - Words and phrases.

1.04.040 - Number and gender.

1.04.050 - Joint authority.

1.04.060 - Severability.

**1.04.010 - Interpretation.**

In the construction of this code, the provisions of this chapter shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or repugnant to the context of the code.

*(1942 Rev. Ords. § 885 (part))*

**1.04.020 - Effect of repeal.**

The repeal of an ordinance does not revive an ordinance previously repealed, nor affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the ordinance repealed.

*(1942 Rev. Ords. § 885 (part))*

**1.04.030 - Words and phrases.**

Words and phrases shall be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

*(1942 Rev. Ords. § 885 (part))*

**1.04.040 - Number and gender.**

Words importing the singular number may be extended to several persons or things, and words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be extended to females.

*(1942 Rev. Ords. § 885 (part))*

**1.04.050 - Joint authority.**

Words giving a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of them, unless it be otherwise expressed in the act giving the authority.

*(1942 Rev. Ords. § 885 (part))*

**1.04.060 - Severability clause.**

If any section, subsection, sentence, clause or phrase of this code, for any reason, is held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this code. The city council hereby declares that it would have passed this code and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

*(Ord. 2013-1300 §1, April 1, 2013)*

Sections:

1.08.010 - Boundaries

**1.08.010 - Boundaries.**

The corporate limits of the city of Centerville, are hereby declared to be such as have been heretofore legally established by law or the acts of the city and are as follows:

Commencing at the center of section thirty, township sixty-nine north, range seventeen west; thence west along the centerline of section thirty, township sixty-nine north, range seventeen west, and continuing west along the centerlines of sections twenty-five and twenty-six of township sixty-nine north, range eighteen west to the northwest corner of the east one-half of the southeast quarter of section twenty-six; thence south one and one-half miles to the southwest corner of the east half of the southeast quarter of section thirty-five township sixty-nine north, range eighteen west; thence west to the northwest corner of the east one-half of the northeast quarter of section two, township sixty-eight north, range eighteen west; thence south three-quarters mile to the southwest corner of the northeast quarter of the south-east quarter of section two; thence east one and three-quarter miles to the southeast corner of the northeast quarter of the southwest quarter of section six, township sixty-eight north, range seventeen west; thence north along the quarter section line of section six, township sixty-eight north, range seventeen west and continuing north along the quarter section lines of section thirty-one and thirty of township sixty-nine north, range seventeen west to the point of beginning.

*(1942 Rev. Ords. § 1)*

Sections:

1.12.010 - Description.

1.12.020 - Custody.

**1.12.010 - Description.**

A circular seal, having in the center the words "City of Centerville, Iowa" and around the margin "City Seal," is established and declared to be the corporate seal of the city of Centerville.

*(1942 Rev. Ords. § 37)*

**1.12.020 - Custody.**

The clerk shall keep the seal in his charge, and cause the same to be affixed to all transcripts, orders, certificates, licenses, etc., which may be necessary or proper to authenticate.

*(1942 Rev. Ords. § 38)*

Sections:

1.16.010 - Wards designated.

1.16.020 - Separate voting precincts.

**1.16.010 - Wards designated.**

The city of Centerville is divided into three wards with boundaries as follows:

- (a) First Ward. That portion of the city of Centerville, Iowa lying north of a line described as: Commencing at a point where the centerline of Iowa Highway No. 2 intersects the west corporation boundary; thence southeasterly along the centerline of said highway to a point where the centerline of said highway intersects the centerline of Van Buren Street; thence east along the centerline of Van Buren Street to a point where the centerline of Van Buren Street intersects the centerline of Seventh Street; thence north to a point where the centerline of Seventh Street intersects the centerline of Washington Street; thence east along the centerline of Washington Street to a point where the centerline of Washington Street intersects the centerline of Iowa Highway No 5; thence south along the centerline of Iowa Highway No 5 to a point where the centerline of Iowa Highway No 5 intersects the centerline of State Street; thence east along the centerline of State Street to a point where the centerline of State Street intersects the centerline of Twenty-first Street; thence south along the centerline of Twenty-first Street to a point where the centerline of Twenty-first Street intersects the centerline of Iowa Highway No 2; thence east along the centerline of Iowa Highway No 2 to the east corporation boundary
- (b) Second Ward. That portion of the City of Centerville, Iowa lying south of the south line of the First Ward as herein described, and lying north of a line described as: Commencing at a point where the centerline of Star Route intersects the west corporation boundary; thence northeasterly along the centerline of Star Route to a point where the centerline of Star Route intersects the centerline of Ontario Street; thence east along the centerline of Ontario Street to a point where the centerline of Ontario Street intersects the centerline of Fifth Street; thence south along the centerline of Fifth Street to a point where Fifth Street intersects the centerline of Wall Street; thence east along the centerline of Wall Street to a point where the centerline of Wall Street intersects the centerline of Drake Avenue; thence south along the centerline of Drake Avenue to a point where the centerline of Drake Avenue intersects the centerline of Terry Street; thence east along the centerline of Terry Street to a point where the centerline of Terry Street intersects the centerline of Twentieth Street; thence South along the centerline of Twentieth Street to a point where the centerline of Twentieth Street intersects the centerline of Walden Street; thence east along the centerline of Walden Street to a point where the centerline of Walden Street intersects the centerline of Twenty-first Street; thence south along the centerline of Twenty-first Street to a point where the centerline of Twenty-first Street intersects the centerline of the Appanoose County Community Railroad Right-of-Way; thence southeasterly along the centerline of the Appanoose County Community Railroad Right-of-Way to the east corporation boundary.
- (c) Third Ward. That portion of the city of Centerville, Iowa lying south of the south line of the Second Ward as herein described.

*(Ord. 1154 § 1, 1991)*

**1.16.020 - Separate voting precincts.**

Each ward as defined in Section 1.16.010 shall constitute a separate voting precinct.

*(Ord. 1151 § 1, 1991)*

Sections:

1.20.010 - Purpose.

1.20.020 - Charter designated.

1.20.030 - Form of government.

1.20.040 - City officers—Powers and duties.

1.20.050 - Council—Number and term.

1.20.060 - Mayor—Term.

1.20.070 - Copies on file.

**1.20.010 - Purpose.**

The purpose of this chapter is to provide for a Charter embodying the form of government existing on July 1, 1975.

*(Ord. 1034 § 1, 1975)*

**1.20.020 - Charter designated.**

The ordinance codified in this chapter may be cited as the Charter of the city of Centerville, Iowa.

*(Ord. 1034 § 2, 1975)*

**1.20.030 - Form of government.**

The form of government of the city of Centerville, Iowa, is the mayor-council form of government.

*(Ord. 1034 § 3, 1975)*

**1.20.040 - City officers—Powers and duties.**

The 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 Centerville, Iowa.

*(Ord. 1034 § 4, 1975)*

**1.20.050 - Council—Number and term.**

The council consists of two councilmen and one councilman from each of three wards as established by ordinance, elected for terms of two years.

*(Ord. 1034 § 5, 1975)*

**1.20.060 - Mayor—Term.**

The mayor is elected for a term of two years.

*(Ord. 1034 § 6, 1975)*

**1.20.070 - Copies on file.**

The city clerk shall keep an official copy of this charter on file with the official records of the city clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the Charter available at the city

clerk's office for public inspection.

*(Ord. 1034 § 7, 1975)*

Sections:

- 1.24.005 - Misdemeanors.
- 1.24.010 - Municipal infractions.
- 1.24.020 - Environmental violations.
- 1.24.030 - Penalties.
- 1.24.040 - Definitions.
- 1.24.050 - Civil citations.
- 1.24.060 - Municipal infraction proceedings.
- 1.24.070 - Alternative procedure.

**1.24.005 - Misdemeanors.**

The doing of any act prohibited or declared to be unlawful, an offense, a simple misdemeanor or a misdemeanor by this code or by any state or technical code adopted in this code by reference, or the omission or failure to perform any act or duty required by this code or by any state or technical code adopted in this code by reference, is a misdemeanor and, unless another penalty is specified under the Schedule of Fines attached to the Chapter 1.24 or elsewhere in this code, is punishable by a fine of not less than \$65.00, but not in excess of \$625.00, or imprisonment for not in excess of 30 days, or both such a fine and such imprisonment.

*(Ord. 2013-1300 § 2b, 13, 2013)*

**1.24.010 - Municipal infractions.**

A violation of, or the omission or failure to perform any act or duty required by this code or any ordinance or code herein adopted by reference with the exception of those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under [Chapter 687](#) through [747](#) of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

*(Ord. 1247 § 1, 2003)*

**1.24.020 - Environmental violations.**

A municipal infraction that is a violation of [Chapters 455B](#) or [459](#), Divisions II and III, of the Code of Iowa or of a standard established by the city in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the city has offered to participate in informal negotiations regarding the violations or to the following specific violations:

- a) A violation arising from noncompliance with a pretreatment standard requirement referred to in 40 C.F.R. 403.8.
- b) The discharge of airborne residue from grains, created by the handling, drying or storing of grains, by a person not engaged in the industrial production or manufacturing of grain products or by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15th to January 15th.

*(Ord. 1247 § 2, 2003; Ord. 2013-1300 § 2c, 2013)*

**1.24.030 - Penalties.**

Except as otherwise expressly provided in this code, a municipal infraction is punishable by the following civil penalties:

- (a) First Violation – A fine of at least \$50 but not to exceed \$500.

- (b) Second Violation – A fine of at least \$100 but not to exceed \$750.
- (c) Third and Subsequent Violations – A fine of at least \$200 but not to exceed \$1,000.
- (d) Each violation may also carry imprisonment not to exceed 30 days.
- (e) A municipal infraction arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. 403.8 by an industrial user - \$1,000.

However, an environmental violation shall not be subject to such penalty if all of the following conditions are satisfied:

- a) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or equipment designed to reduce or eliminate the violation.
- b) The city is notified of the violation within twenty four hours from the time that the violation begins.
- c) The violation does not continue in existence for more than eight hours.

Multiple Violations. Each day that a violation occurs or is permitted to exist by the violator whether a misdemeanor or municipal infraction constitutes a separate offense.

Other Remedies. 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, in some other action under the other provisions of this chapter, or under any other ordinance or law.

The chapter does not (i) preclude an officer from issuing criminal citations as a misdemeanor for a violation of this code or (ii) preclude or limit the authority of the city to enforce the provisions of this code by criminal sanctions as a misdemeanor.

An action brought pursuant to this chapter for a municipal infraction which is an environmental violation does not preclude, and is in addition to, any other enforcement action that may be brought pursuant to Chapters 455B, 455D, 455E or 459, subchapters II, III and VI, of the Code of Iowa.

Schedule of Penalties. The Schedule of Fines attached to this Chapter 1.24 includes a list of the express fines for criminal misdemeanor offenses and civil municipal infractions and under this code.

*(Ord. 1247 § 3, 2003; Ord. 2013-1300 §§ 2d-g, 2013)*

**1.24.040 - Definitions.**

"Code" includes Title 7, Animals; Title 8, Offenses and Nuisances; Title 15, Buildings and Construction; and Title 16, Minimum Housing Standards.

"Repeat offense" means a recurring violation of the same section of the city code by the same individual.

"Officer" means any employee or official authorized to enforce the city code of the city of Centerville.

*(Ord. 1247 § 4, 2003)*

**1.24.050 - Civil citations.**

Any officer authorized by the city to enforce this code may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the same manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311.

A copy of the citation shall be retained by the issuing officer, one copy to the defendant, and one copy shall

be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- (a) The name and address of the defendant;
- (b) The name or description of the infraction attested to by the officer issuing the citation;
- (c) The location and time of the infraction;
- (d) The amount of civil penalty to be assessed or the alternative relief sought, or both;
- (e) The manner, location, and time in which the penalty may be paid;
- (f) The time and place of court appearance;
- (g) The penalty for failure to appear in court; and
- (h) The legal description of the affected real property, if applicable.

*(Ord. 1247 § 5, 2003; Ord. 2013-1300 §§ 2h-I, 2013)*

#### **1.24.060 - Municipal infraction proceedings.**

The matter shall be tried before a magistrate, a district associate judge, or a district judge in the same manner as a small claim. The matter shall only be tried before a judge in district court if the total amount of civil penalties assessed exceed the jurisdictional amount for small claims cases.

The city shall have the burden of proof that the municipal infraction occurred and that the defendant committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.

All penalties or forfeitures collected by the court for municipal infractions shall be remitted to the city in the same manner as fines and forfeitures are remitted for criminal violations under Iowa Code Section 602.8106. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

The person against whom judgment is entered shall pay court costs and fees as in small claims under Chapter 631. If the action is dismissed, the city shall be liable for the court costs and court fees.

When judgment has been entered against the defendant, the court may do any of the following:

- (a) Impose a civil penalty by entry of the personal judgment against the defendant;
- (b) Direct that the payment of the civil penalty be suspended or deferred under conditions imposed by the court;
- (c) Grant appropriate alternative relief ordering the defendant to abate the violation;
- (d) Authorize the city to abate or correct the violation;
- (e) Order that the city's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

All other applicable provisions of Iowa Code Section 364.22 shall apply to cases brought under this section.

If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

*(Ord. 1247 § 6, 2003; Ord. 2013-1300 § 2j, 2013)*

#### **1.24.070 - Alternative procedure.**

- (a) As an alternative to the municipal infraction procedure set forth in Sections 1.24.050 and 1.24.060 or the citation procedure for traffic violations set forth in Section 805, Iowa Code, a municipal infraction may be initially brought by the officer or city official issuing a simple notice of violation (a "Notice of Violation"). If the person charged admits the violation and upon payment of the penalty to the city treasurer and the performance of any other act required by law to be performed, such person shall not be further prosecuted or assessed any court costs or surcharges for such violation, the city shall retain all fines thus collected and no record or information concerning the issuance of a Notice of Violation for a traffic violation shall be sent, reported or forwarded to the Iowa Department of Transportation or similar department of any other state, for the purpose of adding to the driving record of the violator.
- (b) A Notice of Violation shall not be issued (i) for violations of driving under suspension, reckless driving, drag racing or alcohol- or accident-related citations or (ii) to any person who has failed to pay any fine or perform any other act required to be performed from a Notice of Violation.
- (c) If (i) a municipal infraction under a Notice of Violation is not admitted by the person charged, (ii) the person charged fails to pay the fine or perform any other act required to be performed within 30 days of the issuance of the Notice of Violation, or (iii) any combination of (i) or (ii) occurs, then the issuing officer or city official shall cancel the Notice of Violation and issue a citation against such person pursuant to the procedures set forth in Sections 1.24.050 and 1.24.060 or the citation procedure for traffic violations set forth in Section 805, Iowa Code."
- (d) Each city department issuing a Notice of Violation shall maintain a record of (i) each Notice of Violation issued by such department, (ii) the fines paid pursuant to such notices, and the Notices of Violation that remain unpaid or are denied by the violator.

*(Ord. 2013-1300, § 2k, 2013)*

## Schedule 1.24

### Schedule of Fines

#### Section 1 - General Fine.

Unless another fine is provided either in this Schedule 1.24 or elsewhere in this code, the following schedule of fines shall apply to all criminal misdemeanor offenses and civil municipal infractions:

- (a) First offense: \$65.
- (b) Second offense: \$100.
- (c) Third and subsequent offenses: \$500.

Notwithstanding any other provision in this code, where a violation of this code is a scheduled violation under state law, the fine for such violation, whether such action is brought as a criminal misdemeanor offense or civil municipal infraction, shall be the scheduled fine for such violation under state law.

#### Section 2 - Scheduled Penalties.

A violation of any of the following portions of this code is punishable as provided by the following schedule:

Title 5, Sale and Consumption of Beer and Liquor, Chapter 5.06 is punishable by a fine of at least \$350, but not to exceed \$1,875.

Title 5, Business Regulations and Licenses, Chapter 5.56 is punishable as provided in Section 5.56.240.

Title 10, Vehicles and Traffic, Chapter 10.60.040, is punishable as provided in the following schedule of civil fines:

- (a) If paid on or before 30 days of the date the citation was issued: \$10
- (b) If paid after 30 days of the date the citation was issued: \$15

Title 10, Vehicles and Traffic, Chapter 10.80, is punishable as provided in Section 10.80.080 and Section 10.80.090.

Title 15, Buildings and Construction, punishable as provided in the following schedule of civil fines:

- (a) First offense: \$500.
- (b) Second offense: \$750.
- (c) Third and subsequent offenses: \$900.

(Provided, however, if the violation is charged as a criminal misdemeanor, the maximum fine for the second and subsequent offenses shall be \$625.)

Title 16, Minimum Housing Standards, punishable as provided in the following schedule of civil fines:

- (a) First offense: \$500.
- (b) Second offense: \$750.
- (c) Third and subsequent offenses: \$900.

(Provided, however, if the violation is charged as a criminal misdemeanor, the maximum fine for the second and subsequent offenses shall be \$650.)

Notwithstanding the above-listed fines for violations of Title 15 or Title 16 above, if a person charged as violating a provision under such titles within 30 days of the date such violation is charged (i) admits such violation, (ii) pays 50% of the fine for such violation and 100% of all court costs, surcharges or other charges, and (iii) performs

any other act required by law to be performed, then the fine for such violation shall be reduced by 50%. For example, if a person fails to dispose of rubbish in a clean and sanitary manner under Section 16.09.060, receives a civil citation as a municipal infraction (a first time offense), admits such violation, pays to the court a \$250 fine and 100% of court costs, surcharges and other charges, and cleans the rubbish, then the fine for such violation shall be reduced to \$250 (normal fine is \$500).

*(Ord. 2013-1300 § 21, 2013; Ord. 1305 § 1, January 6, 2014, Ord. 1321, § 9, April 3, 2017).*

Chapters:

- Chapter 2.04 - Officers, Election and Appointment
- Chapter 2.08 - Nomination of Candidates
- Chapter 2.10 - Nomination by Petition for Elective Municipal Office
- Chapter 2.12 - Oath and Bond of Officers
- Chapter 2.16 - Mayor
- Chapter 2.17 - City Administrator
- Chapter 2.20 - Clerk's Duties
- Chapter 2.24 - City Treasurer
- Chapter 2.28 - Engineer's Duties
- Chapter 2.30 - Commissioner of Municipal Services
- Chapter 2.32 - Disposal Plant Operator
- Chapter 2.36 - Street Commissioner's Duties
- Chapter 2.38 - Building Official
- Chapter 2.40 - Solicitor's Duties
- Chapter 2.42 - Animal Control Officer
- Chapter 2.44 - City Council
- Chapter 2.46 - Wastewater Fund Management
- Chapter 2.48 - Centerville Park Board
- Chapter 2.52 - Airport Commission
- Chapter 2.54 - Airport Zoning Commission
- Chapter 2.56 - Board of Library Trustees
- Chapter 2.60 - Planning and Zoning Commission
- Chapter 2.64 - Chief of Police
- Chapter 2.68 - Fire Department
- Chapter 2.70 - Civil Service Commission
- Chapter 2.78 - Historic Preservation Commission
- Chapter 2.92 - Fair Housing Commission
- Chapter 2.96 - Community Development Coordinator
- Chapter 2.98 - Department Heads Management
- Chapter 2.102 - City Council, Boards and Commissions Code of Ethics

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Chapter 2.04 - Officers, Election and Appointment

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Sections:

- 2.04.010 - Elected officers.
- 2.04.020 - Appointment of judges and clerks of elections.
- 2.04.030 - Certificates of election.
- 2.04.040 - Terms of office.
- 2.04.050 - Appointment of officers.
- 2.04.060 - Notice of election.
- 2.04.070 - Contest of election.

**2.04.010 - Elected officers.**

There shall be elected at each regular city election a mayor, a park commissioner, one councilman from each of three wards and two councilmen-at-large.

*(Ord. 1036 § 1, 1975)*

**2.04.020 - Appointment of judges and clerks of elections.**

The city council shall appoint three judges and two clerks for each polling place and each councilman shall be appointed as a judge of the election in the precinct in which he resides. No more than two judges nor more than one of the clerks shall belong to the same political party. Each of the judges and clerks shall be a qualified voter of the precinct for which he is chosen to act. If at the opening of the polls in any precinct, there shall be a vacancy of a judge or clerk of election, the same shall be filled by members of the board present, from the political party which is entitled to such vacant office.

*(1942 Rev. Ords. § 66)*

#### **2.04.030 - Certificates of election.**

The person receiving the highest number of votes for the office voted for shall be declared elected by the judges of the election in all cases where the person is voted for in one precinct only, and the judges shall issue to such person a certificate of election. When the person is voted for by the voters of more than one precinct, the vote of the entire city shall be canvassed by the city clerk and mayor, or if the mayor is a candidate, then by the clerk and a justice of the peace of Centerville, selected by the clerk, and the board of canvassers shall issue a certificate of election to the person receiving the highest number of votes.

*(1942 Rev. Ords. § 67)*

#### **2.04.040 - Terms of office.**

The persons receiving the highest number of votes for their respective offices shall be declared elected. Their terms of office shall commence on or before noon of the second secular day in January following the election. They shall hold their office for the term of two years, and until their successors are duly elected and qualified.

*(1942 Rev. Ords. § 68 as amended by Ord. 666 § 2; April 9, 1953)*

#### **2.04.050 - Appointment of officers.**

At the first regular meeting of the city council, after the biennial election of city officers, or as soon thereafter as practical, the city council shall appoint from the qualified electors of the city, a city clerk and such other officers as by ordinance and statutes are required to be appointed. All appointments of officers by the city council shall be made viva voce, a majority of all of the members of the city council being necessary to elect; and on a vote resulting in an election, the name of each member and for whom he voted shall be recorded. Appointive officers shall hold office for two years, and until their successors are appointed and qualified.

*(1942 Rev. Ords. § 69 as amended by Ord. 666 § 3; April 9, 1953)*

#### **2.04.060 - Notice of election.**

The mayor shall give at least ten days notice of the election, the officers to be elected, and of all questions to be submitted to the voters of the city and the place in each precinct where the votes will be received. Such notice shall be published at least ten days prior to the election in a weekly newspaper in Centerville or in a daily newspaper published in the city.

*(1942 Rev. Ords. § 70)*

#### **2.04.070 - Contest of election.**

The election of any city officer may be contested by any elector of the city before the city council, upon the same grounds and in the same manner provided for contesting election of county officers, so far as applicable. The

mayor shall be the presiding officer of the court, but if the election of the mayor is contested the council shall select one of its members as the presiding officer.

*(1942 Rev. Ords. § 71)*

Sections:

2.08.010 - Purpose.

2.08.020 - Nominating method.

**2.08.010 - Purpose.**

The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City of Centerville shall be nominated.

*(Ord. 692 § 1, 1955)*

**2.08.020 - Nominating method.**

In all municipal elections of the City of Centerville, all candidates for elective municipal offices shall be nominated by the procedures set forth in [Chapters 44](#) and/or [45](#) of the Iowa Code.

*(Ord. 692 § 2, 1955)*

Sections:

2.10.010 - Purpose.

2.10.020 - Adoption of Chapter 45 of the 1975 Code of Iowa.

**2.10.010 - Purpose.**

The purpose of this chapter is to adopt the alternative of using nomination by petition in lieu of a primary election for the choosing of persons for elective municipal offices.

*(Ord. 1037 § 1, 1975)*

**2.10.020 - Adoption of Chapter 45 of the 1975 Code of Iowa.**

The provisions of Chapter 45, 1975 Code of Iowa, providing for nomination by petition, are adopted in lieu of the requirements for a primary election as set forth by Chapter 376, 1975 Code of Iowa.

*(Ord. 1037 § 2, 1975)*

Sections:

2.12.010 - Oath of office.

2.12.020 - Penalty of bond.

2.12.030 - Filing bonds.

2.12.040 - Failure of officer to qualify.

**2.12.010 - Oath of office.**

All elective and appointive officers of the city shall qualify by taking and subscribing to the following oath which shall be printed or written on the bond if one is required: "I do hereby solemnly swear that I will support the constitution of the United States and the Constitution of the state of Iowa, and that I will faithfully and impartially to the best of my ability, discharge the duties of the office of \_\_\_\_\_ in Centerville, Iowa, as now or hereafter required by law."

*(1942 Rev. Ords. § 33)*

**2.12.020 - Penalty of bond.**

The bond of the mayor shall be in the penal sum of not less than five hundred dollars, the city clerk not less than one thousand dollars, the city treasurer not less than ten thousand dollars, the assessor a sum to be fixed by the board of supervisors, the city engineer not less than five hundred dollars, the street commissioner not less than five hundred dollars, the marshal not less than five hundred dollars, the deputy marshal not less than five hundred dollars, and each regular patrolman not less than five hundred dollars.

*(1942 Rev. Ords. § 34)*

**2.12.030 - Filing bonds.**

The bonds and oaths of city officers shall be filed in the office of the city clerk, except those of the clerk, which shall be filed and recorded in the office of the city treasurer, and those of the assessor, which shall be filed in the office of the county auditor.

*(1942 Rev. Ords. § 35)*

**2.12.040 - Failure of officer to qualify.**

Upon the failure, neglect or refusal of any officer who shall be elected under the terms of Chapter 2.04 to qualify within ten days after such officer has been declared elected by the board of canvassers, except in case of sickness or other unavoidable casualty, the office shall become vacant, and the election as far as it relates to that office shall be null and void, and the office shall be filled in the same manner as if it had been vacated by voluntary resignation.

*(1942 Rev. Ords. § 36).*

Sections:

- 2.16.010 - Executive functions exclusive.
- 2.16.020 - City council meetings.
- 2.16.030 - Duty and conservator of peace.
- 2.16.040 - Office and corporate seal.
- 2.16.050 - Appointment of certain officers.
- 2.16.060 - Certification of documents.
- 2.16.070 - Report and recommendation to city council.
- 2.16.080 - Public relations.
- 2.16.090 - Other duties.
- 2.16.100 - Salary.

**2.16.010 - Executive functions exclusive.**

All executive functions and powers shall be exercised by the mayor, city administrator and other officers and boards, and neither the city council nor the members thereof shall exercise any executive functions unless expressly conferred by law.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.020 - City council meetings.**

The mayor shall be the presiding officer at all meetings of the city council; provided, however, the mayor is not a member of the city council and may not vote as a member of the city council, even in case of a tie vote of the members of the city council present.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.030 - Duty and conservator of peace.**

The mayor shall be a conservator of the peace within the limits of the city.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.040 - Office and corporate seal.**

The mayor shall keep an office at some convenient place in the city to be provided by city council.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.050 - Appointment of certain officers.**

The mayor shall appoint the following officers: councilperson as a mayor pro tem (as provided under Iowa law), a chief of police (as provided in Section 2.64.010) with approval by the city council and such other officers as the city council may, by ordinance, direct the mayor to appoint.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.060 - Certification of documents.**

The mayor shall sign all commissions, licenses and permits granted by the authority of the city council and do such other acts as by law or ordinance may require his or her signature or certificate.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.070 - Report and recommendation to city council.**

The mayor shall at the first regular meeting of the newly elected city council and at such other times as the mayor may deem expedient, report to the city council concerning the municipal affairs of the city and recommend such measures as the mayor may deem advisable.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.080 - Public relations.**

The mayor shall participate in public relations and public information activities and programs to keep public informed through speeches, attending meetings and functions of ad hoc boards and organizations existing for community betterment and providing city-related information to the media.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.090 - Other duties.**

The mayor shall have such other duties as may be conferred upon the mayor by the city council, by ordinance, or as required by law.

*(Ord. No. 1299, § 1, March 19, 2012)*

**2.16.100 - Salary.**

The salary of the mayor shall be ten thousand dollars per year, payable bi-weekly, commencing January 1, 2012. Also commencing January 1, 2012, the mayor shall receive no additional benefits.

*(Ord. No. 1299, § 1, March 19, 2012)*

Sections:

2.17.010 - Purpose.

2.17.020 - Office created.

2.17.030 - Compensation.

2.17.040 - Appointment and term.

2.17.050 - Duties.

2.17.060 - Powers.

2.17.070 - Additional duties of city administrator.

2.17.080 - Administrator's bond.

2.17.090 - Modification.

**2.17.010 - Purpose.**

The purpose of this chapter is to provide for the creation of the office of city administrator for the city of Centerville, Iowa, an office not previously provided for in the Centerville Municipal Code.

*(Ord. No. 1299, § 2, March 19, 2012)*

**2.17.020 - Office created.**

There is hereby created the office of city administrator for the city. The qualifications for the office created shall include competency through education and/or experience to perform the duties imposed and exercise the powers granted to the city administrator by this chapter.

*(Ord. No. 1299, § 2, March 19, 2012)*

**2.17.030 - Compensation.**

The city administrator shall receive such annual salary as the city council shall from time to time determine, and payment of such salary shall be made in the manner provided for paying other officers and employees of the city. The city council is hereby authorized, in its discretion, to enter into employment agreements or contracts with the city administrator as may be necessary for his or her employment.

*(Ord. No. 1299, § 2, March 19, 2012)*

**2.17.040 - Appointment and term.**

The city administrator must be appointed by a majority vote of the city council, shall serve at the direction of the city council and shall be subject to removal by an affirmative vote of a 4/5 majority of the city council, subject to terms of such officer's contract with the city, if applicable.

*(Ord. No. 1299, § 2, March 19, 2012)*

**2.17.050 - Duties.**

The general duties of the office shall be to coordinate the activities, policies and procedures of the city government. The city administrator shall be directly responsible to the city council for the administration of municipal affairs as directed by the city council. The department heads of the city shall report and coordinate with the city administrator. All departmental activity requiring the attention of the city council shall be brought before the city council by the city administrator, and all city council involvement in administration initiated by the city council shall be coordinated through the city administrator. This does not preclude department heads or city employees from bringing matters to the attention of the mayor, city council or personnel committee. Without limiting the foregoing, the duties of the city administrator shall include the following:

- (1) To supervise, with the assistance of the mayor, the enforcement of city laws and to assure resolutions, ordinances, laws and city council directives and operational policies are enforced and executed or referred to the proper official for compliance.
- (2) To attend meetings of the city council unless excused by the mayor or city council.
- (3) To recommend to the city council measures necessary or expedient for good government and the welfare of the city.
- (4) To provide general supervision and direction for the administration of city government to expedite the efficient administration of the city's business. This duty includes direct responsibility to the city council for the proper functioning of the following departments and offices of city government:
  - a. City of Centerville administrative offices, including office of city clerk;
  - b. Commissioner of municipal services;
  - c. Wastewater superintendent and sewerage treatment works department;
  - d. Street commissioner and street department;
  - e. Water department (pursuant to the terms of the January 17, 2011 28E Agreement between the city and the Centerville Municipal Waterworks);
  - f. Building official;
  - g. Animal control officer;
  - h. Community development coordinator;
  - i. Airport zoning commission (subject to board);
  - j. Board of adjustment (subject to board);
  - k. Board of review (subject to board);
  - l. Civil service commission (subject to board);
  - m. Fair housing commission (subject to board);
  - n. Park and recreation department (subject to board); and
  - o. Planning and zoning commission (subject to board).
- (5) To cooperate with and advise and assist the police department, fire department and present or future administrative agencies, boards or commissions which are responsible to the mayor and the city council, including but not limited to the airport commission, airport zoning commission, board of adjustment, board of review, city library board, civil service commission, fair housing commission, historic preservation commission, park and recreation board and planning and zoning commission.
- (6) To supervise and coordinate the performance of contracts for work to be done for the city and all purchases of material and supplies; to ensure that material and supplies are received and are of the quality and specification called for by the contract; and to consult with department heads with reference to said contracts.
- (7) To coordinate with the city clerk and to communicate and keep the city council fully informed of city department conditions, finances, financial management, progress, budgets, background or historical information, future needs, goals and objectives in language and format for public consumption.
- (8) To compile and maintain current and up-to-date information regarding all funding sources of the city; including state and federal grant and loan programs; to plan, develop, prepare and submit, with the approval and at the direction of the city council, applications for grants (with the assistance of the community development coordinator), loans and other funding sources; and to administer all such fundings.
- (9) To advise, with the assistance of the mayor, the city council on participation in programs and policies with another government political subdivision, including a city, county, state or federal entity and to

- suggest and coordinate (with the assistance of the community development coordinator) city grant proposals and shared participation.
- (10) To recommend and participate, with the assistance of the mayor, in projects and endeavors to support and promote economic growth and development in the city.
  - (11) Upon order of the city council, to obtain for the city such specialized and professional services deemed necessary by the city council and not already available to the city.
  - (12) With the assistance of applicable department heads, the city council personnel committee and the mayor, (a) to oversee the review, evaluation and interview of applicants for city employment and (b) except with respect to department heads (as defined in Section 2.98.040), to hire, discharge, promote and reclassify all city employees.
  - (13) To make recommendations to the city council to hire, discharge, promote and reclassify department heads.
  - (14) To discipline city employees in a manner consistent with the city of Centerville employee handbook, subject to requirements of state and federal law and city ordinance; provided, however, to discipline department heads, the city administrator must obtain the prior approval of the disciplinary action from either (a) at least one member of the personnel committee and one member of the committee of such department (provided, however, such committee members must not be the same person) or (b) the approval of the city council.
  - (15) Notwithstanding Sections 2.17.050 (12) and (14), (a) the mayor, police chief and, if required, the civil service commission, must agree to hire, discipline, discharge, promote or reclassify employees of the police department, (b) except as provided in (c) below, the mayor, fire chief and, if required, the civil service commission, must agree to hire, discipline, discharge, promote or reclassify employees of the fire department and (c) the city administrator shall have no authority to hire, discipline or discharge volunteer fireman - the fire chief, with the assistance of the Centerville Fire Department Executive Committee shall have the authority to hire, discipline, or discharge volunteer firemen.
  - (16) To coordinate and implement a comprehensive safety and training plan, ensuring compliance with applicable state and federal regulations.
  - (17) To formulate and recommend employment and personnel policies, compensation schedules and benefits for the approval of the city council.
  - (18) To represent the city, with the assistance of the mayor, in all negotiations and relations with employees, contractors, consultants, other governmental units and civic organizations in which the city may have an interest; to cooperate with, assist and advise all administrative agencies, city boards and city commissions; and to act, with the assistance of the mayor, as the city council's liaison and representative to such entities.
  - (19) To provide administrative support and assistance to the mayor.
  - (20) To assist and supervise the city clerk in regard to the issuance of all licenses and permits and to provide for and cause records to be kept of the issuance and revocation of such licenses and permits.
  - (21) To administer or assist in administering orders to abate cited nuisances.
  - (22) To maintain, in conjunction with the city clerk, accurate and current records of all affairs of the city.
  - (23) With the assistance of the mayor and department heads, (a) to prepare the annual budget in the manner as prescribed by law, (b) to render budgetary assistance to the city clerk, (c) to assemble proposed annual departmental budgets, which proposals shall include projected revenues, proposed expenditures and salary requests and (d) to submit said proposed budget on prescribed forms to the

city council.

- (24) To supervise the management of all buildings, structures and land under the jurisdiction of the city council and to care for and supervise departmental management's preservation of all city-owned equipment, tools, machinery, appliances, supplies and commodities allocated to the respective department; provided, however, city hall administrative offices shall be directly managed by the city administrator.
- (25) To designate one or more city employees to discharge the duties of the office of city administrator when the city administrator is absent from his or her position or when the position is vacant. Said designation shall be subject to city council approval.
- (26) To perform other duties or assume other responsibilities as apparent or assigned.
- (27) To perform such other duties as the city council may direct.

*(Ord. No. 1299, § 2, March 19, 2012; Ord. 2013-1300 §§ 3, 4b, April 1, 2013)*

### **2.17.060 - Powers.**

The city administrator shall further have the following powers:

- (1) To perform the duties of city administrator set forth in this Chapter 2.17
- (2) To summarily and without notice, investigate the affairs and conduct of any city department, agency, officer or employee.
- (3) Subject to Sections 2.17.050(12-15), to hire, discipline, discharge, promote, or reclassify all city employees, subject to the provisions of the Veterans Preference Law (Chapter 35C of the Code of Iowa) and the Civil Service Law (Chapter 400 of the Code of Iowa).
- (4) To appoint or employ persons to fill all places for which no other mode of appointment is provided and to administer oaths of office.
- (5) To have such other powers as may be prescribed by ordinance.
- (6) To delegate the city administrator's power and authority to subordinate officers and department heads to such extent that the city administrator deems appropriate.
- (7) Except as otherwise provided in this code or by state law, the city administrator shall have the power and duty to provide for the issuance and revocation of such licenses and permits as are authorized by law or ordinance.
- (8) Unless otherwise stated, the city administrator or designee may revoke any permit or license issued under the provisions of this code if there has been any false statement or misrepresentation as to any material fact in the application submitted for any permit or other use, or any false statement or misrepresentation made by any representative of the applicant therefor or the permittee, during the course of the application or permitting process, or for any other reason that is specifically designated by the applicable regulation of this code.

The powers and duties of the city administrator, as provided for in this Chapter 2.17, whenever they conflict with the power and duties granted herein to any other officer or employee, shall supersede and have precedence over those powers and duties granted to other municipal officers or employees.

*(Ord. No. 1299, § 2, March 19, 2012, Ord. 1321 § 10, April 3, 2017).*

### **2.17.070 - Additional duties of city administrator.**

The city administrator shall assume all duties of the following positions, if such positions are not filled by others: city clerk, commissioner of municipal services, city treasurer and community development coordinator.

*(Ord. No. 1299, § 2, March 19, 2012)*

**2.17.080 - Administrator's bond.**

The city administrator shall be bonded for the faithful performance of his or her duties in favor of the city of Centerville, Iowa, in the sum established by city council resolution, but not less than ten thousand dollars.

*(Ord. No. 1299, § 2, March 19, 2012)*

**2.17.090 - Modification.**

Modification to any provision in this chapter shall require an affirmative vote of 4/5 majority of the City Council.

*(Ord. No. 1316, § 1, November, 2, 2015)*

Sections:

2.20.010 - Appointment and term.

2.20.020 - Office hours.

2.20.030 - Compensation, vacations and fringe benefits.

2.20.040 - Duties.

**2.20.010 - Appointment and term.**

The city clerk shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 2013-1300 § 6a, April 1, 2013)*

**2.20.020 - Office hours.**

The city clerk shall be required to devote a minimum of forty hours per week to the performance of the duties related to the office, subject to the right to vacations as set forth by Section 2.20.030.

*(Ord. 1226 § 1(part), 2000)*

**2.20.030 - Compensation, vacations and fringe benefits.**

The city clerk shall be entitled to such compensation as may be specified by resolution of the city council. Vacations, sick leave and other fringe benefits established by the city council for employees not represented by a bargaining unit shall be applicable to the city clerk, unless otherwise provided by law.

*(Ord. 1226 § 1(part), 2000)*

**2.20.040 - Duties.**

The city clerk shall perform such duties as may be required by the laws of the state of Iowa, or as be designated by ordinance, resolution or motion of the city council.

*(Ord. 1226 § 1(part), 2000)*

Sections:

2.24.010 - Treasurer—Appointment and term.

2.24.020 - Treasurer—Powers and duties.

2.24.030 - Compensation.

**2.24.010 - Treasurer—Appointment and term.**

The treasurer shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 2013-1300 § 6b, April 1, 2013)*

**2.24.020 - Treasurer—Powers and duties.**

The treasurer shall have the following powers and duties:

- A. Custody of Funds. He shall be responsible for the safe custody of all funds of the city in the manner provided by law, and council direction.
- B. He shall act as treasurer and custodian of all funds received or held in custody for any board or commission or agency existing in the city created by council or the people. These are the board of library trustees, board of park commissioners, board of waterworks trustees, and the airport commission.
- C. He shall reconcile the bank statements with his books and certify monthly to the council the balance of such cash and investments of each fund and amounts received and disbursed.
- D. Debt Service. He shall keep a register of all bonds outstanding and record all payments made of interest and principal.
- E. Investments. He shall advise the council on investments and invest city moneys not immediately needed at interest in accordance with council directives and the requirements of [Chapter 452 of the Iowa Code](#). He shall determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by [Chapter 453 of the Iowa Code](#), and file with the county treasurer a list of authorized depositories as required by Section 454.6.
- F. He shall reconcile the treasurer's books with the clerk's books every month.
- G. He shall perform such other duties as specified by the council by resolution or ordinance.

*(Ord. 1036 § 2 (part), 1975).*

**2.24.030 - Compensation.**

The treasurer shall be paid such compensation as is specified by council resolution.

*(Ord. 1036 § 2 (part), 1975).*

Sections:

- 2.28.010 - Appointment and term.
- 2.28.020 - Public works surveys.
- 2.28.030 - Grades of streets, alleys and sidewalks.
- 2.28.040 - Monument establishment.
- 2.28.050 - Public work supervision.
- 2.28.060 - Inspection of improvements.
- 2.28.070 - Supervision of sewer system.
- 2.28.080 - Encroachment on public property.
- 2.28.090 - Surveying.
- 2.28.100 - Annual report to council.
- 2.28.110 - Other duties.

**2.28.010 - Appointment and term.**

The city engineer shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 2013-1300 § 6c, April 1, 2013)*

**2.28.020 - Public works surveys.**

The city engineer shall make or cause to be made the necessary surveys, plats, drawings and estimates, with suitable specifications for all public works, including streets, alleys and public sidewalks, when required by the city council.

*(1942 Rev. Ords. § 23(1))*

**2.28.030 - Grades of streets, alleys and sidewalks.**

He shall report a grade for all streets, alleys or sidewalks at the time and in the order required by the city council; and when required to report a change in the grade of any street he shall also report plans and estimates of the cost for the grading or changing the grade thereof. He shall make and keep a suitable plat or profile of such surveys and grades in his office for references.

*(1942 Rev. Ords. § 23(2))*

**2.28.040 - Monument establishment.**

He shall upon some secure and solid point at a proper distance from any contemplated improvement make the proper bench marks by which the identity of levels and grades may be preserved. He shall establish and place all proper monuments to preserve the surveys of the streets, alleys, blocks, tracks, lots and parcels of land. A clear description of all such monuments shall be given and the distance or bearing to two or more objects of a permanent nature, whereby the monuments may be located and identified.

*(1942 Rev. Ords. § 23(3))*

**2.28.050 - Public work supervision.**

He shall superintend all work done on the streets alleys or public grounds within the corporate limits of the City of Centerville, ordered by the city council and shall have full supervision of all such work under contract with the city and he shall inspect all culverts, bridges, drains, sewers, sidewalks, paving, planking, curbing and other temporary or permanent improvements of the streets, alleys or public grounds ordered by the city council. He shall

determine whether the same have been fully completed in accordance with the requirements of the city council's order or contract made.

*(1942 Rev. Ords. § 23(4))*

**2.28.060 - Inspection of improvements.**

He shall inspect all work done by any person in the making of permanent improvements on any street, alley or public places within the corporate limits of the city. He shall determine whether or not the same have been completed, or started in accordance with this code and all other rules and ordinances of the city, and he shall immediately report to the mayor or city council any infractions of this code and all other rules, resolutions or ordinances of the city.

*(1942 Rev. Ords. § 23(5))*

**2.28.070 - Supervision of sewer system.**

He shall act as superintendent of the sewer system of the City of Centerville and shall make regular inspections of the sewer system, including disposal plants, and outlets and flush tanks, and report to the city council his findings as to general conditions together with such recommendations as will best serve the interests of the city and the sewer system stated. He shall issue all permits to persons authorized by city license to tap such sewer, He shall keep a record of all work done and a record of all taps made both as to location and by whom made and for whom done.

*(1942 Rev. Ords. § 23(6))*

**2.28.080 - Encroachment on public property.**

When any building or fence or any part thereof is found by the city engineer to be located upon any street, alley or public ground within the corporate limits of the City of Centerville, he shall immediately report such fact to the city council showing either by plat or profile where the encroachment is made on city property, together with recommendations as will tend to immediate recovery of the street, alley or public ground by the city, of the ground so obstructed by such building or fence encroachment.

*(1942 Rev. Ords. § 23(7))*

**2.28.090 - Surveying.**

He shall at the request of any person make and determine the lines or boundaries of any lot or lots of ground within the city and designate the same by stakes or other visible monuments. He shall if requested, make and deliver to such persons a certificate of such prominent land mark or monument; he shall keep a record of such certificate in his office. He shall be entitled to charge a reasonable fee and to retain the same for each survey made for private parties.

*(1942 Rev. Ords. § 23(8))*

**2.28.100 - Annual report to council.**

At the last regular meeting of the city council before each biennial election, he shall report fully to the city council showing all work done under his supervision and a full list of all city property in his possession, including maps, plats, profiles, field notes and other data, with books and all papers pertaining to his office as city engineer of the City of Centerville.

*(1942 Rev. Ords. § 23(9))*

**2.28.110 - Other duties.**

He shall perform such other duties compatible with his office as may be provided by this code and all other laws, ordinances or resolutions.

*(1942 Rev. Ords. § 23(10))*

Sections:

2.30.010 - Office created.

2.30.020 - Appointment and term.

2.30.030 - Compensation.

2.30.040 - Powers—Duties.

2.30.050 - Interpretation of terms.

**2.30.010 - Office created.**

This chapter creates the office of commissioner of municipal services of the City of Centerville, Iowa, providing for his appointment and prescribes his powers and duties.

*(Ord. 983 § 1, 1971)*

**2.30.020 - Appointment and term.**

The commissioner of municipal services shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 2013-1300 § 6d, April 1, 2013)*

**2.30.030 - Compensation.**

The compensation of the commissioner of municipal services shall be such amount as may from time to time be fixed by the council.

*(Ord. 983 § 3, 1971)*

**2.30.040 - Powers—Duties.**

The powers and duties of the commissioner of municipal services shall be as follows:

- (1) PHYSICAL PLANTS. Maintain, supervise and operate in an efficient manner the physical properties of the city including the sidewalks, alleys, bridges, streets, city hall building, fire station building, city dump, all sewer lines, lift stations and sewage treatment plant;
  - a. He shall supervise and manage all public works, undertakings, improvements and buildings and have charge of their construction, improvement, repair and maintenance, except those under the jurisdiction of the water board, park board, library board or similar boards or commissions,
  - b. He shall have charge of the engineering functions of the city and have charge of making and preserving all surveys, maps, plans, drawings and specifications except those under the jurisdiction of the water board, park board, library board or similar boards or commissions,
  - c. He shall have charge of the maintenance of all equipment, tools, vehicles, appliances or any other personal property owned by the city, except those under the jurisdiction of the water board, park board, library board, and similar boards and commissions, and shall keep an accurate inventory of same at all times except the equipment, tools, vehicles, appliances and any other personal property under the supervision and control of the city police department and/or the city fire department,

- d. He shall have charge of the construction, operation, and maintenance of all sewers, sewage disposal plants and drainage facilities of the city,
  - e. He shall supervise the performance of all contracts for work contracted to be done for the city, except those under the jurisdiction of the water board, park board, library board, or similar boards or commissions,
  - f. He shall assist in the preparation of the annual budget of the city to be submitted to the council,
  - g. He shall hire a registered engineer to perform those duties required by law to be performed by such an engineer when so ordered by the council;
- (2) PERSONNEL. Coordinate and direct the city work force including employees of the street department, sanitation and sewage treatment plant department, city dump employees, all city inspectors, and fire department employees (in connection with the maintenance of the fire department building only) with a view toward obtaining the most efficient, economical, and effective use of the services of said personnel. He shall have charge of all the employees of the city, except police, firemen or those directly responsible to the city council or mayor, such as city clerk, police court, attorney and health physician, and employees of the water board, park board, library board and any similar boards or commissions. He shall have authority to employ such number of employees as fixed by the council at wages fixed by the council and shall have full authority to suspend or discharge any employee under his jurisdiction;
  - (3) PURCHASES. Perform the duty of purchasing all goods, materials and supplies needed by the city in maintaining and operating of the physical plant assigned to his responsibility, formulate the technical and financial aspects of bids to be drawn up by the city attorney and enforce quality standards for goods purchased;
  - (4) MAINTAIN PUBLIC WAYS. Be the head of the street department and maintain and repair the sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. He shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, and is charged with the duty of correcting unsafe defects existing in them;
  - (5) SAFETY OF STREETS. Whenever snow or ice imperil travel upon streets and alleys in the City of Centerville, be in charge of removing said snow and ice from the streets and alleys. He shall do whatever else is necessary and reasonable to make travel upon streets, sidewalks, and alleys of the city safe;
  - (6) KEEP RECORDS. Complete written records of the purchases, accomplishments, disposition of equipment and manpower, up-to-date inventory, and activities contemplated by the street department. He shall make a monthly oral and written report of the activities of the street department to the council on or before the second regular meeting of the council of each month;
  - (7) REPORT VIOLATIONS. Report to the mayor all persons refusing to comply with or violating an ordinance in relation to streets, alleys, sewers, public grounds or any other part of the physical plant of the city assigned to his responsibility;
  - (8) TRANSFER OF FUNDS TO THE CITY CLERK. Deposit all funds received by him on behalf of the municipal corporation with the city clerk upon receipt thereof and take the city clerk's receipt therefor;
  - (9) ATTEND MEETINGS. Attend every regular meeting of the council and attend only those special meetings of the council at which he is required to be present
  - (10) OTHER DUTIES. Perform all other duties of a public nature which are not specifically assigned to other municipal officials or employees;

- (11) Have all authority commensurate with the duties set forth herein subject to the direction and control of the council.

*(Ord. 987 § 1 (part), 1971; Ord. 983 § 4(1—12), 1971)*

**2.30.050 - Interpretation of terms.**

Wherever in the city ordinances the words city clerk, street commissioner or city engineer appear and when the use of said words are in conflict with the terms of Sections 2.30.010 through 2.30.040, the terms and phrases there shall be deleted and inserted in lieu thereof the words commissioner of municipal services.

*(Ord. 986 § 1, 1971)*

Sections:

2.32.010 - Definitions.

2.32.020 - Appointment and term.

2.32.030 - Duties of superintendent.

**2.32.010 - Definitions.**

SEWERAGE TREATMENT WORKS. The term "sewerage treatment works" means any and all units of the disposal plant owned and operated by the city and includes the intercepting sewer system delivering sewerage to the plant.

SUPERINTENDENT. The term "superintendent" means the person who is responsible for the operations of the sewerage treatment works.

*(1942 Rev. Ords. § 76)*

**2.32.020 - Appointment and term.**

The superintendent shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 2013-1300 § 6e, April 1, 2013)*

**2.32.030 - Duties of superintendent.**

The superintendent shall have complete charge of the maintenance, operation and repair of the buildings and the machinery of the sewerage treatment works together with the care of the grounds.

He shall employ and direct assistant operators and employees with the approval and under the direction of the city council.

*(1942 Rev. Ords. § 78)*

Sections:

2.36.010 - Street improvements.

2.36.020 - Appointment and term.

2.36.030 - Reports to committee.

2.36.040 - Accounts, inventories to be kept.

**2.36.010 - Street improvements.**

The city street commissioner shall under the express direction of a majority of the street and alley committee of the City of Centerville, superintend all improvements upon streets, alleys and public grounds within the city and shall perform such other services as he may be directed to perform by a majority of the committee. He shall undertake no work of any kind or description in reference to the streets, alleys or public grounds except under the express direction of a majority of the street and alley committee.

*(1942 Rev. Ords. § 25(1))*

**2.36.020 - Appointment and term.**

The street commissioner shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 2013-1300 § 6f, April 1, 2013)*

**2.36.030 - Reports to committee.**

He shall regularly report to the street and alley committee as to what work is necessary to be done in reference to the improvements of streets, alleys and public grounds within the city and shall report to the committee any complaints made to him of any dangerous, impassable or unsafe condition of any street, crossing, alley, bridge or sidewalk within the corporate limits of the city.

*(1942 Rev. Ords. § 25(2))*

**2.36.040 - Accounts, inventories to be kept.**

In a book provided for the purpose, he shall keep an account of all work done under his supervision, showing the location, name of each laborer, the amount and kind of material used, for whom the work was done and the distribution of the expenditures for such material and labor to the several funds.

He shall report to the city council at each regular meeting a list of the bills due for labor employed and such reports shall show the distribution of such labor charges for the preceding month.

He shall keep an inventory of all property under his control, belonging to the city, which inventory shall be made in duplicate quarterly, one copy being on file in the office of the city clerk and one copy in the office of the city engineer.

He shall perform such other duties compatible with his office as may be provided by this code and all other laws, ordinances or resolutions.

*(1942 Rev. Ords. § 25(3))*

Sections:

2.38.010 - Appointment and term.

2.38.020 - Powers and duties.

2.38.030 - Compensation.

**2.38.010 - Appointment and term.**

The building official shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

**2.38.020 - Powers and duties.**

The building official shall be responsible for the enforcement of the building and construction (Title 15), minimum housing standards (Title 16), zoning (Title 17) and subdivision (Title 18) ordinances of this code and such other duties as proscribed in this code or by city administrator or city council from time to time. The building official shall report to the city administrator.

**2.38.030 - Compensation.**

The building official shall be paid such compensation as specified by council resolution.

*(Ord. 2013-1300 § 4a, April 1, 2013)*

Sections:

2.40.010 - Duty as attorney.

2.40.020 - Opinions filed.

2.40.030 - Drafts, forms preparation.

2.40.040 - Council meeting attendance.

2.40.050 - Mayors court.

**2.40.010 - Duty as attorney.**

The city solicitor shall appear as attorney for the city in all actions in which the city shall be a party or shall have an interest but may employ assistant counsel at the expense of the city when authorized so to do by the city council.

*(1942 Rev. Ords. § 18(1))*

**2.40.020 - Opinions filed.**

He shall give his opinion upon questions of law arising out of any matter pertaining to the interest of the city whenever he is so requested by the mayor, the council or by the various boards and commissions of the city. He shall give legal advice to them or the city officers concerning their official duties when requested. He shall give his advice and assistance as may be required by all committees of the city council, and when required by the council, he shall give his opinion in writing which shall be filed with the city clerk and preserved among the records of the city.

*(1942 Rev. Ords. § 18(2); Ord. 599, 1944)*

**2.40.030 - Drafts, forms preparation.**

When directed to do so by the council or the proper officers of the city, or the proper officers of the various boards and commissions of the city, the solicitor shall prepare drafts for contracts, ordinances and forms or other legal writings which may be required for the use of the city or its officers or the officers of the various boards and commissions of the city, in the discharge of their duties.

*(1942 Rev. Ords. § 18(3); Ord. 599, 1944)*

**2.40.040 - Council meeting attendance.**

He shall attend all regular meetings of the city council and any special meetings when requested so to do by the mayor.

*(1942 Rev. Ords. § 18(4))*

**2.40.050 - Mayors court.**

He shall attend the mayor's court whenever required by the mayor and shall prosecute all suits for violation of the code of the city and other ordinances of the city.

*(1942 Rev. Ords. § 18(5))*

Sections:

2.42.010 - Appointment and term.

2.42.020 - Powers and duties.

2.42.030 - Compensation.

**2.42.010 - Appointment and term.**

The animal control officer shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

**2.42.020 - Powers and duties.**

The animal control officer shall be responsible for the enforcement of the animal control (Title 7) ordinance of this code and such other duties as proscribed in this code or by city administrator or city council from time to time. The animal control officer shall report to the city administrator.

**2.42.030 - Compensation.**

The animal control officer shall be paid such compensation as specified by council resolution.

*(Ord. 2013-1300 § 5, April 1, 2013)*

Sections:

2.44.010 - Regular meetings.

2.44.020 - Special meetings.

2.44.030 - Attendance of members.

2.44.040 - Rules of procedure.

**2.44.010 - Regular meetings.**

The regular meetings of the city council shall be held at the City Hall commencing at five- thirty p.m. on the first and third Mondays of each month; provided, however, the time and place of meetings may be changed by resolution by a majority of all members elected to the city council voting in the affirmative.

*(Ord. 1268 § 1, 2006)*

**2.44.020 - Special meetings.**

Special meetings of the city council may be called by the mayor or any three members of the council. Notice thereof shall be given personally or left at the usual place of residence of each member of the council. A record of the service of notice shall be made by the clerk.

*(1942 Rev. Ords. § 7)*

**2.44.030 - Attendance of members.**

A majority of those present at a regular meeting, or special meeting, duly called, may compel the presence of absent members by sending the chief of police to require their attendance. If any member refuses to attend after being notified so to do by the chief of police, he shall be subject to a fine of not more than ten dollars and not less than one dollar to be levied by a resolution of the council duly adopted. When entered upon the records of the council, the fine shall be deducted from the amount of his salary, provided that if such member shall, at a subsequent meeting of the council, furnish a satisfactory excuse, the fine may be canceled by resolution.

*(1942 Rev. Ords. § 8)*

**2.44.040 - Rules of procedure.**

The following rules of procedure shall apply:

Rule 1. Roll Call. At the hour appointed for the meeting of the council, the mayor shall take the chair, (if present, or in his absence the president pro tem) and cause the roll of members to be called, and announce whether a quorum be present. Upon the appearance of a quorum, the council shall be called to order and they shall then proceed to the business before them.

The order of business shall be as follows:

1. The reading of the journal of the last meeting, amended and approved.
2. Petitions and remonstrances presented.
3. Bills audited or referred.
4. Resolutions presented.
5. Reports from standing committees.
6. Reports from special committees.
7. Unfinished business of preceding meeting.

8. Notices to bring in ordinances.
9. Ordinances to be introduced.
10. Ordinances on their second reading.
11. Ordinances on their passage.
12. New business.

Rule 2. Duties and Privileges of Mayor. The mayor shall preserve order and decorum, and shall have the right to speak to points of order, and decide the questions of order, subject to an appeal to the council, when called for by two members. He shall have the casting vote upon all questions upon which the council is equally divided, but not otherwise.

Rule 3. Committees to be Appointed by Mayor. All committees shall be appointed by the mayor, unless otherwise especially directed by the council.

Rule 4. Disorderly Conduct. In cases of disturbances or disorderly conduct in the council chamber the mayor shall have the power to have the same cleared.

Rule 5. Recognize Member. The mayor shall name the member who is entitled to the floor, when two or more rise to speak at the same time.

Rule 6. Speak More than Twice. No member shall speak more than twice on the same subject, without leave of the council, nor more than once, until every other member choosing to speak shall have spoken.

Rule 7. Interested Members not to Vote. No member shall vote on any question, in the event of which he is immediately interested.

Rule 8. Each Member Must Vote Unless Excused. Every member present shall vote upon all questions put to the council, unless for special reasons, he shall be excused.

Rule 9. Reduced in Writing. Every motion and resolution shall be reduced to writing, if the mayor or any member desires it.

Rule 10. Question Stated by the Mayor. When a motion is made and seconded it shall be stated by the mayor, and if in writing, handed to the clerk, and by him read aloud before being debated. After a motion be stated by the mayor, or read by the clerk, it shall be deemed to be in possession of the council and open to debate, but may be withdrawn by leave of the council.

Rule 11. Division May be Called. The division of any question may be called for, by any member, if it comprehends questions so distinct, that one part taken away, the rest may stand entire for the action of the council; and a motion to strike out being lost, shall not preclude motions to amend, nor motions to strike out and insert.

Rule 12. Commitment. Motions, reports and resolutions may be committed or recommitted at the pleasure of the council.

Rule 13. Mover's Name Entered. In all cases where a resolution or motion is entered on the minutes of the council, the name of the member moving the same shall also be entered.

Rule 14. Yeas and Nays Taken—When. Upon all questions pending before the council, the vote shall be taken by yeas and nays, and entered upon the journal, when demanded by two members.

Rule 15. Amendment—When Not Allowed. No motion or proposition on a subject different from that under consideration, shall be admitted, under color of amendment.

Rule 16. Priority of Question. When a blank is to be filled and different sums or dates proposed, the question shall be taken first upon the largest sum, or the longest time.

Rule 17. What Committee Shall Have Precedence. When motions are made to refer the same subjects to different committees, the motion to refer to a standing committee shall have precedence over a motion to refer to a special committee.

Rule 18. Question in Order of Priority. When a question is under debate no motion shall be in order except:

1. To adjourn.
2. To lay on table.
3. For the previous questions.
4. To postpone to a certain day.
5. To commit or refer.
6. To postpone indefinitely.
7. To amend.

Such several motions should have precedence in the order in which they are herein arranged; the first three to be decided without debate.

Rule 19. Adjournment—When in Order. A motion to adjourn shall always be in order, except when a member is speaking, or the council is voting, or when it has been decided that the previous question shall be taken.

Rule 20. Cannot Be Amended. A motion to adjourn simply, cannot be amended, but a motion to adjourn to a given day may be and is open to debate.

Rule 21. Previous Question. When the previous question is moved and seconded, it should be put in this form: "Shall the main question be now put?" If this carries, all further motions and debate shall be excluded and the question put in this order; first, upon the amendments pending, and then upon the main proposition before the council.

Rule 22. Indefinite Postponement. When a question is postponed indefinitely, it shall not be again introduced into, or acted upon, by the council for the ensuing two months.

Rule 23. Who May Move a Reconsideration. Any member voting with the majority on any question may move for a reconsideration thereof during the meeting at which the same was passed; or any member voting with the majority or who was absent at the time the question was passed may move for a reconsideration thereof at the next regular meeting or special meeting called therefor and not thereafter.

Rule 24. Notice to Introduce Ordinances. At least one week's notice shall be given of the introduction of ordinances; except that the committee on ordinances may, at any regular meeting of the council, report ordinances.

Rule 25. Shall Have Three Readings. All ordinances shall receive three several readings in council, previous to their passage, and shall be acted upon in the order in which they were introduced, unless the council shall direct otherwise; and after an ordinance has been read the second time, it shall be subject to amendment or commitment, if the council so direct.

Rule 26. Committees to be Appointed by the Mayor. The standing committees of the city council shall be appointed biennially at the first regular meeting after election, and shall consist of not less than three members each; and the first person named on the committee shall be the chairman thereof.

The following shall be the standing committees of the council:

1. Committee on finance.
2. Committee on streets and alleys.

3. Committee on sewer.
4. Committee on water.
5. Committee on fire.
6. Committee on buildings and grounds.
7. Committee on band.
8. Committee on purchasing.
9. Committee on cemetery.
10. Committee on ordinances.
11. Committee on light.
12. Committee on police.

Rule 27. Special Committees. All special committees shall consist of three members each, unless some other number be named.

Rule 28. Reports of Committees. Standing and special committees, to whom references are made, shall in all cases report in writing the state of facts with their opinion thereon, which opinion shall be summed up in the form of an order, resolution or recommendation.

Rule 29. Rules—How Amended or Rescinded. No standing rule or order of the council shall be rescinded or changed without one week's previous notice, in writing, being given of the motion therefor; nor shall any rule be suspended, except by vote of three-fourths of the members elected to any city council.

Rule 30. Parliamentary Rules. The rules of parliamentary practices comprised in Robert's rules of order shall govern the sessions of the city council, in all cases in which they are applicable; and where they are not inconsistent with the standing rules of the council or the laws of the state.

Rule 31 Special Meetings and their Objectives. When a special meeting of the city council shall be called by the mayor, or otherwise, the purpose or object of the meeting shall be named in the call, and no other business except that specified therein shall be transacted at said special meeting.

Rule 32. Committee shall not Expend More than Twenty-five dollars. Standing or special committees before undertaking to direct grading or other work on the streets or alleys of Centerville, or purchase material for such work, shall report the cost and manner of doing said work to the city council with their recommendations thereon; and no work or material shall be ordered, except by order of the city council; provided, however, that in cases of emergency such committees may make repairs on streets and alleys without such order when the cost does not exceed twenty-five dollars.

(1942 Rev. Ords. § 10)

Sections:

2.46.010 - Title.

2.46.020 - Purpose.

2.46.030 - Scope.

2.46.040 - Definitions.

**2.46.010 - Title.**

This chapter shall be known and designated as wastewater fund management ordinance.

*(Ord. 1251 § 1(part), 2003)*

**2.46.020 - Purpose.**

It is declared that the purpose of applying restrictions to the city council's ability to transfer funds from the wastewater fund is to preserve the fund for the purposes intended, namely operation, and preservation of the wastewater services through the city.

*(Ord. 1251 § 1(part), 2003)*

**2.46.030 - Scope.**

The provisions of this chapter shall apply to all transfers from the wastewater fund to the city's general fund, or other specialty funds of the city. Nothing in this chapter shall restrict the use of the wastewater fund for wastewater purposes. Nothing shall restrict a department head from spending within his or her budget, and other restrictions found in the current spending policy resolution for wastewater purposes.

*(Ord. 1251 § 1(part), 2003)*

**2.46.040 - Definitions.**

"Transfer" refers to moving the money from one fund to another fund within the financial structure of the city.

"Use" refers to spending funds.

"Wastewater fund" refers to the fund of money created for the purpose of managing and overseeing the service of sewer and wastewater management provided by the city.

*(Ord. 1251 § 1(part), 2003)*

Sections:

2.48.010 - Purpose.

2.48.020 - Establishment.

2.48.030 - Compensation.

2.48.040 - Powers and duties.

**2.48.010 - Purpose.**

The purpose of this chapter is to provide for the establishment of a park commission to advise and assist the city council in the administration of the city park facilities and programs, create and appoint a board of trustees and specify the powers and duties of the board of trustees.

*(Ord. 1156 § 1(part), 1991)*

**2.48.020 - Establishment.**

The Centerville park and recreation board is hereby established which shall consist of a five- member board of trustees which shall include: two members of the city council, the superintendent of the Centerville street department and two residents of the City of Centerville appointed by the mayor with the approval of the city council. The two residents shall serve staggered five-year terms. The initial appointment of one of the residents shall be for a three-year term and the other for a five- year term.

*(Ord. 1255 § 1, 2004)*

**2.48.030 - Compensation.**

The resident members of the board of trustees shall be entitled to such compensation as may be established by resolution of the city council. The other members of the board of trustees shall not be entitled to any additional compensation.

*(Ord. 1156 § 1(part), 1991)*

**2.48.040 - Powers and duties.**

The board of trustees shall have the following powers and duties:

- (a) Hold meetings and elect from its members a chairman, a secretary and such other officers as it deems necessary. The city clerk shall serve as treasurer of the board of trustees, but shall not be a member of the board;
- (b) Subject to the approval and modification thereof by the city council:
  - (1) Direct and supervise activities and programs and establish charges for the use of the city parks, recreational property and facilities,
  - (2) Establish rules and regulations for the use of the city parks, recreational property and facilities, and
  - (3) Establish penalties for the violation of such rules and regulations, including the denial of use of the city parks, recreational property and facilities;
- (c) Interview and make recommendations to the city council as to the hiring of employees and the establishment of salaries; and advise the city council as to capital expenditures which may be required for the maintenance and improvement of the city parks and facilities;

- (d) Deposit all revenues in the appropriate city accounts as directed by the city clerk and approve for payment all expenses to be finally approved by the city council and paid by the city clerk;
- (e) Comply with all federal and state laws, including those relating to open meetings, and file minutes of its meetings with the city clerk.

*(Ord. 1156 § 1(part), 1991)*

Sections:

2.52.010 - Commission established.

2.52.020 - Compensation.

**2.52.010 - Commission established.**

There is established an airport commission consisting of five resident voters. Members of the commission shall be appointed for staggered five year terms with each term beginning and ending at noon on the first Monday in April. The commission shall elect from its own members a chairperson and a secretary who shall serve for a term as the commission shall determine.

*(Ord. 1201 § 2, 1997)*

**2.52.020 - Compensation.**

The members of the airport commission shall serve without compensation.

*(1942 Rev. Ords. § 59)*

Sections:

2.54.010 - Statutory provisions adopted.

2.54.020 - Commission created.

2.54.030 - Terms of members—Duties.

**2.54.010 - Statutory provisions adopted.**

The provisions of Chapter 329 of the Code of Iowa are adopted.

*(Ord. 1069 § 1, 1978)*

**2.54.020 - Commission created.**

There is created an airport zoning commission which shall consist of two members selected by the city council, two members selected by the board of supervisors of Appanoose County, and one additional member to act as chairman and to be selected by a majority vote of the members of the airport zoning commission.

*(Ord. 1069 § 2, 1978)*

**2.54.030 - Terms of members—Duties.**

The members of the airport zoning commission shall be appointed to such terms and shall serve in the manner set forth by Chapter 329 of the Code of Iowa and shall make recommendations to the city council and the board of supervisors regarding the adoption, amendment and repeal of airport zoning regulations.

*(Ord. 1069 § 3, 1978)*

Sections:

2.56.010 - Purpose.

2.56.020 - Public library established.

2.56.030 - Library trustees.

2.56.050 - Terms, vacancies and compensation.

2.56.060 - Powers and duties.

2.56.070 - Power to contract with others for the use of the library.

2.56.080 - Nonresident use of library.

2.56.090 - Library account.

2.56.100 - Annual report.

**2.56.010 - Purpose.**

The purpose of this chapter is to provide for the creation and appointment of a city library board of trustees, and to specify that board's powers and duties.

*(Ord. 1031 § 1, 1975)*

**2.56.020 - Public library established.**

There is established a free public library for the city, to be known as the Drake Free Public Library.

*(Ord. 1031 § 2, 1975)*

**2.56.030 - Library trustees.**

The board of trustees of the Drake Free Public Library, hereinafter referred to as the board, shall consist of not less than nine members of legal age who shall be appointed by the mayor with the approval of the city council. In the event the board contracts for the use of the library, the other contracting party shall be entitled to the appointment of one representative on the board who shall serve until the contract is terminated. All other members of the board shall be bona fide citizens and residents of the city or residents of unincorporated portion of the county.

*(Ord. 1284 § 1, 2008)*

**2.56.050 - Terms, vacancies and compensation.**

- A. Terms of Office. All appointments to the board shall be for six years, except to fill vacancies. Each term shall commence on July 1st. Appointments shall be made every two years of one- third the total number as near as possible, to stagger the terms. (The present incumbents are confirmed in their appointments and terms.)
- B. Vacancies. The position of any trustee shall be vacant if he moves permanently from the city or if he is absent from six consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by appointment of the mayor, with approval of the council and the new trustee shall fill out the unexpired term for which the appointment is made.
- C. Compensation. Trustees shall receive no compensation for their services.

*(Ord. 1031 § 5, 1975)*

**2.56.060 - Powers and duties.**

The board shall have and exercise the following powers and duties:

- A. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary. The city treasurer shall serve as board treasurer, but shall not be a member of the board;
- B. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same;
- C. To direct and control all the affairs of the library;
- D. 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. Compensation amounts and increase thereto, if any, shall be reviewed by the librarian, president of the library board, and the city clerk and/or mayor, and a recommendation from them made to the library board for compensation and any increase for any and all employees. Approval must be made by a majority of the nine- member board voting in favor thereof. Compensation and/or any increases recommended to the library board may be reduced from the recommendation of the librarian, president of the library board, city clerk and/or mayor based on employee performance evaluations, but may not be increased;
- E. To remove the librarian by a two-thirds vote of the board and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of [Chapter 70](#), Code of Iowa;
- F. 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;
- G. To authorize the use of the library by nonresidents of the city and to fix charges therefor;
- H. 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;
- I. To have exclusive control of the expenditure of all funds allocated for library purposes by the council, and of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library including fines and rentals collected, under the rules of the board;
- J. 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;
- K. To keep a record of its proceedings;
- L. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the city by action against the city council;
- M. To have authority to make agreements with the local county historical association, where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

*(Ord. 1281 § 1, 2008; Ord. 1031 § 6, 1975)*

**2.56.070 - Power to contract with others for the use of the library.**

- A. 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 with the

trustees of any county library district for the use of the library by their respective residents.

- B. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent in number of the electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty 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.

*(Ord. 1284 § 2, 2008; Ord. 1031 § 7, 1975)*

**2.56.080 - Nonresident use of library.**

The board may authorize the use of the library by nonresidents in any one or more of the following ways:

- A. By lending the books or other materials of the library to nonresidents on the same terms and conditions as to residents of the city, or upon payment of a special, non- resident library fee;
- B. By establishing depositories of library books or other materials to be loaned to nonresidents;
- C. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents;
- D. By establishing branch libraries for lending books or other library materials to nonresidents.

*(Ord. 1031 § 8, 1975)*

**2.56.090 - Library account.**

All money appropriated by the council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the (city clerk, city finance officer, board secretary, librarian).

*(Ord. 1031 § 9, 1975)*

**2.56.100 - Annual report.**

The board shall make a report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the council.

*(Ord. 1031 § 10, 1975)*

Sections:

2.60.010 - Commission created.

2.60.020 - Term of office.

2.60.030 - Powers.<sup>1</sup>

**2.60.010 - Commission created.**

There is hereby created a city planning and zoning commission composed of nine residents of the City of Centerville, who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning, none of whom shall hold any elective position in the city. The members shall be appointed by the mayor and city council.

*(Ord. 738 § 1; March 16, 1959)*

**2.60.020 - Term of office.**

The term of office of the members shall be five years, except that the members first named shall hold office for such terms not exceeding five years, that the terms of not more than one-third of the members shall expire in any one year. Any vacancy occurring on the commission caused by resignation or otherwise shall be filled by the mayor and council for the unexpired term. All members of such commission shall serve without compensation, except the actual expenses, which shall be subject to the approval of the council.

*(Ord. 738 § 2; March 16, 1959)*

**2.60.030 - Powers.**

The commission shall have and possess the following powers and such other powers as may be incidental to the successful carrying out of the powers vested in it herein and such as may be expressly conferred upon it by law:

- (a) To make such surveys, studies, maps, plans and plats of the whole or any portion of the city and of any land outside thereof, which, in the opinion of such commission, bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendations and it may publish the same.
- (b) To prepare a comprehensive plan regarding the height, number of stories and size of buildings, and other structures; the percentage of ground that may be occupied; the size of yard, courts and other open spaces; the density of population; and the location and use of buildings, structures and land for trade industry, residence, or other purposes and to this end shall prepare a preliminary report and hold public meetings thereon and after such hearings have been held, to submit its final report and recommendations to the city council.
- (c) To recommend to the city council from time to time as conditions require amendments, supplements, changes or modifications in the comprehensive plan prepared by it.

*(Ord. 738 §§ 3, 4, 1959)*

Sections:

2.64.010 - Appointment and term.

2.64.020 - Supervision and office hours.

2.64.030 - Compensation and work procedures.

2.64.040 - Duties.

**2.64.010 - Appointment and term.**

The chief of police shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 1216 § 1, 1999; Ord. 1141 § 1, 1989; Ord. 2013-1300 § 6g, April 1, 2013)*

**2.64.020 - Supervision and office hours.**

The chief of police shall be under the direct supervision of the mayor and shall maintain such office hours as may be designated by the mayor.

*(Ord. 1216 § 2, 1999; Ord. 1141 § 2, 1989)*

**2.64.030 - Compensation and work procedures.**

The chief of police shall be entitled to such compensation as may be specified by resolution of the city council. Fringe benefits established by the city council for employees not represented by a bargaining unit shall be applicable to the chief of police, unless otherwise provided by law. The chief of police shall not be entitled to overtime compensation, but may earn compensatory time.

*(Ord. 1216 § 3, 1999; Ord. 1141 § 3, 1989)*

**2.64.040 - Duties.**

The chief of police shall have the following duties:

- (a) Perform all duties as required by the laws of the state of Iowa and ordinances adopted by the Centerville City Council;
- (b) Supervise all operations of the police department and assure the enforcement of all laws, ordinances and regulations;
- (c) Execute and return all writs and other processes directed to the chief of police;
- (d) Aid and cooperate with the mayor, members of the city council and other municipal officers in the performance of their duties and make reports when requested;
- (e) With the approval of the city council and in the manner provided by law, appoint police supervisors, police officers and dispatchers to serve in the police department; and
- (f) Subject to the approval of the city council, adopt a standard operating procedure for the detailed operation of the police department which shall include on-duty and off-duty conduct and activity of the members of the department.

*(Ord. 1216 § 4, 1999; Ord. 1141 § 4, 1989)*

Sections:

- 2.68.010 - Organization of the department.
- 2.68.020 - Appointment and term.
- 2.68.030 - Emergency authority of fire chief.
- 2.68.040 - Duties of fire chief, assistant.
- 2.68.050 - Rules and regulations authority.
- 2.68.060 - Duties of truck operator.
- 2.68.070 - Response to calls.

**2.68.010 - Organization of the department.**

The Centerville fire department shall consist of the fire chief, two assistant chiefs, three captains, truck operators, volunteer firemen and such other officers and firemen as the council may from time to time authorize. Volunteer firemen must be eighteen years of age, or older.

*(Ord. 1215 § 1(part), 1999)*

**2.68.020 - Appointment and term.**

The fire chief shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 1215 § 1(part), 1999; Ord. 2013-1300 § 6h, April 1, 2013)*

**2.68.030 - Emergency authority of fire chief.**

The fire chief shall have authority when necessary in cases of fire to call and employ additional persons.

*(Ord. 1215 § 1(part), 1999)*

**2.68.040 - Duties of fire chief, assistant.**

All members and all positions in the fire department, except that of the fire chief, shall be filled by appointment made by the fire chief. The members shall hold their membership in the department at the pleasure of the fire chief, subject to any civil service regulations governing the positions. The chief of the fire department and in the absence of the fire chief, an assistant chief shall have sole and absolute control over all members of the department in going to and from fires in the manner and means employed in extinguishing all fires.

*(Ord. 1215 § 1(part), 1999)*

**2.68.050 - Rules and regulations authority.**

Authority is given to the fire department to adopt all necessary rules and regulations concerning drills, meetings, attendance at fires, inspections and any other matters pertaining to the membership of the department.

*(Ord. 1215 § 1(part), 1999)*

**2.68.060 - Duties of truck operator.**

The truck operator shall be on duty at the fire station in the city at all times; shall at the alarm of fire drive the fire truck to the place of fire; and perform such duties at the fire as are directed by the fire chief or an assistant. The truck operator shall use due diligence in the care and preservation of the fire truck and all fire apparatus or equipment as well as the fire station. The truck operator shall at all times be under the direction and control of the fire chief in

the performance of the duties defined in this section.

*(Ord. 1215 § 1(part), 1999)*

**2.68.070 - Response to calls.**

The fire department is authorized to respond to calls for the firefighting or other emergency assistance either within or outside the corporate limits of the City of Centerville. The fire chief is directed to keep a record of all such calls and file a statement with the city clerk showing the name of the person who made such call and the name of the person owning the property involved. It shall be the duty of the city clerk to charge the owner of the property an amount as may be established by resolution of the city council.

*(Ord. 1215 § 1(part), 1999)*

Sections:

2.70.010 - Established.

2.70.020 - Appointment.

2.70.030 - Qualification.

2.70.040 - Rules and regulations.

**2.70.010 - Established.**

There is established a civil service commission for the City of Centerville to consist of three members whose term of office shall be two, four and six years respectively, and their successors shall be appointed for a term of six years.

*(1942 Rev. Ords. § 51)*

**2.70.020 - Appointment.**

The members of the civil service commission shall be appointed by the mayor with the approval of the city council.

*(1942 Rev. Ords. § 52)*

**2.70.030 - Qualification.**

The civil service commission shall qualify as provided by law or ordinance and shall have and perform such powers and duties as are or may be provided by law or ordinance.

*(1942 Rev. Ords § 53)*

**2.70.040 - Rules and regulations.**

The civil service commission shall prescribe such rules and regulations for the conduct of their work and for the examination of applicant as they may deem necessary not in conflict with the general law and approved by the city council.

*(1942 Rev. Ords. § 54)*

Sections:

2.78.010 - Purpose and intent.

2.78.020 - Definitions.

2.78.030 - Commission created—Appointments—Terms.

2.78.040 - Powers.

**2.78.010 - Purpose and intent.**

The purpose of this chapter is to:

- (a) Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance.
- (b) Safeguard the city's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural heritage by preserving sites and districts of historic and cultural significance.
- (c) Stabilize and improve property values.
- (d) Foster pride in the legacy of beauty and achievements of the past.
- (e) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business thereby provided.
- (f) Strengthen the economy of the city.
- (g) Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the city.

*(Ord. 1144 § 1, 1990)*

**2.78.020 - Definitions.**

For the purpose of this chapter the words set out in this section shall have the following meanings:

"Commission" means the Centerville historic preservation commission.

"Historic District" means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

- (1) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- (2) Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
- (3) Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area; or
- (4) Is associated with the lives or persons significant in our past; or
- (5) Has yielded, or may be likely to yield, information important in prehistory or history.

"Historical site" means a structure or building which:

- (1) Is associated with events that have made a significant contribution to the broad patterns of our history; or
- (2) Is associated with the lives of persons significant in our past; or
- (3) Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

*(Ord. 1165 § 2(part), 1992; Ord. 1144 § 2, 1990)*

**2.78.030 - Commission created—Appointments—Terms.**

- (a) The commission shall initially consist of five members who shall be residents of the City of Centerville and shall serve without compensation.
- (b) Members of the commission shall be appointed by the mayor with the approval of the city council. Members should demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building, rehabilitation, conservation in general or real estate.
- (c) The original appointment of the members of the commission shall be: three members for two years, and two members for three years, from January 1st following the year of such appointment or until their successors are appointed. All successors shall serve a term of three years.
- (d) A vacancy in office shall be filled by the mayor with the approval of the city council. Said appointee shall complete the unexpired portion of the term of the member replaced.
- (e) Members may serve for more than one term and each member shall serve until the appointment of a successor.
- (f) A simple majority of the commission shall constitute a quorum for the transaction of business.
- (g) The commission shall elect a chairperson who shall preside over all commission meetings and elect a secretary who shall be responsible for maintaining written records of the commission's proceedings and delivering copies thereof to the city clerk.
- (h) The commission shall meet at least three times a year.
- (i) Members of the commission shall serve without compensation.

*(Ord. 1194 § 1, 1996; Ord. 1165 § 2(part), 1992; Ord. 1144 § 3, 1990)*

**2.78.040 - Powers.**

Without approval of the city council, the commission shall have the right to:

- (a) Conduct and maintain inventory studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter;
- (b) Make recommendations to the State Office of Historic Preservation for the listing of a historical district or site in the National Register of Historic Places and shall conduct public hearings thereon;
- (c) Investigate and make written recommendations to the city council for the adoption of ordinances designating historic sites and historic districts;

- (d) In addition to those duties and powers specified above, the commission may, with city approval:
  - (1) Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation,
  - (2) Acquire by purchase, bequest or donation, fee or lesser interests in historic properties, including properties adjacent to or associated with historic preservation,
  - (3) Preserve, restore, maintain and operate historic properties, under the ownership or control of the commission,
  - (4) Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property,
  - (5) Enter into agreements with the county, state or federal government or other organizations,
  - (6) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation,
  - (7) Provide information for the purpose of historic preservation to the governing body,
  - (8) Promote and conduct an educational and interpretive program on historic properties,
- (e) The commission may proceed at its own initiative or upon a petition from any person, group or association;
- (f) The commission shall maintain records of all studies and inventories for public use.

*(Ord. 1194 §§ 2, 3, 1996; Ord. 1165 § 2(part), 1992; Ord. 1144 § 3, 1990)*

Sections:

2.92.010 - Purpose.

2.92.020 - Definitions.

2.92.030 - Discriminatory practices designated.

2.92.040 - Public policy.

2.92.050 - Commission established—Membership.

2.92.060 - Complaint filing, processing and enforcement.

2.92.070 - Complaint must be filed within thirty days of alleged offense.

2.92.080 - Chapter not to diminish or restrict state law.

**2.92.010 - Purpose.**

The purpose of this chapter is for the general welfare of the citizens of Centerville, Iowa, by declaring discriminatory practices in the leasing, sale, financing or showing and advertising of dwelling units, commercial units or real property to be against public policy, and to provide for the investigation and conciliation of complaints, to provide for public hearings on complaints and to provide the enforcement thereof.

*(Ord. 1081 § 1, 1979)*

**2.92.020 - Definitions.**

The following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates:

- (a) "Aggrieved person" means a bona fide resident of Centerville, Iowa, including persons who have accepted employment in Centerville and students admitted to educational programs in Centerville, who is acting in good faith in his attempt to provide himself and/or his family with housing in Centerville. When the fair housing commission finds a person has acted in bad faith, the person cannot invoke the provisions of this chapter in any subsequent proceeding.
- (b) "Discriminate" means to make distinctions in treatment.
- (c) "Person" includes any individual, firm, partnership or corporation.

*(Ord. 1031 § 3, 1979)*

**2.92.030 - Discriminatory practices designated.**

It is a discriminatory practice:

- (a) For any person, having the right, responsibility or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to refuse to sell, rent, lease, assign, or sublease any dwelling unit, commercial unit, real property or part or portions thereof or interest therein to any person because of the race, color, creed, religion, sex, or national origin of said person.
- (b) For any person, having the right, responsibility or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to impose upon any person because of the race, color, creed, religion, sex, or national origin of such person unusual, extraordinarily onerous terms, conditions, or privileges in the sale, rental, leasing, assignment or subleasing of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein.

- (c) For any person, having the right, responsibility or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, sublease or assignment, listing, showing or the lending of funds in connection with any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein by persons of any particular race, color, creed, religion, sex, or national origin is unwelcome, objectionable, not acceptable, or not solicited.
- (d) For any person, engaged in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any dwelling unit, commercial unit, or real property or any part or portion thereof or interest therein to discriminate because of the race, color, creed, religion, sex, or national origin of any person applying for loans or guarantees of mortgages in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein or to place unusual, extraordinary, onerous rates of interest, terms or conditions on the lending of said money, the guaranteeing of said loans, acceptance of said mortgages or the availability of such funds.
- (e) For any person to discriminate in furnishing any facilities or services to any dwelling unit, commercial unit, real property or part or portion thereof because of the race, color, creed, religion, sex, or national origin of any person making application for such facilities or services.
- (f) For any person, in the real estate business in any capacity whatsoever to discriminate in the selling, renting, leasing, assigning or subleasing of any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein to any person because of the race, color, creed, religion, sex, or national origin of such person, or to represent for the reason of race, color, creed, religion, sex, or national origin of any person, that any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein is not available for inspection, sale, rental, lease, assignment or sublease; or otherwise to deny or withhold any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, to any person because of the race, color, creed, or religion, sex, or national origin of such person.
- (g) For any person to include in any sale, rental, lease, assignment or sublease of any dwelling unit, commercial unit, or real property or any, part or portion thereof or, interest therein, as a condition of said transaction that the purchaser, renter, tenant, occupant or assignee, agree not to sell, rent, lease, assign or sublease the said dwelling unit, commercial unit or real property or part or portion thereof or interest therein to any person, because of race, color, creed, religion, sex, or national origin of such person.
- (h) For any person to discriminate against another person in any of the rights protected under the provisions of this chapter because such person complies with the provisions of this chapter or has opposed any practice forbidden under this act, or has filed a complaint, testified, or assisted in any proceeding under this chapter.
- (i) For any person to aid, abet, incite, compel, coerce, cooperate or participate in the doing of any act declared to be a discriminatory practice under the provisions of this chapter, or to obstruct or prevent compliance with the provisions of this chapter or any proceedings of the fair housing commission pursuant to this chapter or to attempt directly or indirectly to commit any act declared by this chapter to be a discriminatory practice.
- (j) The provisions of this chapter and particularly Section 2.92.030 shall not apply to the following:
  - 1. Any bona fide religious institution with respect to any qualifications it may impose based upon religion, when such qualifications are related to a bona fide religious purpose.
  - 2. A rental or leasing of a housing accommodation in a building which contained housing accommodations for not more than two families living independently of each other, if the

owner or members of his family reside in one of such housing units.

3. The rental or leasing to less than seven persons within a single housing accommodation by the occupant or owner of such housing if he or members of his family reside therein.

*(Ord. 1081 § 4, 1979)*

#### **2.92.040 - Public policy.**

It is declared that discriminatory practices as defined in Section 2.92.030 of this chapter are against the public policy of the City of Centerville, Iowa.

*(Ord. 1081 § 2, 1979)*

#### **2.92.050 - Commission established—Membership.**

There is established the fair housing commission which shall consist of five members appointed by the mayor with the advice and consent of the city council. Appointments shall take into consideration the various racial, religious, cultural and social groups and geographical areas within the City of Centerville insofar as may be practicable. The term of appointment shall be three years from July 1st of the year in which the appointment is made, except that for the purpose of maintaining an appropriate staggering of terms the mayor may prescribe a shorter term for any appointment or reappointment. In the event that a vacancy occurs in the membership of the commission by death, resignation or otherwise prior to the normal expiration of the appointee's term, the mayor, with the approval of the city council, shall appoint a person to serve out the remainder of the unexpired term. Any member or all members of the commission may be removed from office at any time by the mayor with the approval of the city council. No person shall serve on the commission for more than six years.

*(Ord. 1081 § 5, 1979)*

#### **2.92.060 - Complaint filing, processing and enforcement.**

In order to insure the rights of all parties will be adequately protected, the following procedures have been formulated for the filing, investigating, and hearing of complaints involving discrimination. Such procedures are designed to insure all parties concerned an adequate and fair opportunity to present their case.

- A. **Complaints.** In the event any person is alleged to have committed an act of discrimination, any aggrieved person may file a sworn complaint in writing with the secretary of the fair housing commission. Said complaint shall set out the name or names of the person or persons alleged to have committed the act of discrimination, the statement of the act and the time and place of the commission of the act.
- B. **Investigation and Conciliation.** The Fair Housing Commission of Centerville, Iowa, sitting in executive session shall consider each such complaint and in each instance where a two-thirds' majority of the members of the commission are of the opinion that an act of discrimination under the provisions of this chapter may have been committed, it shall appoint a committee of one or more members of the commission to call upon the person alleged to have committed the act of discrimination (hereinafter referred to as respondent) and attempt to determine whether or not such an act has in fact been committed and to effect conciliation between the parties in the event a discriminatory act has been committed and to obtain commitments designed to prevent recurrence of the matter complained of. In the event that the committee is successful in effecting conciliation between the parties or becomes convinced that no discriminatory act was committed, the complaint and all proceedings by the commission and the committee shall be and remain confidential; and any disclosure thereof except as hereinafter authorized, by the secretary or any member of the commission, shall be grounds for removal from office. The commission may, however, publish results of its work in official reports omitting the names of the parties and any factual items which would identify the parties.
- C. **Waiting Period.** Before a public hearing is held, under subsection D below, a thirty-day period of time shall pass in an attempt to effect a reconciliation.

- D. Public Hearing. In the event the respondent refuses to meet with the committee selected by the fair housing commission, or conciliation and the obtaining of commitments against recurrence fails, the committee shall so report the matter to the fair housing commission, at which time the mayor may fix a time and place for public hearing on the complaint. The commission shall serve upon the respondent a written statement of the charges made in the complaint and a written notice of the time and place of the hearing. The hearing shall be held not less than twenty days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney and to examine and cross-examine witnesses. The hearing shall not be conducted following the strict rules of evidence prevailing in courts of law, except that the respondent shall have the right to confront any and all witnesses against him and the right to refuse to testify against himself. All testimony taken at the hearing shall be under oath. If upon all the evidence presented, the commission finds that the respondent has committed an act of discrimination, the commission shall set forth its findings of fact and shall issue and cause to be served upon the respondent such orders as the commission deems just and equitable.
- E. Enforcement. In the event the respondent fails to comply with any order issued by the commission, the commission shall certify the matter to the city council for appropriate action including enforcement proceedings in the district court.

*(Ord. 1081 § 6, 1979)*

**2.92.070 - Complaint must be filed within thirty days of alleged offense.**

No action shall be brought under the provisions of this chapter unless the written complaint shall have been filed within thirty days of the commission of the alleged offense.

*(Ord. 1081 § 8, 1979)*

**2.92.080 - Chapter not to diminish or restrict state law.**

Nothing in this chapter shall diminish or restrict the city, the commission, or any person exercising the rights provided for and the procedures set out in [Chapter 601A](#) of the Code of Iowa, and the commission or the city council may at any stage of the proceedings provided for herein decline to take further action and refer the matter to the Iowa Civil Rights Commission.

*(Ord. 1081 § 7, 1979)*

Sections:

2.96.010 - Appointment and term.

2.96.020 - Supervision and office hours.

2.96.030 - Compensation and work procedures.

2.96.040 - Duties.

**2.96.010 - Appointment and term.**

The community development coordinator shall be appointed by the city council for a term commencing as of the date of appointment and expiring upon such person's (i) removal by the city council, or (ii) retirement or resignation.

*(Ord. 1208 § 1, 1998; Ord. 2013-1300 § 6i, April 1, 2013)*

**2.96.020 - Supervision and office hours.**

The community development coordinator shall be under the direct supervision of the mayor and shall maintain such office hours as may be designated by the mayor.

*(Ord. 1208 § 2, 1998)*

**2.96.030 - Compensation and work procedures.**

The community development coordinator shall be entitled to such compensation as may be specified by resolution of the city council. Fringe benefits established by the city council for employees not represented by a bargaining unit shall be applicable to the community development coordinator, unless otherwise provided by law; provided, however, the community development coordinator shall not be entitled to overtime compensation.

*(Ord. 1208 § 3, 1998)*

**2.96.040 - Duties.**

The community development coordinator shall have the following duties:

- (a) Assume primary responsibility for obtaining state and federal grant funds, prepare grant applications and administer projects;
- (b) Prepare plans and reports for future city development, including capital improvement projects, financing, equipment, staff requirements and housing;
- (c) Oversee and direct housing development projects and surveys and prepare and present financial and progress reports to the mayor and city council;
- (d) Coordinate activities between the city council and community groups involved with housing and economic development and the planning of community events;
- (e) Attend seminars, professional meetings and conferences relating to housing, economic and community development;
- (f) Aid and cooperate with the mayor, city clerk, members of the city council and other municipal officers and department heads in the performance of their duties and coordinate activities relating to the creation of unified community development plans; and
- (g) Perform all duties as required by resolutions and ordinances adopted by the Centerville City Council.

*(Ord. 1208 § 4, 1998)*

Sections:

2.98.010 - Title.

2.98.020 - Purpose.

2.98.030 - Scope.

2.98.040 - Definitions.

2.98.050 - Termination of department head.

2.98.060 - Modification.

**2.98.010 - Title.**

This chapter shall be known and designated as department heads management ordinance.

*(Ord. 1250 § 1(part), 2003)*

**2.98.020 - Purpose.**

It is declared that the purpose of applying restrictions to the city council's ability to hire and fire is to be able to recruit and maintain high quality employees as department heads, benefiting the city, the departments and the public. As department heads, the employees often hold great responsibility and have information and experience within the department that it not easily replaceable.

*(Ord. 1250 § 1(part), 2003)*

**2.98.030 - Scope.**

The provisions of this chapter shall apply to all department heads within the structure of the employees of the city.

*(Ord. 1250 § 1(part), 2003)*

**2.98.040 - Definitions.**

"Department head" – shall refer to the city clerk, commissioner of municipal services, superintendent, street commissioner, building official, animal control officer, chief of police and fire chief.

"Termination of employment" means only the severance of an employee from employment with the city, not due to reduction in staff for budgetary reasons or other necessity. Termination shall not refer to disciplinary action taken against the department head which causes the department head to voluntarily quit, whether for cause or not.

*(Ord. 1250 § 1(part), 2003; Ord. 2013-1300 § 7a, April 1, 2013)*

**2.98.050 - Termination of Department Head.**

Termination of the employment of a department head or disciplinary action that results in the demotion of an employee from department head to a non-department head position shall be accomplished only by an affirmative vote of a 4/5 majority of the City Council.

*(Ord. 2013-1300 § 7b, April 1, 2013)*

**2.98.060 - Modification.**

Modification to any provision in this chapter shall require an affirmative vote of 4/5 majority of the City Council.

*(Ord. No. 1316, § 2, November 2, 2015)*

Sections:

- 2.102.010 - Adoption of code of ethics.
- 2.102.020 - Act in the public interest.
- 2.102.030 - Comply with the law.
- 2.102.040 - Conduct of members.
- 2.102.050 - Respect for process.
- 2.102.060 - Conduct of public meetings.
- 2.102.070 - Decisions based on merit.
- 2.102.080 - Communication.
- 2.102.090 - Conflict of interest.
- 2.102.100 - Gifts and favors.
- 2.102.110 - Confidential information.
- 2.102.120 - Use of public resources.
- 2.102.130 - Representation of private interests.
- 2.102.140 - Advocacy.
- 2.102.150 - Policy role of members.
- 2.102.160 - Independence of boards and commissions.
- 2.102.170 - Positive workplace environment.
- 2.102.180 - Implementation.
- 2.102.190 - Compliance and enforcement.

**2.102.010 - Adoption of code of ethics.**

The citizens and businesses of Centerville, Iowa, are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with this entitlement, the effective functioning of democratic government therefore requires that:

All public officials, both elected and appointed, comply with both the letter and spirit of the law and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Centerville City Council has adopted a code of ethics for members of the city council and of the city's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

*(Ord. 1287 § 1, 2008)*

**2.102.020 - Act in the public interest.**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Centerville and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Centerville City Council, boards and commissions.

*(Ord. 1287 § 2, 2008)*

**2.102.030 - Comply with the law.**

Members shall comply with the law of the nation, the state of Iowa and the City of Centerville in the performance of their public duties. These laws include, but are not limited to: the United States and Iowa Constitutions; the Iowa Code; the Centerville Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibility, and open processes of government; and city ordinances

and policies.

*(Ord. 1287 § 3, 2008)*

**2.102.040 - Conduct of members.**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the council, boards and commissions, the staff or public.

*(Ord. 1287 § 4, 2008)*

**2.102.050 - Respect for process.**

Members shall perform their duties in accordance with the processes and rules of order established by the city council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff.

*(Ord. 1287 § 5, 2008)*

**2.102.060 - Conduct of public meetings.**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

*(Ord. 1287 § 6, 2008)*

**2.102.070 - Decisions based on merit.**

Members shall base their decision on the merits and substance of the matter at hand, rather than on unrelated considerations.

*(Ord. 1289, § 1, 1-5-2009)*

**2.102.080 - Communication.**

Members shall publicly share substantive information that is relevant to a matter under consideration by the city council or boards and commissions, which they may have received from sources outside of the public decision-making process.

*(Ord. 1287 § 8, 2008)*

**2.102.090 - Conflict of interest.**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official position to influence government decision in which they have a material financial interest or where they have an organization responsibility or personal relationship which may give the appearance of a conflict of interest.

*(Ord. 1287 § 9, 2008)*

**2.102.100 - Gifts and favors.**

Members shall not take any special advantage of services or opportunity for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance

of being compromised.

*(Ord. 1287 § 10, 2008)*

**2.102.110 - Confidential information.**

Member shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests, or those of their family and friends.

*(Ord. 1287 § 11, 2008)*

**2.102.120 - Use of public resources.**

Members shall not use public resources not available to the public in general, such as city staff time, equipment, supplies, or facilities, for private gain or personal purpose.

*(Ord. 1287 § 12, 2008)*

**2.102.130 - Representation of private interests.**

In keeping with their role as stewards of the public interest, members of the city council shall not appear on behalf of the private interests of third parties before the city council or any board, commission, or proceeding of the city, nor shall members of boards and commissions appear before their own bodies or before the city council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

*(Ord. 1287 § 13, 2008).*

**2.102.140 - Advocacy.**

Members shall represent the official policies or positions of the city council, board or commissions to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Centerville, nor will they allow the inference that they do.

*(Ord. 1287 § 14, 2008)*

**2.102.150 - Policy role of members.**

Members shall respect and adhere to the council-mayor structure of Centerville city government. In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public, boards and commissions, and city staff.

Except as provided by city ordinance, members therefor shall not interfere with the administrative functions of the city or professional duties of city staff; nor shall they impair the ability of staff to implement council policy decisions.

*(Ord. 1287 § 15, 2008)*

**2.102.160 - Independence of boards and commissions.**

Because of the value of independent advice of boards and commissions to the public decision-making process, members of the council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

*(Ord. 1287 § 16, 2008)*

### **2.102.170 - Positive workplace environment.**

Members shall support the maintenance of a positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Members shall recognize their special role in dealing with city employees to in no way create the perception of inappropriate direction of staff.

*(Ord. 1287 § 17, 2008)*

### **2.102.180 - Implementation.**

As an expression of the standards of conduct for members expected by the city, the Centerville Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientation for candidates for city council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Centerville Code of Ethics. In addition, the code of ethics shall be annually reviewed by the city council, boards and commissions, and the city council shall consider recommendations from boards and commissions and update it as necessary.

*(Ord. 1287 § 18, 2008)*

### **2.102.190 - Compliance and enforcement.**

The Centerville Code of Ethics expresses standards of ethical conduct expected for members of the Centerville City Council, boards, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the code of ethics are brought to their attention.

The city council may impose sanctions on members whose conduct does not comply with the city's ethical standard, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. If there is an ethics issue, council, board or commission member will meet before the city council during a regular city council meeting. The member under Iowa Code Section 21.5(i) can request a closed hearing to discuss the issue. Under city ordinance, the city also may remove members of a board and commission from office by a vote of three-fifths of the city council and to remove a member of the city council from office by a vote of four-fifths of the city council.

A violation of this code of ethics shall not be considered a basis for challenging the validity of a city council, board or commission decision.

*(Ord. 1287 § 19, 2008)*

Chapters:

Chapter 3.04 - Industrial Real Estate Tax Exemption

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Chapter 3.04 - Industrial Real Estate Tax Exemption

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Sections:

3.04.010 - Provisions for exemption—Duration.

3.04.020 - Definitions.

3.04.030 - Amount eligible for exemption—Assessed value.

3.04.040 - Application—Procedure.

3.04.050 - Duration.

3.04.060 - Effect of other exemptions.

**3.04.010 - Provisions for exemption—Duration.**

- (a) The city council by the ordinance codified in this chapter provides for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to [Section 427A.1\(1\)\(e\)](#) of the Code of Iowa.

- (b) Under this chapter the partial exemption from taxation shall be available for a period of five years.

*(Ord. 1099 §§ 1, 2, 1980)*

**3.04.020 - Definitions.**

As used in this chapter:

- (a) "Actual value added" means that 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 that actual value as determined by the assessor as of January 1st of each year which the exemption is received.
- (b) "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 to competitively manufacture or process those products, which determination shall receive prior approval from the city council upon the recommendation of the Iowa Department Commission. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to [Section 427.1\(1\)\(e\)](#) of the 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.

*(Ord. 1099 § 3, 1980)*

**3.04.030 - Amount eligible for exemption—Assessed value.**

The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

- (a) For the first year, seventy-five percent.
- (b) For the second year, sixty percent.
- (c) For the third year, forty-five percent.
- (d) For the fourth year, thirty percent.
- (e) For the fifth year, fifteen percent.

The granting of the exemption 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.

*(Ord. 1099 § 4, 1980)*

**3.04.040 - Application—Procedure.**

- (a) An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February 1st of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the director of revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the director of revenue.
- (b) A person may submit a proposal to the city council to receive prior approval for eligibility for a tax exemption on new construction. 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 the zoning plans for the city. 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. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the city council to approve or reject.

*(Ord. 1099 § 5, 1980)*

**3.04.050 - Duration.**

When in the opinion of the city council continuation of the exemption granted by this act ceases to be of benefit to the city, the city council may repeal the ordinance codified in this chapter, but all existing exemptions shall continue until their expiration.

*(Ord. 1099 § 6, 1980)*

**3.04.060 - Effect of other exemptions.**

A property tax exemption under the ordinance codified in 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.

*(Ord. 1099 § 7, 1980)*

Chapters:

Chapter 5.06 - Sale and Consumption of Beer and Liquor  
Chapter 5.08 - Dance Halls  
Chapter 5.16 - Shows and Exhibitions  
Chapter 5.20 - Billposters  
Chapter 5.24 - Junk Dealers  
Chapter 5.28 - Auctioneers  
Chapter 5.32 - Transient Vendors Merchants  
Chapter 5.44 - Ambulances  
Chapter 5.48 - Taxicabs  
Chapter 5.56 - CATV Systems  
Chapter 5.60 - Electric Franchise  
Chapter 5.64 - Natural Gas Franchise

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Chapter 5.06 - Sale and Consumption of Beer and Liquor

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Sections:

5.06.010 - Purpose.  
5.06.020 - Definitions.  
5.06.030 - Eligibility for liquor control license or beer permit.  
5.06.040 - Conditions for approval of license or permit—Premises.  
5.06.065 - Prohibited acts  
5.06.070 - Prohibited interest.  
5.06.080 - Separate locations—Class B or C.  
5.06.090 - Application—Contents—Bond.  
5.06.100 - Investigation of applicant.  
5.06.110 - Simplified application for renewal.  
5.06.115 - False statement.  
5.06.120 - Civil liability.  
5.06.130 - License and permit fees.  
5.06.140 - Nature of license or permit.  
5.06.150 - Action by council.  
5.06.155 - Limitation of permits and licenses.  
5.06.160 - Expiration of license or permit.  
5.06.170 - Refunds.  
5.06.180 - Transfers.  
5.06.190 - Prohibited sales and acts.  
5.06.200 - Consumption in public places—Intoxication.  
5.06.210 - Persons under legal age.  
5.06.215 - Minors prohibited on certain premises.  
5.06.216 - Parental responsibility.  
5.06.220 - Dancing.  
5.06.225 - Buffet sales prohibited.  
5.06.230 - Suspension and revocation.  
5.06.240 - Effect of revocation.  
5.06.250 - Appeal and hearing.  
5.06.260 - Hearing on suspension or revocation.

**5.06.010 - Purpose.**

The purpose of this chapter is to provide administration of licenses and permits, for local regulations and

procedures for the conduct of the sale and consumption of beer and liquor, and for the protection of the safety, morals and general welfare of this community.

*(Ord. 1066 § 1, 1977)*

#### **5.06.020 - Definitions.**

Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference.

*(Ord. 1066 § 2, 1977)*

#### **5.06.030 - Eligibility for liquor control license or beer permit.**

Upon meeting the requirements imposed by state law in the ordinances of this city, a person who is of good moral character as defined by state law may apply for a liquor control license or a beer permit. In the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership shall be persons of good moral character as defined by state law.

*(Ord. 1066 § 3, 1977)*

#### **5.06.040 - Conditions for approval of license or permit—Premises.**

An applicant for a liquor control license or beer permit, as a further condition for approval by the city council, must give consent in writing on the application that members of the fire, police and health departments and the building official may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter. The applicant shall also be subject to the following conditions:

- (a) No liquor control license or beer permit shall be approved for premises which do not conform to all applicable laws, ordinances, resolutions and health and fire regulations;
- (b) No licensee shall have or maintain any interior access to residential or sleeping quarters unless permission is granted by the state beer and liquor control director in the form of a living quarters permit;
- (c) The premises of a class B beer permit shall, at the time of the application, and continue to be equipped with sufficient tables and seats to accommodate at least twenty-five persons at one time;
- (d) No state liquor store shall be located within three hundred feet of a public or private educational institution unless a lesser distance is specifically authorized by ordinance.
- (e) The place of business of class "B" beer permit holders or class "A," "B," "C," or special "C" liquor control license holders shall be lighted so that all objects are plainly visible at all times, and all parts of such places of business shall be illuminated to a minimum of two foot candles as measured by a foot candle meter at a plane of thirty inches above the floor line.

*(Ord. 1066 § 4, 1977; Ord. 1305 § 3, January 6, 2014)*

#### **5.06.065 - Prohibited acts.**

It is unlawful to manufacture for sale or to sell beer, wine, or liquor unless a beer permit, wine permit, or liquor control license is first obtained as provided by state law.

*(Ord. 1305 § 4, January 6, 2014)*

#### **5.06.070 - Prohibited interest.**

It is unlawful for any person or persons to be either directly or indirectly interested in more than one class of beer permit.

*(Ord. 1066 § 7, 1977)*

**5.06.080 - Separate locations—Class B or C.**

Every person holding a class B or class C beer permit having more than one place of business where such beer is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.

*(Ord. 1066 § 8, 1977)*

**5.06.090 - Application—Contents—Bond.**

A verified application for the original issuance or the renewal of a liquor control license or a beer permit shall be filed at such time, in such number of copies and in such form as the state director of beer and liquor control shall prescribe, on forms prescribed by him. The application shall be accompanied by the required fee and bond and be filed with the city council for approval or disapproval.

*(Ord. 1066 § 9, 1977)*

**5.06.100 - Investigation of applicant.**

Upon receipt of an original application for a liquor license or beer permit by the city council, it shall be forwarded to the chief of police, who shall submit a written report on the applicant as to the truth of the facts averred in the application and a recommendation to the city council as to the approval of the license or permit. It shall be the duty of the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the city council by such officers.

*(Ord. 1066 § 10, 1977)*

**5.06.110 - Simplified application for renewal.**

Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the chief of police only, who shall conduct an investigation and shall submit a written report on the applicant as to the truth of the facts answered in the application and a recommendation to the city council as to the approval of the license or permit. Also, city clerk to conduct an investigation into good moral character. Chief of police or designee and city clerk will report prior to city council considering renewal of application.

*(Ord. 1066 § 11, 1977; Ord. No. 1293, § 1, 1-18-2010)*

**5.06.115 - False statement.**

It shall be unlawful to make a false statement concerning any material fact in submitting any application for a beer permit or liquor control license or for a renewal of a permit or license or in any hearing concerning the revocation thereof.

*(Ord. 1305 § 5, January 6, 2014)*

**5.06.120 - Civil liability.**

Every liquor control licensee and class B beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department.

*(Ord. 1066 § 12, 1977)*

**5.06.130 - License and permit fees.**

The applicable license and permit fees as set forth by state law shall be submitted with each application.

*(Ord. 1066 § 13, 1977)*

**5.06.140 - Nature of license or permit.**

The license or permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property, nor be subject to attachment and execution, nor be alienable or assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the director may in his discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit of license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.

*(Ord. 1066 § 14, 1977)*

**5.06.150 - Action by council.**

Action taken by the city council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the Iowa Beer and Liquor Control Department for such further action as is provided by law.

*(Ord. 1066 § 15, 1977)*

**5.06.155 - Limitations of permits and licenses.**

The city council of the city of Centerville shall be limited in the approval of class "B" beer permits and class "A," "B," "C," and special "C" liquor control licenses to only one permit and one of each class of liquor control license for each five hundred population or fractional part thereof up to two thousand five hundred and shall issue only one additional permit and each class of license for each seven hundred fifty population or additional part thereof over and above two thousand five hundred.

*(Ord. 1305 § 6, January 6, 2014)*

**5.06.160 - Expiration of license or permit.**

All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. Also sixty days notice of such expiration must be given in writing by the director. Six or eight month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two months. Seasonal licensing shall be only as permitted by state regulation.

*(Ord. 1066 § 16, 1977)*

**5.06.170 - Refunds.**

Any such licensee or permittee, or his executor, administrator or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and the city, or the city by itself in the case of a retail beer permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows: If surrendered during the first three months of the period for which said license or permit was issued, the refund shall be three-fourths of the amount of the fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of

the fee; if surrendered more than six months but not more than nine months after issuance the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for a liquor control license or beer permit surrendered more than nine months after issuance. No refund shall be made to any licensee or permittee upon the surrender of his license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him with a violation of this chapter or provisions of the Iowa Beer or Liquor Control Act. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his license or permit, to receive a refund as provided in this section. But if his license or permit is revoked or suspended upon such hearing, he shall not be eligible for the refund or any portion of his license or permit fee. No refund shall be made for seasonal licenses or permits.

*(Ord. 1066 § 17, 1977)*

#### **5.06.180 - Transfers.**

The council will, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city; provided, that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the department for transfer the fee as set by the beer and liquor control director for transfer.

*(Ord. 1066 § 18, 1977)*

#### **5.06.190 - Prohibited sales and acts.**

No person or club holding a liquor license or beer permit nor his agents or employees shall do any of the following:

- (a) Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer;
- (b) Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and six a.m. on any weekday, and between the hours of one a.m. on Sunday and six a.m. on the following Monday, unless otherwise permitted by law;
- (c) Sell alcoholic liquor or beer to any person on credit, except with a bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to a bona fide registered guest;
- (d) Employ any person under legal age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold;
- (e) Sell, give or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe him to be under legal age, or permit any person knowing or having reasonable cause to believe him to be under legal age, to consume any alcoholic beverage or beer;
- (f) In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business;
- (g) Knowingly permit any gambling, gaming, solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

*(Ord. 1066 § 19, 1977)*

#### **5.06.200 - Consumption in public places—Intoxication.**

It is unlawful for any person to use or consume alcohol, liquors or beer upon the public streets or highways,

or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related functions, and no person shall be intoxicated nor simulate intoxication in a public place.

*(Ord. 1066 § 24, 1977)*

**5.06.210 - Persons under legal age.**

No person shall sell, give or otherwise supply alcoholic liquor or beer to any person knowing or having reasonable cause to believe him to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor or beer in his or their possession or control, except in the case of liquor or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control licensee or beer permittee.

*(Ord. 1066 § 25, 1977)*

**5.06.215 - Minors prohibited on certain premises.**

(a) With respect to a premise where more than fifty percent of the business conducted is the sale or dispensing of alcoholic beverages for consumption on the premises:

- (1) The holder of a beer permit, wine permit or liquor control license issued pursuant to the Iowa Alcoholic Beverage Control Act (the "licensee") shall do the following:
  - A. Take and shall cause such licensee's employees to take at least once every calendar year bartender training from chief of police or the chief of police's designee regarding the Alcoholic Beverage Control Act, the alcohol related provisions in the Centerville City Code and the identification of an intoxicated person (the "training");
  - B. Provide written notice to the police department of the starting date of each new employee prior to such employee's first day of work for such licensee and cause each new employee to take the training within thirty days of start of such new employee's employment;
  - C. Retain a copy of the most recent training certificates for licensee and each employee within the bar area and cause such certificates to be immediately available to the police department upon request;
  - D. Have installed on premises an active video surveillance system that shall provide one hundred percent coverage of bar area, keep in the licensee's possession recordings from such surveillance system for a period of time not less than thirty days and cause such recordings to be immediately available to the police department upon request; and
  - E. Take reasonable measures to prevent and not knowingly permit the entry onto such premises of all persons who have not yet attained twenty-one years of age.

A licensee that owns private clubs as defined in Section 123.3(10), Iowa Code, shall be exempt from the video surveillance system requirements but shall be subject to all other provisions of Section 5.06.215.

- (2) An employee of a licensee shall:
  - A. Take the training at least once every calendar year;
  - B. Take the training within thirty days of start of such employee's employment;

- C. Not tamper with or cause others to tamper with such licensee's surveillance system; and
  - D. Take reasonable measures to prevent and not knowingly permit the entry onto such premises of all persons who have not yet attained twenty-one years of age except as otherwise provided herein.
- (3) Any person under twenty-one years of age shall not enter upon such premise except as otherwise provided herein.
- (b) "Business conducted" is defined as the licensee's gross sales from the sale of goods and services, but shall not include cover charges, entertainment fees, or coin-operated amusement machines.
  - (c) It shall be the duty of the licensee and of the person or persons managing such premises to cause to be posted and maintained at all times an easily readable notice in the English language displayed in a prominent place stating that persons less than twenty-one years of age are prohibited from entering the premises and shall also post at all times at all entrance points at the bar an additional notice provided by the chief of police.
  - (d) A licensee that conducts more than fifty percent of its gross sales in goods and services other than alcoholic beverages, cover charges, entertainment fees, and coin-operated amusement machines shall obtain a letter of exemption from the chief of police prior to allowing persons under twenty-one years of age on the premises.
  - (e) A letter of exemption shall be obtained by submitting to the chief of police a verified statement from an accountant which establishes that more than fifty percent of the licensee's gross sales are from goods and services other than alcoholic beverages, cover charges, entertainment fees, and coin operated amusement machines. The letter of exemption shall be effective during the duration of the license of permit, and a current statement from an accountant shall be submitted each time the license or permit is renewed.
  - (f) The provisions of this section shall not apply when:
    - (1) The person under twenty-one years of age is an employee of the license holder, or performing a contracted service with respect to such premises and is on the premises during their scheduled work hours.
    - (2) The person under twenty-one years of age is accompanied by a parent, legal guardian, or spouse who is of legal age for the purchase of alcoholic beverages.
    - (3) The person under twenty-one years of age is on the premises during a time that the licensee has, in accordance with a written notice and plan submitted to and approved by the chief of police, suspended dispensing alcoholic beverages on the licensed premises or on a clearly delineated part of the licensed premises operating under a different trade name. It shall be the duty of the licensee permitting such person under twenty-one years of age onto the licensed premises pursuant to such a plan, and of all persons employed with respect to such premises, to prevent a person under twenty- one years of age from consuming or possessing alcoholic beverages on the premises. Law enforcement officers and their designees shall be admitted to the premises at any time to inspect for compliance with all applicable laws. Failure in that duty by the licensee shall be punishable as a violation of this section.
    - (4) The person under twenty-one years of age is on the premises as a participant in a special event in accordance with a plan approved in advance by the chief of police. It shall be the duty of a licensee permitting such person under twenty-one years of age onto the licensed premises, and of all persons employed with respect to such premises, to prevent a person under twenty-one years of age from consuming or possessing alcoholic beverages on such premises.
    - (5) The person under twenty-one years of age is on the premises during specified posted hours that the licensee does its business primarily in food sales, in accordance with a plan approved in advance by the chief of police. To receive plan approval, a licensee shall be required to demonstrate that there is a clearly definable pattern of hours during which more than fifty percent of the business sales are food.

It shall be the strict duty of the licensee, and of all persons employed with respect to such premises, to remove all persons under twenty-one years of age from the premises before the start of restricted admission hours each day, and it shall be the duty of the licensee permitting persons under twenty-one years of age onto the premises, and of all persons employed with respect to such premises, to prevent persons under twenty- one years of age from consuming or possessing alcoholic beverages on such premises. Failure in these duties shall be punishable as a violation of this section.

- (6) The person under twenty-one years of age is on the premises only with respect to a public safety issue and only with respect to such person's official duties regarding such issue (e.g., responding to a disturbance as a police officer, to a fire as fireman, to a medical emergency as an ambulance worker).

*(Ord. 1220 § 1, 1999; Ord. 1293, §§ 2, 3, January 8, 2010; Ord. 2013-1300 §§ 8a-e, April 1, 2013)*

#### **5.06.216 - Parental responsibility.**

It is unlawful for any parent, guardian, or other person having the care and custody of a minor under the age of eighteen to knowingly or negligently permit such minor to violate any provision of Sections 5.06.210 through 5.06.215.

*(Ord. 1305 § 7, January 6, 2014)*

#### **5.06.220 - Dancing.**

- (a) No dancing shall be permitted in establishments holding beer and liquor licenses unless:
  - (1) The floor space used for dancing contains at least five hundred square feet;
  - (2) The licensee files a written application together with a fee of twenty-five dollars with the city clerk setting forth the name and address of the applicant, the name and address of the establishment, the plan of the interior of the establishment showing the total square feet of the licensed premises and the square feet to be used for dancing, and a stipulation that nude or seminude dancing will be prohibited on the premises;
  - (3) Upon receipt of the application, the city clerk shall forward the same to the chief of police and the fire chief, who shall submit a written recommendation as to whether said application should be approved or disapproved;
  - (4) Final approval for the issuance of a dancing permit by the city clerk shall be given by the city council. However, no permit for dancing shall be issued until or unless an approving report has been filed with the city clerk by said officers.
- (b) Any dancing permit issued in accordance with this section shall expire one year from date of issuance, unless sooner suspended or revoked for the following reasons:
  - (1) Misrepresentation of any material fact on the application; or
  - (2) Violation of any city, county, state or federal law.

*(Ord. 1066 § 20, 1977)*

#### **5.06.225 - Buffet sales prohibited.**

- (a) Sales prohibited: The holder of a liquor license or wine or beer permit or the holder or permittee's employees or agents shall not sell, offer to sell, dispense, or serve for purpose of on premises consumption an unlimited number of servings of alcoholic liquor, wine, or beer for a fixed price.
- (b) Exceptions: Nothing in this section shall prohibit the holder of a liquor control license or wine or beer permit,

of the holder or permittee's employees or agents, from:

- (1) Including servings or drinks of alcoholic liquor, beer or wine as part of a hotel or motel package which includes overnight accommodations;
- (2) Providing a fixed price for an unlimited or indefinite amount of drinks for a "private event", which is defined as an event restricted to a particular group or persons; provided, that the licensee or permittee shall provide the means or method by which to identify persons participating in private events, such as use of a private room or a physical means to identify such participants; or
- (3) Selling, offering to sell, dispensing, or serving for the purpose of on premises consumption an unlimited number of servings of alcoholic liquor, wine, or beer for a fixed price if permitted for a special event by the city council.

*(Ord. No. 1293, § 4, January 18, 2010)*

#### **5.06.230 - Suspension and revocation.**

Following written notice and hearing, a liquor license or beer permit may be suspended for a period up to one year for violations of this chapter, or suspended for a period of up to one year or revoked for any of the following causes:

- (a) Misrepresentation of any material fact in the application for such license or permit;
- (b) Violation of any of the provisions of the Iowa Beer and Liquor Control Act or Chapter 5.06 of the Code.
- (c) Any change in the ownership or interest in the business operated under a class A, class B or class C liquor control license, or any beer permit which change was not previously reported to and approved by the city and the department;
- (d) An event which would have resulted in disqualification from receiving such license or permit when originally issued;
- (e) Any sale, hypothecation or transfer of such license or permit;
- (f) The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the department under the state act.

*(Ord. 1066 § 21, 1977; Ord. 1293, § 5, January 18, 2010; Ord. 3105 § 10, January 6, 2014)*

#### **5.06.240 - Effect of revocation.**

Any liquor control licensee or beer permittee whose license or permit is revoked under the Iowa Beer and Liquor Control Act shall not thereafter be permitted to hold a liquor control license or beer permit in the state for a period of two years from the date of such revocation. The spouse and business associates holding ten percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two years from the date of such revocation. In the event a license or permit is revoked the premises which have been covered shall not be relicensed for one year.

*(Ord. 1066 § 22, 1977)*

#### **5.06.250 - Appeal and hearing.**

The right of appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose

license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the director or city suspending or revoking a liquor control license or beer permit may, provided he has exercised his right of appeal to the hearing board as provided by state law, appeal from said decision within ten days to the district court of the county wherein the premises covered by the application are situated. The city may appeal a decision of the hearing board within ten days to the district court of the county wherein the premises covered by the application are situated.

*(Ord. 1066 § 23, 1977)*

**5.06.260 - Hearing on suspension or revocation.**

The council shall conduct its hearing on suspension or revocation in the following manner:

- (a) The permit holder, and the surety on his bond, shall be served with written notice containing a copy of the complaint against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for a hearing on the matter;
- (b) The council shall conduct a hearing, at which both the permit holder and the complainant(s) shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his authorized representative fail to appear without good cause, the council may proceed to a determination on the complaint;
- (c) The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross-examine adverse witnesses;
- (d) The council shall admit only reliable and substantial evidence unto the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value;
- (e) In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section;
- (f) The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

*(Ord. 1066 § 27, 1977)*

Sections:

- 5.08.010 - Public dance hall defined.
- 5.08.015 - Applicability of chapter.
- 5.08.020 - License required—Fee.
- 5.08.030 - Building requirements.
- 5.08.040 - Closing hours.
- 5.08.050 - Age limit.
- 5.08.060 - Persons and conduct prohibited.
- 5.08.070 - Intoxicating liquor.
- 5.08.080 - Refusal to obey orders.
- 5.08.090 - Police inspection.
- 5.08.100 - Chaperones required.<sup>3</sup>

**5.08.010 - Public dance hall defined.**

"Public dance hall," within the meaning of this chapter, means any building, hall, room, enclosure, structure, platform floor, or place wherein any dance is conducted or permitted, and for admission to which or for participation in which, anything of value is charged or required, or to which the public generally is admitted with or without the payment of a fee, or to which the public is invited by general or private invitation. Provided that any dance conducted by any fraternal or patriotic order, association or club organized for two years or more and a member of a state or national organization, or by any school, church, charitable or religious organization, wherein admission is confined to its own members shall be exempt from the provisions of this chapter relating to the payment of a license fee.

*(1942 Rev. Ords. § 558, as amended by Ord. 908; October 6, 1969)*

**5.08.015 - Applicability of chapter.**

All provisions of this chapter except the provisions of Section 5.08.020 relating to the payment of a license fee shall apply to all exempt organizations.

*(Ord. 908 § 2; October 6, 1969)*

**5.08.020 - License required—Fee.**

It is unlawful to use or permit to be used, any public dance hall for a public dance without first securing a license for the use of the same. Every person to whom a license for conducting a public dance, or series thereof, is issued, shall post the same in a conspicuous place in the place covered by such license. The fee for the issuance of such license shall be three dollars per night, thirty-five dollars for six months, and fifty dollars for one year.

*(1942 Rev. Ords. § 559)*

**5.08.030 - Building requirements.**

No license for a public dance shall be issued until it shall be found or determined that the place for which it is issued complies with and conforms to this code and all other laws, ordinances, or health and fire regulations applicable thereto, and that same is properly ventilated and supplied with sufficient and separate toilet conveniences for each sex, and is a safe and proper place for the purpose for which it shall be used.

*(1942 Rev. Ords. § 560)*

**5.08.040 - Closing hours.**

All public dances shall stop and all public dance halls shall be closed on or before the hour of twelve fifty-five a.m. during weekdays and eleven fifty-five p.m. on Saturdays. Dancing on Sunday is prohibited.

*(1942 Rev. Ords. § 561)*

**5.08.050 - Age limit.**

It shall be unlawful to permit any person who has not reached the age of sixteen years to attend or to remain at any dance unless such person is accompanied by the parents, guardian, or other responsible person, having proper custody of such minor. It shall be unlawful for any person to fairly represent himself or herself to be the parent, guardian or other person having proper custody of such minor in order that such minor may attend or remain at any public dance.

*(1942 Rev. Ords. § 562)*

**5.08.060 - Persons and conduct prohibited.**

It shall be unlawful for any person to whom a dance license is issued or for any person conducting or having charge of a public dance hall to allow or permit therein any indecent act to be committed, any disorder or conduct of a gross, violent or vulgar character, or any known prostitute, pimp, procurer, any person known to be of bad moral character or any person awaiting trial upon charges of moral turpitude.

*(1942 Rev. Ords. § 563)*

**5.08.070 - Intoxicating liquor.**

It shall be unlawful for any person to take any intoxicating liquor into any dance hall, or to drink any intoxicating liquor therein, or give or sell any intoxicating liquor therein, or be in any dance hall in an intoxicated condition or under the influence of intoxicating liquor. Except that this section shall not apply where dancing has been authorized by the code of the city in hotels having fifty or more guest rooms.

*(1942 Rev. Ords. § 564 as amended by Ord. 808; December 7, 1964)*

**5.08.080 - Refusal to obey orders.**

It shall be unlawful for any person to refuse to leave such hall, or otherwise to disobey any order of a policeman or policewoman given in the discharge of his or her duty to preserve order at such dance, or to otherwise enforce the provisions of this chapter.

*(1942 Rev. Ords. § 565)*

**5.08.090 - Police inspection.**

Any dance hall operating in the city of Centerville shall be subject to police inspection, and entrance and exit doors shall not be locked.

*(1942 Rev. Ords. § 566)*

**5.08.100 - Chaperones required.**

The mayor shall appoint for each such dance one man and one woman as chaperones, each of whom shall, for the purpose of enforcing the provisions of this chapter, or other ordinances and laws in force, have the powers of special policemen or policewomen to supervise such dance; but such supervision shall in no way tend to exempt from prosecution any person found guilty of violating any of the provisions of this chapter. Such chaperons or special officers shall be paid by those giving such dance an amount of not less than three dollars each for the time they are in attendance; provided, however, that attendance by such policeman or policewoman as above provided for, shall not be required in any case wherein any such dance is chaperoned by competent chaperons duly approved by the mayor of the city.

*(1942 Rev. Ords. § 567)*

Sections:

5.16.010 - License required—Fee.

5.16.020 - Permit required.

5.16.030 - Appanoose county fair exception.

**5.16.010 - License required—Fee.**

No person shall give or exhibit a circus, menagerie, show, carnival or exhibition for pay or gain without first procuring a license therefor and paying the license fee, which license fee shall be in the amounts for the periods set forth as follows: circuses and menageries, the sum of one hundred dollars per day; shows, carnivals and exhibitions other than circuses, one hundred dollars per day or three hundred dollars for six days.

*(1942 Rev. Ords. § 547)*

**5.16.020 - Permit required.**

No person shall give any show or exhibition on the streets or public grounds whether for gain or not, without a written permit from the mayor.

*(1942 Rev. Ords. § 548)*

**5.16.030 - Appanoose county fair exception.**

The provisions of this chapter shall not apply to circuses, menageries, shows, carnivals or exhibitions held on the Appanoose county fairgrounds under the direction of the Appanoose County Fair Association, or to theaters or moving picture shows given in a house regularly established and kept for such purposes.

*(1942 Rev. Ords § 549)*

Sections:

5.20.010 - License required.

5.20.020 - Applicability.

5.20.030 - Owner's consent required.

5.20.040 - Loose paper prohibited.

**5.20.010 - License required.**

No person shall ply the vocation of bill poster or as advertising for any show, theater, performance, entertainment, auction or other advertisement whatsoever without first procuring a license therefor and paying the license fee and tax. The license fee and tax shall be the sum of one dollar and fifty cents per day, ten dollars for three months, fifteen dollars for six months and twenty- five dollars per year.

*(1942 Rev. Ords. § 580)*

**5.20.020 - Applicability.**

Nothing in Section 5.20.010 shall be so construed as to permit the holder of a license issued to transfer, sublet or contract or to receive any compensation from any transient advertisers when and where the transient advertisers do their own posting, pasting, tacking up and distributing of advertising matter, without the immediate and personal assistance and labor of such persons holding a license issued by the mayor. Nor shall Section 5.20.010 be so construed as to prevent the advertising of local literary societies, local theaters, local institutions and lyceum or for religious, benevolent or scientific objects without a license.

*(1942 Rev. Ords. § 581)*

**5.20.030 - Owner's consent required.**

No bill, placard, poster, announcement or advertisement shall be posted, pasted or attached on any house, barn, building, fence, wall, tree, sidewalk or to any telegraph, telephone, electric light or power pole or water hydrant without the consent of the owner thereof. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor.

*(1942 Rev. Ords. § 582)*

**5.20.040 - Loose paper prohibited.**

All loose paper coming from billboards shall be taken care of by the billposter having supervision of the same at once and such loose paper shall be kept from the streets and sidewalks of the city. The owners or operators of billboards in the city of Centerville, shall be responsible for any violations of this chapter resulting from loose paper becoming detached from such billboards as or under their control.

*(1942 Rev. Ords. § 583)*

Sections:

5.24.010 - License required.

5.24.020 - License fee.

5.24.030 - Location restriction.

5.24.040 - Dealing with minors.

5.24.050 - Examination of premises.

5.24.060 - Holding period.

5.24.070 - Concealing property.

5.24.080 - Application.

**5.24.010 - License required.**

It is unlawful to engage in the occupation or vocation of junk dealers without first procuring a license therefor from the mayor, and hereafter no license shall be issued for any junk dealer or junkyard within the city limits, other than to those already in operation.

*(Ord. 687, 1955; Ord. 671 § 1, 1953)*

**5.24.020 - License fee.**

The license fee for a junk dealer shall be the sum of five dollars per year, payable in advance.

*(Ord. 671 § 2, 1953)*

**5.24.030 - Location restriction.**

It is unlawful for any junk dealer to keep, maintain, operate or use any building, lot, or other place, for the storing or depositing of junk, anywhere within three hundred feet of any building used for residential, church, or school purposes.

The provisions of this section relating to a building used for residential purposes shall only apply where objection is made to such storing or depositing of junk by a person or persons living within such distance, or by the owner of a church, dwelling or school within such distance.

*(Ord. 671 § 3 as amended by Ord. 687; July 8, 1955)*

**5.24.040 - Dealing with minors.**

It shall be unlawful for any junk dealer to purchase or receive any property from minors without the written consent of their parents or guardian.

*(Ord. 671 § 4; December 21, 1953)*

**5.24.050 - Examination of premises.**

Any peace officer shall have power to examine the premises of any junk dealer, for the purpose of discovering stolen property and it shall be unlawful for any junk dealer to refuse to allow any peace officer to make such examination.

*(Ord. 671 § 5; December 21, 1953)*

**5.24.060 - Holding period.**

It shall be unlawful for any junk dealer to destroy or melt or sell or otherwise dispose of any article until

forty-eight hours after its purchase, without obtaining a written permit from the marshal to do so.

*(Ord. 671 § 6; December 21, 1953)*

**5.24.070 - Concealing property.**

It shall be unlawful for any junk dealer to conceal or secrete any article purchased or received by him for the purpose of preventing identification thereof by any peace officer or by any person claiming the ownership of the same.

*(Ord. 671 § 7; December 21, 1953)*

**5.24.080 - Application.**

The provisions of this chapter shall apply to all junk dealers. Every junk dealer whose junk is now located in the prohibited district shall comply with the provisions of this chapter in regard to location of his junk within six months after its passage and adoption.

*(Ord. 671 § 8; December 21, 1953)*

Sections:

5.28.010 - License fee.

5.28.020 - Location restriction.

5.28.030 - Application of provisions.

**5.28.010 - License fee.**

No person shall sell any property, real or personal, at auction in Centerville without first procuring a license therefor and paying the license tax, which license fee and tax shall be the sum of twenty-five dollars per year except persons who have been a resident of the city of Centerville for more than one year, in which event such person shall pay the sum of five dollars per year for such license.

*(1942 Rev. Ords. § 543)*

**5.28.020 - Location restriction.**

Such license shall not authorize the transaction of the auctioneer business in more than one place within the city at any one time.

*(1942 Rev. Ords. § 544)*

**5.28.030 - Application of provisions.**

This chapter shall not be applicable to sales made by sheriffs, constables, coroners, marshals, executors, guardians or assignees of insolvent debtors or bankrupts in the discharge of their official duties, or by any other person required by law to sell real or personal property, not to a duly licensed and practicing attorney-at-law representing a client in any legal procedure in court.

*(1942 Rev. Ords. § 545)*

Sections:

5.32.010 - Application.

5.32.020 - Payment of license fee.

5.32.030 - License application.

5.32.040 - Peddler defined—License fee.

5.32.050 - License displayed.

5.32.070 - Transient merchant.

5.32.080 - License required—Fees.

5.32.090 - License issuance.

5.32.110 - Revocation of license.

**5.32.010 - Application.**

Any person engaged in any of the businesses or vocations hereinafter named, within the corporate limits of Centerville, or any person who may hereafter engage in the same, shall pay the license fee and tax hereinafter prescribed and shall be governed in the exercises thereof in accordance with the regulations hereinafter set forth.

*(1942 Rev. Ords. § 533)*

**5.32.020 - Payment of license fee.**

Except as hereinafter provided all license fees and tax shall be paid in full and in advance, and it shall be unlawful for any person or persons to engage in any of the businesses or vocations hereinafter enumerated without first paying the license fee and tax and procuring a license therefor.

*(1942 Rev. Ords. § 534)*

**5.32.030 - License application.**

Every applicant for a license under this chapter shall state under oath in writing to the mayor how long he intends to engage in his business.

*(1942 Rev. Ords. § 535)*

**5.32.040 - Peddler defined—License fee.**

Any person except residents of the city who sells or trades any agricultural product, fruit, goods, wares, commodities, merchandise or other things of value, from house to house, or who takes orders for such goods, either for present or future delivery, or sold on installments, shall be construed to be a peddler, within the meaning of this chapter, and shall pay a license fee and tax of twenty-five dollars per day.

*(Ord. 1106 § 1, 1982)*

**5.32.050 - License displayed.**

Each and every license granted peddlers, under the provisions of this chapter, shall have a distinct and separate number, which number the license shall have plainly exhibited on both sides of his wagon or vehicle when the same is used in peddling, and upon the front of his coat when he is engaged in such occupation.

*(1942 Rev. Ords. § 537)*

**5.32.070 - Transient merchant.**

Every person, firm or corporation, whether as owner, agent, consignee or employee, except residents of the

city, temporarily or intermittently engaging in the sale of goods, wares or merchandise within the corporate limits of Centerville, at auction or otherwise, shall be deemed a transient merchant.

*(Ord. 885 § 1; December 9, 1968)*

**5.32.080 - License required—Fees.**

No transient merchant shall sell any goods, wares, or merchandise within the corporate limits of Centerville, without first procuring a license from the mayor and paying therefor to the mayor the sum of twenty-five dollars per day.

*(Ord. 1106 § 2, 1982)*

**5.32.090 - License issuance.**

In all cases applications for licenses shall be made to the mayor, and shall contain a statement as to how long applicant intends to remain in the municipality. The mayor shall issue the license upon payment of the rate herein provided, such fees being payable in advance.

*(Ord. 1106 § 3, 1982)*

**5.32.110 - Revocation of license.**

Proof of any misstatement in the application for a license hereunder will be grounds for revocation of the license by the mayor, after the applicant has been given a hearing upon not less than five days' notice. In addition, the city may recover from the licensee in a civil action, the difference between the license fee paid and the fees to which the city would have been entitled had the facts been fully and truthfully disclosed.

*(1942 Rev. Ords. § 541)*

Sections:

- 5.44.010 - Purpose.
- 5.44.020 - Definitions.
- 5.44.030 - License required—Exception.
- 5.44.040 - Application for license.
- 5.44.050 - Investigation and report—Form.
- 5.44.060 - Issuing license.
- 5.44.070 - Contents of license.
- 5.44.080 - Disposition of fees.
- 5.44.090 - Term of license.
- 5.44.100 - Licenses not transferable.
- 5.44.110 - Revocation of license—Hearing.
- 5.44.120 - Monthly inspection.
- 5.44.130 - Liability insurance.
- 5.44.140 - Drivers' qualifications.
- 5.44.150 - Maximum working hours.
- 5.44.160 - Duty to carry.

**5.44.010 - Purpose.**

The purpose of this chapter is to regulate the operation of ambulances for the protection of the public convenience, health, safety and welfare.

*(Ord. 795 § 1, 1964)*

**5.44.020 - Definitions.**

- (a) "Ambulance" as used in this chapter means any motor vehicle that is used on the streets of Centerville for the conveyance of the sick or wounded.
- (b) "Operator" as used in this chapter means any person, firm, partnership, corporation, or other association, whether or not he or it be the owner or owners of an ambulance, that will profit financially by the operation of an ambulance, but does not include a person hired to drive an ambulance.

*(Ord. 795 § 2; 1964)*

**5.44.030 - License required—Exception.**

It is unlawful to operate an ambulance without a valid license issued under this chapter. Ambulances that are operated principally in other cities and towns and that use the streets of Centerville only temporarily and on isolated occasions, need not have a license under this chapter.

*(Ord. 795 § 3; 1964)*

**5.44.040 - Application for license.**

An ambulance operator shall apply in writing to the council for a license for each ambulance. The application shall include the name and residential and business addresses of the operator, and make, model, serial number, motor number and state license plate number of each ambulance. The application shall be accompanied by a five dollar license fee for each vehicle. The ambulance service run by Mercy Medical Center – Des Moines, or any of its affiliates, is exempt from this Chapter 5.44.

*(Ord. 795 § 4; 1964; Ord. 2013-1300 § 5c, April 1, 2013)*

#### **5.44.050 - Investigation and report—Form.**

Before the council's hearing on the issuance of a license, the chief of police shall investigate the character of the applicant and shall inspect the ambulances to be licensed for possible violations of the state motor vehicle law or of this chapter, and shall report on these matters to the council. The chief may employ a mechanic to assist in this investigation and inspection. The operator shall pay an additional fee of one dollar per car for the mechanic for each car inspected.

*(Ord. 795 § 5, 1964)*

#### **5.44.060 - Issuing license.**

The council shall review each application promptly and shall issue a license or permit if it finds that issuance will be consistent with public convenience, health, safety and welfare. Where an ambulance is temporarily out of commission for repairs, the operator may turn in his license or permit for that car, to the mayor who may issue a temporary permit for another car while the regular ambulance is out of commission, without additional license fee, but such temporary permits shall only be issued after the requirements of this chapter as to inspection and insurance for regular ambulances have been met in the temporary vehicle. When the regular ambulance is ready to operate the temporary permit shall be turned in to the mayor before the regular one is released to the operator.

*(Ord. 1019 § 1, 1974; Ord. 795 § 6, 1964)*

#### **5.44.070 - Contents of license.**

A license or permit shall contain the signature of the mayor and clerk, the date of issuance, the period for which the license or permit is valid, and the information contained in the applications.

*(Ord. 795 § 7, 1964)*

#### **5.44.080 - Disposition of fees.**

Immediately after acting on a license application the council shall transmit the license fee to the city treasurer, or it shall return the disapproved application and fee to the applicant.

*(Ord. 795 § 8, 1964)*

#### **5.44.090 - Term of license.**

Ambulance licenses or permits shall be valid for one year from the date of issuance, except temporary permits, which, if not turned in sooner, shall expire at the same time as the regular license or permit which they are given to replace.

*(Ord. 795 § 9, 1964)*

#### **5.44.100 - Licenses not transferable.**

Each ambulance license or permit shall be issued for one specific ambulance only and shall not be transferable from ambulance to ambulance or to a different operator. The operator shall notify the council when a licensed ambulance is withdrawn from service. The city treasurer shall refund a pro rata share of the license fee when a license is surrendered.

*(Ord. 795 § 10, 1964)*

#### **5.44.110 - Revocation of license—Hearing.**

The council may revoke or suspend any license or permit issued under this chapter for the following reasons:

- (a) The operator has made fraudulent statements in his application for the license or in the conduct of his business;
- (b) The operator has substantially violated the requirements of this chapter or the state motor vehicle laws;
- (c) The operator has conducted his business in a manner that substantially endangers the public safety, health, welfare, order or morals;
- (d) The operator employs drivers who are not neat in appearance and of good moral character.

The council must conduct a hearing before revoking or suspending a license. The operator shall be given notice of the hearing at least five and not more than thirty days before the date of the hearing. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation or suspension.

*(Ord. 795 § 11; February 17, 1964)*

#### **5.44.120 - Monthly inspection.**

The chief of police or city physician shall have the power at any time to investigate the conduct of any ambulance business and the operation of the licensed ambulances and to inspect the licensed ambulances for possible violations of the state motor vehicle law or of this chapter, and shall report on these matters to the council. He shall inspect all ambulances at least once every month, between the first and the tenth of the month. The one dollar inspection fee for the mechanic shall be paid for each of these inspections by the operator.

*(Ord. 795 § 12; February 17, 1964)*

#### **5.44.130 - Liability insurance.**

Before beginning operation of any ambulance, the operator shall file with the city clerk evidence of financial responsibility in the minimum amount required by Chapter 321A, Iowa Code Annotated, to cover possible liabilities arising out of the operations of each licensed ambulance.

*(Ord. 795 § 13; February 17, 1964)*

#### **5.44.140 - Drivers' qualifications.**

Every driver of a licensed ambulance shall be at least twenty-one years of age and shall possess a valid Iowa chauffeur's license, and shall have no record of excessive traffic violations. The operator shall supply the mayor with a current list of his drivers at the time he obtains his license or permits, and shall notify him of any change therein.

*(Ord. 795 § 14; February 17, 1964)*

#### **5.44.150 - Maximum working hours.**

No operator shall require or permit any person to drive an ambulance in excess of the maximum periods of not more than twelve consecutive hours in any twenty-four hour period except that a driver may begin work after he has been off duty for ten hours; not more than twelve consecutive hours in any twenty-four hour period except that after completing such a period of work, a driver may begin work again if he has been off duty for eight hours.

*(Ord. 795 § 15; February 17, 1964)*

#### **5.44.160 - Duty to carry.**

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged, or unless he is unable or forbidden to do so by the provisions of this chapter.

*(Ord. 795 § 16; February 17, 1964)*

Sections:

- 5.48.010 - Purpose.
- 5.48.020 - Definitions.
- 5.48.030 - License required.
- 5.48.040 - Application for license.
- 5.48.050 - Investigation and report—Form.
- 5.48.060 - Issuing license.
- 5.48.070 - Contents of license.
- 5.48.080 - Disposition of fees.
- 5.48.090 - Term of license.
- 5.48.100 - License not transferable.
- 5.48.110 - Revocation of license.
- 5.48.120 - Police inspection monthly.
- 5.48.130 - Displaying license and rates.
- 5.48.140 - Liability insurance.
- 5.48.150 - Drivers' qualifications.
- 5.48.160 - Maximum working hours.
- 5.48.170 - Soliciting business.
- 5.48.180 - Restriction on number of passengers.
- 5.48.190 - Duty to carry.
- 5.48.200 - Police not to operate.
- 5.48.210 - Compliance with check list.

**5.48.010 - Purpose.**

The purpose of this chapter is to regulate the operation of taxis for the protection of the public convenience, health, safety and welfare.

*(Ord. 747 § 1; February 22, 1960)*

**5.48.020 - Definitions.**

TAXI. The term "taxi" as used in this chapter means any motor vehicle that is used on the streets of Centerville for the purpose of carrying passengers for hire, and that follows no regular route or time schedule.

OPERATOR. The term "operator" as used in this chapter, means any person, firm, partnership, corporation, or other association, whether or not he or it be the owner or owners of a taxi, that will profit financially by the operation of a taxi, but does not include a person hired to drive a taxi.

*(Ord. 747 § 2; February 22, 1960)*

**5.48.030 - License required.**

It is unlawful to operate a taxi without a valid taxi license issued under the terms of this chapter. Taxis that are operated principally in other cities and towns and that use the streets of Centerville, only temporarily and on isolated occasions, need not have a license under this chapter.

*(Ord. 747 § 3; February 22, 1960)*

**5.48.040 - Application for license.**

A taxi operator shall apply in writing to the council for a license for each taxi. The application shall include the name and residential and business addresses of the operator; and the make, model, serial number, motor number and state license plate number of each taxi. The application shall be accompanied by a fifteen dollar license fee for

each vehicle. Any charitable not-for-profit corporation that has a valid 501(c)(3) exception under the Internal Revenue Code or any public or private school or school district is exempt from this Chapter 5.48.

*(Ord. 747 § 4; Ord. 776; April 9, 1962; Ord. 2013-1300 § 15d, April 1, 2013)*

**5.48.050 - Investigation and report—Form.**

Before the council's hearing on the issuance of the license, the chief of police shall investigate the character of the applicant and shall inspect the taxis to be licensed for possible violations of the state motor vehicle law or of this chapter, and shall report on these matters to the council. The chief may employ a mechanic to assist in this investigation and inspection. The operator shall pay an additional fee of one dollar per car for the mechanic for each car inspected. The inspection shall include the items in the following form:

**CITY OF CENTERVILLE, IOWA  
DEPARTMENT OF PUBLIC SAFETY**

Date _____	Permit No. _____
Chauffeurs License No. _____	Vehicle No. _____
Make _____ Year _____	Model _____
Name _____	
<b>Brakes</b>	<b>Exterior and Interior Appearance</b>
<b>All Lights</b>	<b>Identification Displayed</b>
<b>5 Tires</b>	
<b>Glass and Battery</b>	<b>Permit No. on Both Doors</b>
<b>Muffler and Tail Pipe</b>	<b>License Plates</b>
<b>Body Construction</b>	<b>Vision Obstructed</b>
<b>Steering Apparatus</b>	
<b>Wipers</b>	<b>Speedometer</b>
<b>Rear View Mirror</b>	
<b>Horn</b>	
<b>Shocks and Springs</b>	
Remarks:	Remarks:
_____ Mechanical Inspector	_____ Chief of Police

*(Ord. 747 § 5; February 22, 1960)*

**5.48.060 - Issuing license.**

The council shall review each application promptly, and shall issue a license or permit if it finds that issuance will be consistent with public convenience, health, safety and welfare, but at no time shall the number of valid taxi licenses in effect exceed six. Where a taxi is temporarily out of commission for repairs, the operator may turn in his license or permit to the mayor for that car, who may issue a temporary permit for another car while the regular taxi is out of commission, without additional license fee, but such temporary permits shall only be issued after the requirements of this chapter as to inspection and insurance for regular taxis have been met with the temporary vehicle. When the regular taxi is ready to operate the temporary permit shall be turned in to the mayor before the regular one is released to the operator.

*(Ord. 747 § 6 as amended by Ord. 748; April 4, 1960)*

**5.48.070 - Contents of license.**

A license or permit shall contain the signature of the mayor and clerk, the date of issuance, the period for

which the license or permit is valid, the passenger seating capacity of the taxi, and the information contained in the application.

*(Ord. 747 § 7; February 22, 1960)*

**5.48.080 - Disposition of fees.**

Immediately after acting on a license application, the council shall transmit the license fee to the city treasurer, or it shall return the disapproved application and fee to the applicant.

*(Ord. 747 § 8; February 22, 1960)*

**5.48.090 - Term of license.**

Taxi licenses or permits shall be valid for one year from the date of issuance, except temporary permits, which if not sooner turned in, shall expire at the same time as the regular license or permit which they replace.

*(Ord. 747 § 9; February 22, 1960)*

**5.48.100 - License not transferable.**

Each taxi license or permit shall be issued for one specific taxi only and shall not be transferable from taxi to taxi or to a different operator. The operator shall notify the council when a licensed taxi is withdrawn from service. The city treasurer shall refund a pro rata share of the license fee when a license is surrendered.

*(Ord. 747 § 10; February 22, 1960)*

**5.48.110 - Revocation of license.**

The council may revoke or suspend any license or permit issued under this chapter for the following reasons:

1. The operator has made fraudulent statements in his application for the license or in the conduct of his business;
2. The operator has substantially violated the requirements of this chapter or the state motor vehicle laws;
3. The operator has conducted his business in a manner that substantially endangers the public safety, health, welfare, order or morals;
4. If the operator employs drivers who are not neat in appearance and of good moral character.

The council must conduct a hearing before revoking or suspending a license. The operator shall be given notice of the hearing at least five and not more than thirty days before the date of the hearing. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation or suspension.

*(Ord. 747 § 11; February 22, 1960)*

**5.48.120 - Police inspection monthly.**

The chief of police shall have the power at any time to investigate the conduct of any taxi business and the operator of the licensed taxis, and to inspect the licensed taxis for possible violations of the state motor vehicle law or this chapter, and shall report on these matters to the council. He shall inspect all taxis at least once every month, between the first and tenth of the month, and the one dollar inspection fee for the mechanic shall be paid for each of these inspections by the operator.

*(Ord. 747 § 12; February 22, 1960)*

**5.48.130 - Displaying license and rates.**

The operator shall display within the taxi, in full view of the passengers the taxi license and a schedule of rates, and also the name of the driver, and the capacity of the car as to number of passengers. The license or permit number shall also be displayed on both sides of the vehicle outside.

*(Ord. 747 § 13; February 22, 1960)*

**5.48.140 - Liability insurance.**

Before beginning operation of any taxi, the operator shall file with the city clerk evidence of financial responsibility in the minimum amount required by the Iowa Code Annotated, Chapter 321A, to cover possible liabilities arising out of the operations of each licensed taxi.

*(Ord. 747 § 14; February 22, 1960)*

**5.48.150 - Drivers' qualifications.**

Every driver of a licensed taxi shall be at least twenty-one years of age and shall possess a valid Iowa chauffeur's license, and shall have no record of excessive traffic violations. The operator shall supply the mayor with a current list of his drivers at the time he obtains his license or permits, and shall notify him of any change therein.

*(Ord. 747 § 15; February 22, 1960)*

**5.48.160 - Maximum working hours.**

No operator shall require or permit any person to drive a taxi in excess of these maximum periods:

- (a) No more than twelve consecutive hours in any twenty-four hour period except that a driver may begin work after he has been off duty for ten hours;
- (b) No more than twelve nonconsecutive hours in any twenty-four hour period except that, after completing such a period of work, a driver may begin work again if he has been off duty for eight hours.

*(Ord. 747 § 16; February 22, 1960)*

**5.48.170 - Soliciting business.**

Taxi drivers shall not stop, park or drive about the city streets or public places to solicit passengers by words, signs or signals in an obnoxious manner, but they make take on a passenger anywhere in the city at the passenger's request.

*(Ord. 747 § 17; February 22, 1960)*

**5.48.180 - Restriction on number of passengers.**

No driver shall permit more paying passengers to be carried in a taxi than the rated seating capacity of the taxi as fixed by the council and stated in the license, which shall be five passengers per two seated car.

*(Ord. 747 § 18; February 22, 1960)*

**5.48.190 - Duty to carry.**

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged, or unless he is unable or forbidden to do so by the provisions of this chapter.

*(Ord. 747 § 19; February 22, 1960)*

**5.48.200 - Police not to operate.**

No city law enforcement officer shall be an operator or driver of a taxicab.

*(Ord. 747 § 20; February 22, 1960)*

**5.48.210 - Compliance with check list.**

Taxicabs must meet the specifications of a check list prepared by the mayor and chief of police and approved by the council, as set out in Section 5.48.050 hereof.

*(Ord. 747 § 21; February 22, 1960)*

Sections:

- 5.56.010 - Definitions.
- 5.56.020 - Utility poles—Erection and control.
- 5.56.030 - Utility poles—Grant of use to city.
- 5.56.040 - Transmission and distribution system—Safety precautions.
- 5.56.050 - Transmission and distribution system—Construction and maintenance.
- 5.56.060 - Hardware and installation uniformity.
- 5.56.070 - Moving buildings—Raising or lowering wires.
- 5.56.080 - Use of guard barriers and warning lights.
- 5.56.090 - Attachment to poles used by city.
- 5.56.100 - Sale or service of receiving equipment prohibited.
- 5.56.110 - Agreement to provide service.
- 5.56.120 - Company may prescribe and file rules and regulations.
- 5.56.130 - Rates.
- 5.56.140 - Channels to be provided.
- 5.56.150 - Protection against spurious radiation.
- 5.56.160 - Antennas and receiving equipment.
- 5.56.170 - Intermodulation distortion.
- 5.56.180 - Picture degradation.
- 5.56.190 - Franchise forfeiture—Notice—Grounds.
- 5.56.200 - Execution of bond.
- 5.56.210 - Franchise termination—Removal of equipment.
- 5.56.220 - Indemnity insurance.
- 5.56.230 - Payments due to city.
- 5.56.240 - Penalty for violation.

**5.56.010 - Definitions.**

The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

- A. "Cable television system" means any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies, the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.
- B. "Channel" means the segment of the electromagnetic spectrum to which a source of television transmission is assigned.
- C. "City" means the city of Centerville, Iowa. When the context so requires, the term "city" means and includes the city, its officers, agents, employees, servants, and independent contractors.
- D. "FCC" means the Federal Communications Commission.
- E. "Franchise" means the rights, privileges, and authority granted by the city to the grantee hereunder and shall include all of the terms and conditions of this chapter.
- F. "Company" means and includes Centerville Cablevision, a copartnership consisting of R.K. Faust, John E. Carl, E.G. Faust, Robert Einhaus, Franklin G. Miller, William B. Quarton and Lewis W. Van Nostrand, its successors and assigns, including the corporation which shall be formed for the operation of the franchise if the same is approved by the voters and adopted by the city council.
- G. "Person" means any individual, or any corporation, business, firm or other entity, and shall be

construed as singular or plural, or masculine, feminine or neuter, as the context may require.

- H. "Private property" means all property, real, personal, or mixed, owned by a private person, including property owned by a public utility not owned or operated by the city.
- I. "Property of the grantee" means all property, real, personal or mixed, owned or used by the grantee, however arising from or related to or connected with the franchise.
- J. "Public property" means all property, real, personal or mixed, owned or used by the city, including property owned or used by a public utility owned or operated by the city.

*(Ord. 1032 § 1, 1975)*

**5.56.020 - Utility poles—Erection and control.**

The poles used for the company's distribution system shall be those erected and maintained by the Iowa Southern Utilities Company and/or the Iowa Telephone Company, when and where practicable, providing mutually satisfactory rental agreements can be entered into with said companies. The company shall be authorized and entitled to erect their own poles, if any, only after the authorization and approval of the city council.

*(Ord. 1032 § 2, 1975)*

**5.56.030 - Utility poles—Grant of use to city.**

The company shall grant to the city joint use of any and all poles owned by it, if any, for any proper municipal purposes acceptable to the company, and under such arrangements as may be mutually agreed upon, insofar as may be done without interfering with the free use and enjoyment of the company's own wires and fixtures. The city shall hold the company harmless from any and all actions, causes of action, or damage caused by the placing of the city's wires or appurtenances upon the poles of the company. Proper regard shall be given to all existing safety rules governing construction and maintenance in effect at the time of construction.

*(Ord. 1032 § 3, 1975)*

**5.56.040 - Transmission and distribution system—Safety precautions.**

The company's transmission and distribution system, wires and appurtenances, shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with any improvements the city may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or other public property. The city reserves the right to require the company to place its conductors underground and to designate the districts in which such work shall be performed, and also to order the removal or relocation of poles, wires and other appurtenances erected by the company whenever in the judgment of the city council such action is in the public interest, and the company shall forthwith comply with any and all instructions and directives in such matters at its own expense.

*(Ord. 1032 § 4, 1975)*

**5.56.050 - Transmission and distribution system—Construction and maintenance.**

Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the city affecting installation which may be presently in effect or may be enacted by the city council of the city.

*(Ord. 1032 § 5, 1975)*

**5.56.060 - Hardware and installation uniformity.**

Installation and housedrop hardware shall be uniform throughout the city, except that the company shall be free to change its hardware and installation procedure as the art progresses.

*(Ord. 1032 § 6, 1975)*

**5.56.070 - Moving buildings—Raising or lowering wires.**

The company shall temporarily raise or lower its wires to permit the moving of buildings by a holder of a city housemover's license. The company shall be given not less than forty-eight hours' notice to do the work. Expense of such temporary work will be paid to the company by the permit holder.

*(Ord. 1032 § 7, 1975)*

**5.56.080 - Use of guard barriers and warning lights.**

In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the company shall proceed so as to cause the least possible inconvenience to the general public. Any opening or obstruction in the streets or other public places made by the company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by red warning lights.

*(Ord. 1032 § 8, 1975)*

**5.56.090 - Attachment to poles used by city.**

The company shall maintain its attachment on poles that the city now uses, or has been authorized by other franchises now in force or hereafter enacted to use, in such manner that it will not interfere with the use of such poles by the city.

*(Ord. 1032 § 9(part), 1975)*

**5.56.100 - Sale or service of receiving equipment prohibited.**

The company shall not engage in the sale or service of radio and television receivers.

*(Ord. 1032 § 9(part), 1975)*

**5.56.110 - Agreement to provide service.**

In consideration of the rights granted in its franchise, the company agrees and binds itself to extend its lines and to serve any and all applicants for television service whose dwellings or places of business are located in the city, and who in good faith have entered into or signified their willingness to enter into a contract for such television service.

*(Ord. 1032 § 10, 1975)*

**5.56.120 - Company may prescribe and file rules and regulations.**

The company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business not inconsistent with the provisions of its franchise and this chapter. Such rules shall be filed with the city clerk and shall be effective as of the date of such filing, and be subject to approval by the city council within six months after such filing. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the company shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

*(Ord. 1032 § 11, 1975)*

**5.56.130 - Rates.**

Rates charged by the company for service under this chapter shall be fair and reasonable 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. The basic monthly charge to single dwelling home users will be four dollars and ninety-five cents for the first television set, with an additional charge of no more than one dollar for each additional extension, plus any applicable tax which may be required by the taxing authority of any governmental body. The company will make a charge of no more than nine dollars and ninety-five cents for the first installation of its service and no more than four dollars and ninety-five cents for each additional installation, with no charge to disconnect the same. No increase in rates for any service shall be made without the consent of the city council by resolution; provided, however, that if a rate charge regulation is levied by a department of the state or federal government, such department would have exclusive jurisdiction over the service charges of the company. All subscriptions to the services of the company under this chapter 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.

*(Ord. 1032 § 12, 1975)*

**5.56.140 - Channels to be provided.**

The company shall provide sufficient channels to provide reception from all available major networks and in addition will deliver to its customers the maximum number of channels which afford satisfactory reception together with a weather scan and one channel for the purpose of educational use, public announcements or emergency warnings.

*(Ord. 1032 § 13, 1975)*

**5.56.150 - Protection against spurious radiation.**

The company's distribution system shall conform to the rules and regulations of the Federal Communications Commission, particularly with respect to freedom from spurious radiation. Test equipment, adequate to detect spurious radiation, shall be furnished by the company at its expense and shall be made available for use by city inspection personnel during regular business hours during the period of its franchise.

*(Ord. 1032 § 14, 1975)*

**5.56.160 - Antennas and receiving equipment.**

The antenna and receiving equipment shall be installed and maintained so as to give a reasonably noise-free picture on each channel.

*(Ord. 1032 § 15, 1975)*

**5.56.170 - Intermodulation distortion.**

The installation and maintenance of equipment shall be such that no objectionable intermodulation distortion will occur.

*(Ord. 1032 § 16, 1975)*

**5.56.180 - Picture degradation.**

The installation and maintenance of equipment shall be such that standard NTSC color signals shall be transmitted to any subscriber's receiver without objectionable picture degradation.

*(Ord. 1032 § 17, 1975)*

**5.56.190 - Franchise forfeiture—Notice—Grounds.**

The distribution system of the company shall not be abandoned, either in whole or in part, without the consent of the city council. In the event of the failure of the company to render community television service to the city and the inhabitants thereof, as contemplated and provided for by this chapter, within a period of one year from the effective date of its franchise, the city council shall have the right, on reasonable notice to the company, to declare its franchise forfeited; provided, however, failure to comply with the terms hereof by reason of causes beyond the reasonable control of the company which could not be anticipated at the time of the acceptance of its terms by the company, shall not be sufficient grounds to declare a forfeiture. The company shall not sell or assign its franchise without the previous consent of the city council, provided said consent shall not be arbitrarily withheld.

*(Ord. 1032 § 18(part), 1975)*

**5.56.200 - Execution of bond.**

The company, upon receipt of franchise, shall execute a penal bond in favor of the city in the sum of ten thousand dollars guaranteeing completion of the system within one year in accordance with the provisions of this chapter.

*(Ord. 1032 § 18(part), 1975)*

**5.56.210 - Franchise termination—Removal of equipment.**

Upon termination or forfeiture of its franchise in accordance with any of its terms or with this chapter, the company shall, within a reasonable time, remove its cables, wires and appliances from the city streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements and other public places within the city and subsequent additions thereto.

*(Ord. 1032 § 19, 1975)*

**5.56.220 - Indemnity insurance.**

The company shall indemnify and hold the city harmless at all times during the term of its franchise from and against all claims for injury or damages to persons or property, both real and personal, resulting from the negligence on the part of the company in the construction, erection, operation or maintenance of any structure, equipment, appliance or products authorized or used pursuant to authority of this chapter, and the company shall carry insurance against liability due to damage to property in an amount not less than one hundred thousand dollars as to any one person, and two hundred thousand dollars as to any one accident; and against liability due to injury or death of persons in an amount not less than one hundred thousand dollars as to any one person and three hundred thousand dollars as to any one accident. The company, upon receipt of due notice in writing from the city, shall defend at its own expense any action or proceedings against the city in which it is claimed that the damage or injury arose from the company's negligence in the operation of its television system.

*(Ord. 1032 § 20, 1975)*

**5.56.230 - Payments due to city.**

In further consideration of the granting of its franchise to the company, the company will pay to the city the following sums:

- A. Three percent of the gross receipts derived from the operation of its system within the corporate limits of the city from the first seven hundred subscribers;
- B. Four percent of the gross receipts from the next seven hundred subscribers;

C. Five percent of the gross receipts from all subscribers over one thousand four hundred.

Percentages on the first seven hundred and second seven hundred will not change, regardless of number of subscribers served. Payment calculated on the basis of such gross revenue shall be made to said city on July 1st and January 1st of each year during the effective time of the ordinance codified herein. The city or its designated agents may at any reasonable time, upon written notice, have access to the books and records of the company for audit purposes.

*(Ord. 1032 § 21, 1975)*

**5.56.240 - Penalty for violation.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed one hundred dollars, or be imprisoned in jail not to exceed thirty days. Each day such violation is committed or permitted to continue shall constitute a separate offense; provided that any violation by the company of the provisions of this franchise, or any material portion thereof, or the failure to promptly perform the provisions thereof, shall be cause for forfeiture of its franchise, after written notice to the company, and continuation of such violation, failure or default.

*(Ord. 1032 § 22, 1975)*

Sections:

- 5.60.010 - Description.
- 5.60.020 - Safety precautions.
- 5.60.030 - Construction and maintenance.
- 5.60.040 - Facilities.
- 5.60.050 - Tree – pruning and removal.
- 5.60.060 - Agreement to provide service.
- 5.60.070 - Non-exclusivity.
- 5.60.080 - Continuous service.
- 5.60.090 - Billing.
- 5.60.100 - Franchise fee - applied.
- 5.60.110 - Franchise fee - collected.
- 5.60.120 - Cost of franchise fee administration.
- 5.60.130 - Annexation.
- 5.60.140 - Liability for collection of franchise fee.
- 5.60.150 - Franchise fee – remitted to city.
- 5.60.160 - Franchise fee - adjustments.
- 5.60.170 - Franchise fee - usage.
- 5.60.180 - Franchise fee – Company responsibility.
- 5.60.190 - Franchise fee – modification.
- 5.60.200 - Exemptions.
- 5.60.210 - No management fees imposed.
- 5.60.220 - Franchise term.
- 5.60.230 - Publication expense.
- 5.60.240 - Franchise acceptance.
- 5.60.250 - Validity.
- 5.60.260 - Franchise agreement.

**5.60.010 - Description.**

There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

*(Ord. 1306, April 21, 2014)*

**5.60.020 - Safety precautions.**

The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

*(Ord. 1306, April 21, 2014)*

**5.60.030 - Construction and maintenance.**

In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

*(Ord. 1306, April 21, 2014)*

#### **5.60.040 - Facilities.**

The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall at its cost and expense obtain easements for existing Company facilities. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous ten years.

*(Ord. 1306, April 21, 2014)*

#### **5.60.050 - Tree – pruning or removal.**

The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall performed in accordance with Company's then current line clearance vegetation plan as filed and approved by the Iowa Utilities Board, as well as all applicable codes and standards referenced therein.

*(Ord. 1306, April 21, 2014)*

#### **5.60.060 - Agreement to provide service.**

During the term of this franchise, the Company shall furnish electric energy in accordance with the applicable regulations of the Iowa Utilities Board and the Company's tariffs. The Company will maintain compliance with Iowa Utilities Board regulatory standards for reliability.

*(Ord. 1306, April 21, 2014)*

#### **5.60.070 - Non-exclusivity.**

The franchise granted by this Ordinance shall not be exclusive.

*(Ord. 1306, April 21, 2014)*

**5.60.080 - Continuous service.**

Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

*(Ord. 1306, April 21, 2014)*

**5.60.090 - Billing.**

In its monthly billing the Company shall include a franchise fee of three percent (3%) on the gross receipts from the sale of electricity to the Company's electric customers located within the corporate limits of the City.

*(Ord. 1306, April 21, 2014)*

**5.60.100 - Franchise fee - applied.**

The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.

*(Ord. 1306, April 21, 2014)*

**5.60.110 - Franchise fee - collected.**

The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list. The Company shall not commence assessing the franchise fee until it has received written approval of the amended tax rider tariff from the Iowa Utilities Board.

*(Ord. 1306, April 21, 2014)*

**5.60.120 - Costs of franchise fee administration.**

The City recognizes that the costs of franchise fee administration are not charged directly to the City and the City and Company agree that the Company may only charge such administrative fees as are provided for in state statute.

*(Ord. 1306, April 21, 2014)*

**5.60.130 - Annexation.**

Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee.

The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail: such final and unappealable orders

or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customer service address list for the annexed area.

*(Ord. 1306, April 21, 2014)*

**5.60.140 - Liability for collection of franchise fee.**

The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

*(Ord. 1306, April 21, 2014)*

**5.60.150 - Franchise fee – remitted to city.**

The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter. Company shall notify City at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

*(Ord. 1306, April 21, 2014)*

**5.60.160 - Franchise fee - adjustments.**

The City shall give the Company a minimum 6-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to Section 5.60.090 hereof. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. When any such Ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the city council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law.

*(Ord. 1306, April 21, 2014)*

**5.60.170 - Franchise fee - usage.**

The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law.

*(Ord. 1306, April 21, 2014)*

**5.60.180 - Franchise fee – Company responsibility.**

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

*(Ord. 1306, April 21, 2014)*

**5.60.190 - Franchise fee - modification.**

Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the

end of the Ordinance term.

- A. The obligation to collect and remit the fee imposed by this Ordinance is modified if:
1. Any other person is authorized to sell electricity to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this Ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate; or
  2. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or
  3. The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, "Final Franchise Fee Action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this Ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee Ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.
- B. The obligation to collect and remit the fee imposed by this Ordinance is repealed, effective as of the date specified below with no liability therefor, if:
1. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court; or
  2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or
  3. The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

*(Ord. 1306, April 21, 2014)*

#### **5.60.200 - Exemptions.**

The franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power shall be exempt from any special tax, assessment, license or rental charge during the entire term of this Ordinance.

*(Ord. 1306, April 21, 2014)*

#### **5.60.210 - No management fees imposed.**

The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right-of-way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

*(Ord. 1306, April 21, 2014)*

**5.60.220 - Franchise term.**

The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

*(Ord. 1306, April 21, 2014)*

**5.60.230 - Publication expense.**

The expense of the publication of this Ordinance shall be paid by the Company.

*(Ord. 1306, April 21, 2014)*

**5.60.240 - Franchise acceptance.**

The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

*(Ord. 1306, April 21, 2014)*

**5.60.250 - Severability.**

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

*(Ord. 1306, April 21, 2014)*

**5.60.260 - Franchise agreement.**

This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the written approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact any Ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this Ordinance, that create additional burdens upon the Company, or which delay utility operations.

*(Ord. 1306, April 21, 2014)*

Sections:

- 5.64.010 - Description.
- 5.64.020 - Safety precautions.
- 5.64.030 - Construction and maintenance.
- 5.64.040 - Facilities.
- 5.64.050 - Agreement to provide service.
- 5.64.060 - Billing.
- 5.64.070 - Franchise fee - applied.
- 5.64.080 - Franchise fee - collected.
- 5.64.090 - Costs of franchise fee administration.
- 5.64.100 - Annexation.
- 5.64.110 - Liability for collection of franchise fee.
- 5.64.120 - Franchise fee – remitted to city.
- 5.64.130 - Franchise fee - adjustments.
- 5.64.140 - Franchise fee - usage.
- 5.64.150 - Franchise fee – Company responsibility.
- 5.64.160 - Franchise fee - modification.
- 5.64.170 - Exemptions.
- 5.64.180 - No management fees imposed.
- 5.64.190 - Franchise term.
- 5.64.200 - Publication expense.
- 5.64.210 - Franchise acceptance.
- 5.64.220 - Severability.
- 5.64.230 - Franchise agreement.

**5.64.010 - Description.**

There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. The term "gas" as used in this franchise shall be construed to mean natural gas only.

*(Ord. 1307, April 21, 2014)*

**5.64.020 - Safety precautions.**

The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

*(Ord. 1307, April 21, 2014)*

**5.64.030 - Construction and maintenance.**

In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of

such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

*(Ord. 1307, April 21, 2014)*

**5.64.040 - Facilities.**

The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall at its cost and expense obtain easements for existing Company facilities. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous ten years.

*(Ord. 1307, April 21, 2014)*

**5.64.050 - Agreement to provide service.**

Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

*(Ord. 1307, April 21, 2014)*

**5.64.060 - Billing.**

In its monthly billing the Company shall include a franchise fee of three percent (3%) on the gross receipts from the sale of natural gas to the Company's natural gas customers located within the corporate limits of the City.

*(Ord. 1307, April 21, 2014)*

**5.64.070 - Franchise fee - applied.**

The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.

*(Ord. 1307, April 21, 2014)*

**5.64.080 - Franchise fee - collected.**

The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list. The Company shall not commence assessing the franchise fee until it has received written approval of its amended tax rider tariff from the Iowa Utilities Board.

*(Ord. 1307, April 21, 2014)*

#### **5.64.090 - Costs of franchise fee administration.**

The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that the Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

*(Ord. 1307, April 21, 2014)*

#### **5.64.100 - Annexation.**

Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee.

The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail: such final and unappealable orders or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customer service address list for the annexed area.

*(Ord. 1307, April 21, 2014)*

#### **5.64.110 - Liability for collection of franchise fee.**

The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

*(Ord. 1307, April 21, 2014)*

#### **5.64.120 - Franchise fee – remitted to city.**

The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter. Company shall notify City at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

*(Ord. 1307, April 21, 2014)*

#### **5.64.130 - Franchise fee - adjustments.**

The City shall give the Company a minimum six-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to Section 5.64.060 hereof. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. When any such Ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the city council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law.

*(Ord. 1307, April 21, 2014)*

**5.64.140 - Franchise fee - usage.**

The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law.

*(Ord. 1307, April 21, 2014)*

**5.64.150 - Franchise fee – Company responsibility.**

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City’s imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

*(Ord. 1307, April 21, 2014)*

**5.64.160 - Franchise fee - modification.**

Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the end of the Ordinance term.

- A. The obligation to collect and remit the fee imposed by this Ordinance is modified if:
1. Any other person is authorized to sell natural gas to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this Ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate; or
  2. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling natural gas to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of natural gas within the City; or
  3. The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, “Final Franchise Fee Action”) that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this Ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee Ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

- B. The obligation to collect and remit the fee imposed by this Ordinance is repealed, effective as of the date specified below with no liability therefor, if:
1. The imposition, collection or remittance of a franchise fee is judicially determined to be unlawful by a court of competent jurisdiction within the State of Iowa. Such determination shall be effective only after all available appeals have either been exhausted or have expired; or
  2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or
  3. The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

*(Ord. 1307, April 21, 2014)*

**5.64.170 - Exemptions.**

That said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said pipes, mains, and other conductor and appliances in, along and under the streets, avenues, alleys and public places in the said City for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof shall be exempt from any special tax, assessment, license or rental charge during the entire term of this ordinance.

*(Ord. 1307, April 21, 2014)*

**5.64.180 - No management fees imposed.**

The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right-of-way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

*(Ord. 1307, April 21, 2014)*

**5.64.190 - Franchise term.**

The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

**5.64.200 - Publication expense.**

The expense of the publication of this Ordinance shall be paid by the Company.

*(Ord. 1307, April 21, 2014)*

**5.64.210 - Franchise acceptance.**

The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this ordinance.

*(Ord. 1307, April 21, 2014)*

**5.64.220 - Severability.**

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

*(Ord. 1307, April 21, 2014)*

**5.64.230 - Franchise agreement.**

This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

*(Ord. 1307, April 21, 2014)*

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TITLE 6 - HEALTH AND SANITATION

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Chapters:

- Chapter 6.01 - Board of Health Regulations
- Chapter 6.04 - Communicable Diseases
- Chapter 6.08 - Private Sewage Disposal and Water Supply
- Chapter 6.12 - Health Nuisances
- Chapter 6.14 - Hazardous Wastes Clean-up
- Chapter 6.16 - Food Processing and Service
- Chapter 6.20 - Common Use Articles and Places
- Chapter 6.52 - Garbage and Refuse
- Chapter 6.56 - Municipal Cemetery

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Chapter 6.01 - Board of Health Regulations

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Sections:

- 6.01.010 - Penalties for violations.

**6.01.010 - Penalties for violations.**

Any person violating any of the rules and regulations of the board of health of Centerville, upon conviction thereof, shall be fined not less than one dollar nor more than one hundred dollars and costs, or may be imprisoned in the city or county jail for a term not exceeding thirty days.

*(Ord. 925 § 1, 1970; 1942 Rev. Ords. § 739)*

Sections:

- 6.04.010 - Definitions.
- 6.04.020 - Reportable diseases listed.
- 6.04.030 - Quarantine periods.
- 6.04.040 - Posting premises.
- 6.04.050 - Violation of quarantine.
- 6.04.060 - Extension of quarantine period.
- 6.04.070 - Officers' right of entry.
- 6.04.080 - Quarantine observance.
- 6.04.090 - Medical examinations authority.
- 6.04.100 - Library books.
- 6.04.110 - Milk bottles.
- 6.04.120 - Isolation.
- 6.04.130 - Disinfection.
- 6.04.140 - Exposed school children.
- 6.04.150 - Vocations suspended.
- 6.04.160 - Change of residence of tubercular person.
- 6.04.170 - Removal of communicable disease cases.
- 6.04.180 - Glanders or hydrophobia reported.
- 6.04.190 - Reports of venereal disease.
- 6.04.200 - Medical examination authorized.
- 6.04.210 - Suspected persons.
- 6.04.220 - Failure to report.
- 6.04.230 - Isolation required.
- 6.04.240 - Communicable test.
- 6.04.250 - Exposing others.
- 6.04.260 - Medicinal preparations and treatment.
- 6.04.270 - Advertising cures prohibited.
- 6.04.280 - Reports and certificates of examinations.

**6.04.010 - Definitions.**

As used in this chapter the following terms shall be given the meaning and construction herein specified.

- (a) BOARD OF HEALTH. The terms "board of health," "local board of health," and "department of health" shall mean the board of health of the city of Centerville.
- (b) HEALTH OFFICER. The term "health officer" shall mean the health officer of Centerville.
- (c) PERSON. The term "person" shall mean either singular or plural, and shall include corporations, companies, societies, firms and associations.
- (d) FOOD. The term "food" shall mean any article used by man for food or drink, and every ingredient in such article and all confectionery.
- (e) QUARANTINE. The term "quarantine" shall mean the segregation of persons having or suspected of having any communicable disease in such a place and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to the public.
- (f) ISOLATION. The term "isolation" shall mean the removal of a person from his own residence or temporary place of abode and detention in some place, from which the public is excluded for purpose of safeguarding the public from a communicable disease.

- (g) DISINFECTION. The term "disinfection" shall mean the exercise of such specific measures for such disease, and each infectious discharge and each article as will render it innocuous and harmless.

*(1942 Rev. Ords. § 749).*

**6.04.020 - Reportable diseases listed.**

All physicians, nurses, parents, superintendents of schools, managers of dairies, hotels and institutions, shall report or see that there have been reported all cases of disease listed by the state department of health as reportable, namely:

- (1) Actinomycosis
- (2) Acute infectious conjunctivitis (ophthalmia neomatorum)
- (3) Ankylostomiasis (hookworm)
- (4) Anthrax
- (5) Cerebro-spinal fever (meingococous meningitis)
- (6) Chancroid
- (7) Chickenpox
- (8) Cholera
- (9) Dengue
- (10) Diphtheria (membranous croup)
- (11) Dysentery (amoebic or bacillary)
- (12) Encephalitis lethargica (sleeping sickness)
- (13) Erysiplas
- (14) Favus
- (15) German measles
- (16) Gonorrhoea
- (17) Glanders
- (18) Influenza (spidemic)
- (19) Impetigo
- (20) Leprosy
- (21) Malaria
- (22) Malta fever
- (23) Measles
- (24) Mumps
- (25) Paratyphoid fever
- (26) Pellagra
- (27) Plague
- (28) Pneumonia (lobar or broncho)
- (29) Poliomyelitis (acute anterior) (infantile paralysis)
- (30) Rabies
- (31) Rheumatic fever (acute)
- (32) Rocky mountain fever
- (33) Scarlet fever (scarlatina)
- (34) Septic sore throat
- (35) Smallpox
- (36) Syphilis
- (37) Tetanus

- (38) Trachoma (granular conjunctivitis)
- (39) Trichinosis
- (40) Tuberculosis (pulmonary)
- (41) Tularemia
- (42) Typhoid fever
- (43) Typhus fever
- (44) Vincents' angia
- (45) Whooping cough
- (46) Yellow fever
- (47) Any communicable or other disease that may hereafter be declared by the state department of health to be reportable or to be dangerous to the public health.

The report shall state as definitely as possible the exact location in the municipality of the case being thus reported.

*(1942 Rev. Ords. § 750).*

#### **6.04.030 - Quarantine periods.**

The length of quarantine and the regulations for the release of cases and contacts, shall be as defined in the rules and regulations of the state department of health for diphtheria, scarlet fever, smallpox, acute anterior poliomyelitis (infantile paralysis), epidemic meningitis (meningococcal), leprosy, plague, cholera, typhus fever, and any other disease that may be added to the quarantinable list.

*(1942 Rev. Ords. § 751).*

#### **6.04.040 - Posting premises.**

There shall be a warning sign or placard exposed on all places housing a case of any of the diseases mentioned in Section 6.04.020 and any case of chickenpox, encephalitis lethargica (epidemic), german measles, measles, mumps, whooping cough or any other disease listed as placardable by the rules and regulations of the state department of health. The length of time for which the placard must be exposed will be as defined by the rules and regulations of the state department of health.

*(1942 Rev. Ords. § 752).*

#### **6.04.050 - Violation of quarantine.**

Any person or persons failing to observe the quarantine regulations as laid down in Section 6.04.030, and any person or persons removing the placard referred to in Section 6.04.040 without authority of the department of health shall be guilty of a misdemeanor.

*(1942 Rev. Ords. § 753).*

#### **6.04.060 - Extension of quarantine period.**

Whenever in the judgment of the local board of health it is thought advisable for the protection of the public health to lengthen the period of quarantine or of placarding as defined by the rules and regulations of the state department of health, the said local board of health shall have the power to do so and to adopt any other measure thought necessary for the protection of the community.

*(1942 Rev. Ords. § 754).*

#### **6.04.070 - Officers' right of entry.**

The local board of health, health officer, or sanitary officer may enter any building, vessel or other place for

purpose of examining, preventing, or removing any nuisance, source of filth, or cause of sickness.

*(1942 Rev. Ords. § 755).*

**6.04.080 - Quarantine observance.**

Whenever a placard shall have been exposed as provided in Section 6.04.040, no person or persons except the physician or nurse in attendance upon the same shall either enter or leave the premises without permission of the local board of health.

*(1942 Rev. Ords. § 756).*

**6.04.090 - Medical examinations authority.**

Whenever it shall be considered necessary by the local board of health to establish the true character of any disease suspected as being communicable, a medical examination of the person or persons affected by the suspected disease, may be ordered by the local board of health.

Any person or persons interfering or refusing to permit such examination, shall be guilty of a violation of this chapter.

*(1942 Rev. Ords. § 757).*

**6.04.100 - Library books.**

No person known to harbor a communicable disease or living in a dwelling where such a disease exists, shall take any book or magazine to or from any circulating library.

*(1942 Rev. Ords. § 758).*

**6.04.110 - Milk bottles.**

No milk bottles shall be removed from any dwelling where a disease dangerous to public health exists, or has recently existed, until permission has been granted to do so from the local board of health.

*(1942 Rev. Ords. § 759).*

**6.04.120 - Isolation.**

All persons in the city infected with a communicable disease, shall be segregated or isolated in such a manner as the department of health shall direct, so long as the measures taken are in accordance with the rules and regulations of the state department of health.

*(1942 Rev. Ords. § 760).*

**6.04.130 - Disinfection.**

All buildings, clothes, utensils, and property that have been in contact with a person infected with communicable disease, and any vehicle in which he may have been transported while in an infectious condition, shall be disinfected in such a manner as the local board of health may direct.

*(1942 Rev. Ords. § 761).*

**6.04.140 - Exposed school children.**

Children who have contracted a communicable disease, or have been exposed to it, shall be excluded from school for such periods of time as defined by the rules and regulations of the state department of health.

*(1942 Rev. Ords. § 762).*

**6.04.150 - Vocations suspended.**

No person recovering from or who has been in close contact with a case of typhoid or paratyphoid fever, scarlet fever, diphtheria, septic sore throat, or cerebrospinal meningitis, shall engage in the handling of milk or dairy products, or return to a vocation which brings him into intimate contact with children without permission from the local board of health.

*(1942 Rev. Ords. § 763).*

**6.04.160 - Change of residence of tubercular person.**

Whenever a person infected with tuberculosis in an active stage changes his residence, the attending physician, if there be one, and the head of the household where the patient resides, shall notify the local board of health forthwith of the change and both of the above mentioned persons shall be held equally responsible for violations of this section.

*(1942 Rev. Ords. § 764).*

**6.04.170 - Removal of communicable disease cases.**

No case of communicable disease shall be allowed to move or be removed to another dwelling, or leave the municipality without the approval of the local board of health.

*(1942 Rev. Ords. § 765).*

**6.04.180 - Glanders or hydrophobia reported.**

Every person who discovers a case of glanders or rabies (hydrophobia) in a family, shall report the facts to the local board of health, giving the location, if known, of the family, the name and address of the owner of infected animal, and the name of the disease.

*(1942 Rev. Ords. § 766).*

**6.04.190 - Reports of venereal disease.**

The requirements of reporting cases of venereal disease, infected persons presenting themselves to physicians or clinics for treatment and avoidance of communicating venereal disease to others in the city shall be in accordance with the state law as defined in the Iowa Code Annotated Sections 140.1—140.41 and acts amendatory thereto.

*(1942 Rev. Ords. § 767).*

**6.04.200 - Medical examination authorized.**

Whenever the local board of health of the city of Centerville shall receive a report from any practicing physician, nurse, social welfare worker, health inspector or other authorized officer, that any person within the jurisdiction of the local board of health is suffering from or is suspected of suffering from or being infected with gonorrhoea, syphilis or chancroid in a communicable stage, and such person cannot furnish satisfactory evidence that he or she is being treated for the suspected infection by a licensed physician, the board of health may cause a medical examination to be made of the person for the purpose of ascertaining whether or not the person is infected with gonorrhoea, syphilis or chancroid in a communicable stage. It shall be the duty of every person to submit to an examination and permit a specimen of blood or bodily discharge to be taken for laboratory examination as may be necessary to establish the presence or absence of the disease or infection.

*(1942 Rev. Ords. § 768).*

#### **6.04.210 - Suspected persons.**

All persons recently convicted of charges involving sex offenses or who are known to have been exposed to infection of gonorrhea, syphilis or chancroid shall be included under the class of suspected persons described in Section 6.04.200, may be required to submit to examination at any time.

*(1942 Rev. Ords. § 769).*

#### **6.04.220 - Failure to report.**

If a person infected with gonorrhea, syphilis or chancroid in a communicable stage shall fail to report to his or her physician for treatment when directed so to do, the physician shall report such failure on the part of the aforementioned person to the local board of health, giving the name and address of the person and name of the disease causing infection. The board of health may then require such person or persons to be examined, as provided for in Section 6.04.200.

*(1942 Rev. Ords. § 770).*

#### **6.04.230 - Isolation required.**

All persons as described in Sections 6.04.190 through 6.04.280, who refuse to submit to or permit to be taken the specimen for the examination, or who upon examination are found to be infected with any one of the diseases mentioned in Sections 6.04.190 through 6.04.280, in a communicable stage and are not under treatment by a licensed physician and refuse or neglect to take such treatment and to remain under treatment until declared no longer in a communicable stage, shall be segregated or isolated at home or in a hospital, and shall take precautions to prevent the spread of the disease with which they are infected, as the local board or department of health may require.

*(1942 Rev. Ords. § 771).*

#### **6.04.240 - Communicable test.**

Cases of gonorrheal infection are to be regarded as communicable until at least two successive smears taken not less than forty-eight hours apart fail to show gonococci. In the male, smears shall be made of the secretions from both the urethra and prostate. In the female the smears shall be made of secretions from the urethra and from the cervix.

Cases of syphilis shall be regarded as communicable until all lesions of the skin and of the mucous membrane are fully healed.

Cases of chancroid shall be regarded as a communicable until all lesions have fully healed.

*(1942 Rev. Ords. § 772).*

#### **6.04.250 - Exposing others.**

No person infected with any of the diseases mentioned in Sections 6.04.190 through 6.04.280, shall conduct himself or herself in such a manner as to expose others to infection. No person so infected and in a communicable stage of infection shall engage in the nursing or care of children, or of the sick, or in any other occupation of such a nature that his or her infection may be transmitted to others.

*(1942 Rev. Ords. § 773).*

#### **6.04.260 - Medicinal preparations and treatment.**

No druggist, pharmacist or other person in the city of Centerville, shall sell, give away, prescribe or administer to any person any drug, medicine or preparation which he knows or believes is to be used for the treatment, relief or cure of any of the diseases mentioned in Sections 6.04.190 through 6.04.280, except upon an original written

prescription of a physician licensed to practice in the state, and such prescriptions shall not be refilled. A record of the sale of all preparations ordinarily used for the treatment of the diseases as named in Sections 6.04.190 through 6.04.280 is to be kept by the person selling the same, with the name and address of purchaser. This record is to be open for inspection to the local board of health or its authorized representatives.

*(1942 Rev. Ords. § 774).*

**6.04.270 - Advertising cures prohibited.**

No person shall publish or distribute or cause to be published or distributed in the city of Centerville, advertisements concerning gonorrhea, syphilis or chancroid, or any sexual function, weakness or disorder, or calling attention to any medicine, article or preparation that may be used therefor; excepting, that this prohibition shall not apply to didactic or scientific treatises which do not advertise or call attention to any treatment or advice concerning such diseases, function, weakness or disorders, nor shall it apply to advertisements or notices issued by a hospital or licensed dispenser, nor to the state department of health; the United States public health service, nor to the local board of health or the officer acting for this board.

*(1942 Rev. Ords. § 775).*

**6.04.280 - Reports and certificates of examinations.**

Licensed physicians and directors of laboratories may report that in examinations of persons for venereal disease, no evidence of such disease was found in the particular examination specified, but no physician or other person shall issue certificates to individuals certifying that they are free from venereal disease.

*(1942 Rev. Ords. § 776).*

Sections:

6.08.010 - Private wells.

6.08.020 - Privies to be sanitary.

6.08.030 - Location and drainage.

6.08.040 - Emptying and disinfecting.

6.08.050 - Drain restrictions.

6.08.060 - Industrial waste.

6.08.070 - Compliance with state rules.

6.08.080 - Permit from board of health.

6.08.090 - Sewer connection—Drainage.

**6.08.010 - Private wells.**

All wells located in the vicinity of the city of Centerville, which constitute the source of domestic water supplies must be of a sanitary character and must be constructed and equipped in accordance with the specifications laid down in the complete rules and regulations of the state department of health.

*(1942 Rev. Ords. § 777).*

**6.08.020 - Privies to be sanitary.**

All privies installed shall be sanitary privies, and shall comply with the requirements laid down by the state department of health but when sanitary sewers or septic tanks are available there shall be installed a flush type toilet.

*(1942 Rev. Ords. § 778).*

**6.08.030 - Location and drainage.**

No privy vaults, cesspool or reservoir into which a privy, water closet, bath tub, lavatory, sink or stable is draining, shall be installed in water bearing strata supplying water used for drinking or culinary purposes, nor porous soil where seepage or percolating surface or ground water may carry the pollution or infection of the contents of the privy vault, cesspool or reservoir into a well, spring, or any other source of water used as a public or domestic water supply in the city of Centerville.

*(1942 Rev. Ords. § 779).*

**6.08.040 - Emptying and disinfecting.**

All privy vaults, cesspools and reservoirs shall be emptied whenever filled, and at least once every year before the first of May, and shall be kept thoroughly deodorized and disinfected by adding to the contents thereof at least once each month, or more often if necessary, fresh chloride of lime or other suitable disinfectant in sufficient quantity to abate the odor of putrefaction. The privy vaults shall be removed and incinerated, or otherwise disposed of in a manner approved by the local board of health.

*(1942 Rev. Ords. § 780).*

**6.08.050 - Drain restrictions.**

No privy vault, water closet, cesspool, sink, laundry or stable drain, shall open into any street or alley, ditch or stream, nor into any drain except into the public sewer of the city of Centerville or into disposal tanks equipped with filters that are of ample area.

*(1942 Rev. Ords. § 781).*

**6.08.060 - Industrial waste.**

Factory, creamery and other industrial wastes or drainage shall not be discharged into any street, alley, ditch, or stream; nor into any sewer system or sewage disposal plant, except as otherwise provided for in this title.

*(1942 Rev. Ords. § 782).*

**6.08.070 - Compliance with state rules.**

All private disposal plants not discharging their effluent into the established sewer system, shall be so constructed with filter beds and other equipment as to prevent the creation of a nuisance or the possibility of becoming a menace to the public health. Such disposal plants must be approved by the local board of health and be so constructed according to the specifications and requirements laid down in the complete rules and regulations of the state department of health.

*(1942 Rev. Ords. § 783).*

**6.08.080 - Permit from board of health.**

No privy vault, cesspool, nor manure pit shall hereafter be constructed within fifty feet of any spring, well or stream, within five feet of any party line or fence, within fifteen feet of any street line, or within twenty-five feet of the door or window of any house; nor shall any cover be put over the same until the privy vault, cesspool or manure pit has been inspected and approved by the department of health.

*(1942 Rev. Ords. § 784).*

**6.08.090 - Sewer connection—Drainage.**

No water leader, waste pipe, nor soil pipe shall discharge into or be connected with any privy vault, nor shall a privy vault, manure pit or cesspool be directly or indirectly connected with any sewer; nor shall drainage, from any stable or other building discharge into manure pit. Every manure pit shall be kept dry.

*(1942 Rev. Ords. § 785).*

Sections:

6.14.010 - Purpose.

6.14.020 - Definitions.

6.14.030 - Clean-up required.

6.14.040 - Notice.

6.14.050 - Hearing.

6.14.060 - Costs.

**6.14.010 - Purpose.**

In order to reduce the danger to public health, safety and welfare from the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and clean- up of hazardous wastes within the city limits.

*(Ord. 1143 § 1, 1990).*

**6.14.020 - Definitions.**

For the purpose of this chapter, these words have the following meanings:

"Clean-up" means the same as set out in Section 455B.381(6), Code of Iowa.

"Hazardous condition" means the same as set out in Section 455B.381(2), Code of Iowa.

"Hazardous substance" means any substance as defined in Section 455B.381(1), Code of Iowa.

"Hazardous waste" means those wastes which are included by the definition in Section 455B.411(3), Code of Iowa, and the rules of the Iowa Department of Natural Resources.

"Person having control over a hazardous substance" means the same as set out in Section 455B.381(8), Code of Iowa.

"Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safe for transport, amendable for recovery, amendable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance to render it nonhazardous.

*(Ord. 1143 § 2, 1990).*

**6.14.030 - Clean-up required.**

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the person having control over a hazardous substance shall cause the condition to be remedied by a clean-up, as defined herein, as rapidly as feasible to an acceptable, safe condition.

*(Ord. 1143 § 3, 1990).*

**6.14.040 - Notice.**

Whenever a hazardous condition or substance is discovered, the mayor is authorized to give to the person

having control over a hazardous substances a notice which sets a deadline for completion of the clean-up and contains a statement that if the clean-up is not completed by the established deadline and no request for a hearing before the city council is made within the time prescribed, the city will cause the condition to be remedied and charge the cost to the person having control over a hazardous substance. Notice shall be served upon the person having control over a hazardous substance by certified mail.

*(Ord. 1143 § 4, 1990).*

#### **6.14.050 - Hearing.**

Any person ordered to clean up the hazardous substance or condition may request a hearing before the city council to determine whether the hazardous condition or substance exists. The request for hearing must be made in writing and delivered to the city clerk within the time prescribed by said notice, or it will be conclusively presumed that the substance or condition exists and that clean-up must be completed by the established deadline.

*(Ord. 1143 § 5, 1990).*

#### **6.14.060 - Costs.**

The costs of clean-up as defined by Section 455B.393, Code of Iowa, shall be borne by the person having control over a hazardous substance. If the person having control over a hazardous substance does not complete the clean-up within the time prescribed by said notice, the city may proceed to procure clean-up services and bill the person having control over a hazardous substance. If the bill for those services is not paid within thirty days, the cost shall be charged to the owner of the premises involved and levied against the real estate and collected in accordance with Section 364.12(3)(h), Code of Iowa. If the cost of the clean-up is beyond the financial capacity of the city, the mayor is authorized to seek any state or federal funds available for said clean-up.

*(Ord. 1143 § 6, 1990).*

Sections:

- 6.16.010 - Slaughter house permit required.
- 6.16.020 - Sale of impure food prohibited.
- 6.16.030 - Food establishments—Washing facilities.
- 6.16.040 - Food establishments—Sanitation.
- 6.16.050 - Bakery products contamination prevention.
- 6.16.060 - Refreshment containers disinfected.
- 6.16.070 - Samples taken by board of health.
- 6.16.080 - Confiscation of unfit food.
- 6.16.090 - Seizure authorized.
- 6.16.100 - Notice of seizure.
- 6.16.110 - Destruction of unfit food.
- 6.16.120 - Closing of unsanitary establishments.

**6.16.010 - Slaughter house permit required.**

No slaughter house shall be erected or used within the limits of this city, unless a permit from the mayor has been first obtained with the advice and assent of the health officer.

No slaughter house shall be erected or maintained within the limits of the city of Centerville, unless the same shall strictly comply with all of the rules, regulations or requirements of the state law relating to slaughter houses.

*(1942 Rev. Ords. § 786).*

**6.16.020 - Sale of impure food prohibited.**

No person shall sell or offer for sale in Centerville, any food or drink for human use which has been exposed to any communicable disease, or which is unfit, unwholesome, impure, decayed, diseased, or mislabeled or adulterated according to the meaning of the laws of the state of Iowa, or which contains or has been exposed to any injurious contamination.

*(1942 Rev. Ords. § 789).*

**6.16.030 - Food establishments—Washing facilities.**

Every owner, proprietor or person in charge of every factory, store, market, restaurant, hotel, room or other place where food or drink for human use is manufactured, prepared, handled, stored, sold or served, shall have such establishment or place properly lighted, ventilated and drained. All rooms in which food or drink is manufactured, prepared, handled, stored, or sold or served, shall have adequate washing facilities provided, and water closets provided in convenient locations for workmen and employees. Water closets or urinals shall not be located within the room in which food or drink is handled or used in any one of the manners indicated.

*(1942 Rev. Ords. § 790).*

**6.16.040 - Food establishments—Sanitation.**

Every owner, proprietor, or person in charge of every factory, store, market, restaurant, hotel, room or other place where food or drink for human use is prepared, handled, stored, or served, shall keep such establishment or place, together with all dishes, utensils, equipment and appurtenances in a thoroughly clean and sanitary condition. The owner shall conduct all operations connected with the manufacture, preparation, handling, storing, sale or serving of such food or drink in a clean and sanitary manner, and shall protect such food and drink during all such processes and at all times including deliveries, from flies, dust, dirt, vermin and all forms of dangerous contamination.

*(1942 Rev. Ords. § 791).*

**6.16.050 - Bakery products contamination prevention.**

Every bakery or bake shop in the city shall be kept in a thoroughly sanitary condition and shall be open at any time to inspection by the local department of health. All food stuffs in such shops must be so protected as to prevent contamination of them by either persons or flies.

*(1942 Rev. Ords. § 792).*

**6.16.060 - Refreshment containers disinfected.**

Where individual cups are not used in dispensing liquid refreshments and ice cream, sold at soda fountains and refreshment stands, the containers shall be disinfected and thoroughly washed in clean water between each use by a customer. Spoons and other eating utensils must be treated in like manner.

*(1942 Rev. Ords. § 793).*

**6.16.070 - Samples taken by board of health.**

Every owner, proprietor or person in charge of any factory, store, market, restaurant, delivery wagon or truck, or other place where food or drink is manufactured, prepared, handled, sold, stored or transported, shall permit the local department of health or his authorized representative to take such sample of food or drink as may be necessary for analyses and examination upon tender of the proper payment therefor.

*(1942 Rev. Ords. § 795).*

**6.16.080 - Confiscation of unfit food.**

Whenever any substances intended for food or drink for human use are found being offered or exposed for sale or held in possession with intention to sell, which is in the opinion of the local health department unfit for human use or liable to cause or transmit any disease, the local health department shall order the same removed and disposed of, and it shall be the duty of the owner or person in charge of such substances to immediately remove and dispose of it at his own expense, according to the directions of the local department of health, In case the owner or person in charge fails to comply with an order from the local department of health, the department may cause the removal of the aforesaid substances at the expense of said owner or person in charge. The owner or person in charge has a right to demand a receipt for any food confiscated by the health department and an affidavit as to the quantity of food condemned and the reason for confiscation.

*(1942 Revs. Ords. § 796).*

**6.16.090 - Seizure authorized.**

The mayor may, upon knowledge or information, issue an order for the immediate seizure of any tainted or unsound meat or other provisions.

*(1942 Rev. Ords. § 797).*

**6.16.100 - Notice of seizure.**

Notice shall, where possible, be given the owner or person entitled to the possession of such property of the seizure thereof and a time set for a hearing at as early a date as practicable.

*(1942 Rev. Ords § 798).*

**6.16.110 - Destruction of unfit food.**

Such property may, in the discretion of the mayor, be destroyed either before or after such hearing.

*(1942 Rev. Ords. § 799).*

**6.16.120 - Closing of unsanitary establishments.**

Should any person engaged in the handling of food stuffs fail to keep his establishment or place of business in a clean and sanitary condition after being duly notified to do so by the local department of health, or in case the food or drink being offered for sale by him is liable to transmit disease, the local health department shall have the power to close the establishment or place of business until it is put in a clean and sanitary condition, or until the food or drink for sale shall no longer be capable of transmitting disease. In such a case, the owner or person in charge of the establishment shall not reopen the establishment for business until a permit has been received from the local board of health.

*(1942 Rev. Ords. § 800).*

Sections:

6.20.010 - Common drinking cup.

6.20.020 - Common cigar cutter.

6.20.030 - Public washrooms.

6.20.040 - Public drinking fountains.

6.20.050 - Expectorating in public places.

**6.20.010 - Common drinking cup.**

No person in charge of or in control of any dairy, playground, railroad station, theater, hotel, factory or any public place in the city, shall furnish or permit the use of a common drinking cup or drinking utensil.

*(1942 Rev. Ords. § 794).*

**6.20.020 - Common cigar cutter.**

The use of any common cigar cutter or device used by more than one person for the clipping of ends of cigars, in any store, restaurant or other public place is hereby prohibited.

*(1942 Rev. Ords. § 801).*

**6.20.030 - Public washrooms.**

The common towel in all eating places and in other public wash places is prohibited. All public wash places must be kept clean and in a sanitary condition.

*(1942 Rev. Ords. § 802).*

**6.20.040 - Public drinking fountains.**

All public drinking fountains in the city of Centerville shall be of sanitary character and must be approved by the local board of health. No one shall maintain public drinking fountains without such approval.

*(1942 Rev. Ords. § 803).*

**6.20.050 - Expectorating in public places.**

No person shall expectorate or spit on the floor of any street-railway car or any other public conveyance or public building or upon any railway depot or platform or upon any sidewalk.

*(1942 Rev. Ords. § 804).*

Sections:

6.24.010 - Distribution permit required.

**6.24.010 - Distribution permit required.**

No person shall distribute or cause to be distributed from house to house or on any street, sidewalk, alley or public place any package or bottle containing free samples of any medicinal substances, except by permission of the local board of health.

*(1942 Rev. Ords. § 805).*

Sections:

6.52.010 - Purpose of chapter.

6.52.020 - Definitions.

6.52.030 - Preparation of collection.

6.52.040 - Restriction as to yard waste.

6.52.050 - Containers.

6.52.060 - Storing refuse.

6.52.070 - Burning and accumulation of refuse.

6.52.080 - Frequency of collection.

6.52.090 - Collection fees.

6.52.100 - Authorized disposal.

6.52.110 - License.

6.52.120 - Regulations.

**6.52.010 - Purpose of chapter.**

The purpose of this chapter is to establish approved collection and disposal practices, define requirements for collectors and provide regulations for the storage and disposal of garbage, refuse ashes and rubbish.

*(Ord. 1166 § 1(part), 1993).*

**6.52.020 - Definitions.**

As used in this chapter:

"Collector" means a party to whom the city of Centerville has issued a license for the removal of refuse, garbage or rubbish from residential, commercial or industrial premises.

"Garbage" means every waste accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, including food containers.

"Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

"Premises" means any house, residence, building, flat, apartment, room, dwelling place, or any other residential, commercial or industrial property.

"Refuse" means all putrescible and nonputrescible solid wastes except body wastes, including ashes, garbage, rubbish, solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes such as paper, cardboard, wood, glass, crockery and similar materials.

"Unit" means no greater than a thirty-two gallon garbage can, an eight gallon ash can or a seventy-five pound rubbish container.

"Yard waste" means organic debris (i.e., including, but not limited to, grass clippings, leaves, tree limbs, bark, branches and flowers) which is produced as part of yard and garden development and maintenance.

*(Ord. 1166 § 1(part), 1993).*

**6.52.030 - Preparation of collection.**

Before being placed for collection, all garbage and rubbish shall be drained of all free liquids and shall be wrapped in paper bags or contained in plastic garbage bags. All ashes shall be placed in separate sturdy containers before being deposited for collection.

**6.52.040 - Restriction as to yard waste.**

No yard waste shall be collected or taken to the landfill.

*(Ord. 1166 § 1(part), 1993).*

**6.52.050 - Containers.**

Each person shall provide containers for the storage of refuse which shall be made rust resistant and of a shape or kind suitable for collection. Containers shall be equipped with suitable handles and water-tight covers and shall not exceed thirty-two gallons in capacity or seventy-five pounds in weight. Containers shall be kept in a clean, neat and sanitary condition at all times.

*(Ord. 1166 § 1(part), 1993).*

**6.52.060 - Storing refuse.**

No person shall place any refuse on private property except in proper containers for collection; nor shall any refuse be placed on a public property without the consent of the city council.

*(Ord. 1166 § 1(part), 1993).*

**6.52.070 - Burning and accumulation of refuse.**

The burning of refuse or the accumulation of refuse on any premises except as provided herein is declared to be prohibited nuisances.

*(Ord. 1166 § 1(part), 1993).*

**6.52.080 - Frequency of collection.**

Refuse shall be collected at least once each week. Commercial or industrial establishments shall have refuse collected more frequently if required by resolution of the city council.

*(Ord. 1166 § 1(part), 1993).*

**6.52.090 - Collection fees.**

A fair and reasonable charge shall be negotiated by the collector and its residential, commercial and industrial customers which shall be sufficient to cover the cost of labor, equipment, overhead and a reasonable profit.

*(Ord. 1233 § 1, 2000).*

**6.52.100 - Authorized disposal.**

All refuse shall be disposed of by any person or duly licensed collector at the Rathbun area solid waste commission landfill located in Appanoose County, Iowa.

*(Ord. 1213 § 1, 1999).*

**6.52.110 - License.**

No person shall remove refuse from any premises, or transport the same through public streets or alleys without having first secured a license from the city clerk. Persons hauling their own refuse in their own vehicle shall

be exempt from licensing; provided, however, the owner must transport all such refuse in accordance with the applicable provisions of this chapter.

*(Ord. 1166 § 1(part), 1993).*

**6.52.120 - Regulations.**

All collectors shall comply fully with the following regulatory requirements:

- (a) All vehicles used in the transportation of refuse shall be kept in a sanitary condition and shall be wholly enclosed or securely covered in order to prevent leakage or loss of contents in transit.
- (b) All collectors shall furnish liability insurance in a company authorized to do business in the state of Iowa in the following amounts:

(1) General Liability.

General aggregate	\$1,000,000
Personal injury	500,000
Each occurrence	500,000
Fire damage	50,000
Medical expense per person	5,000

(2) Automobile Liability.

Combined single limit	500,000
Bodily injury per person	500,000
Bodily injury per accident	500,000
Property damage	100,000

Certificates of coverage shall be filed with the city clerk and remain in effect during the term of the license. The policy of insurance shall also provide that the city be given notice of any changes in coverage or any cancellation of the policy.

- (c) Collectors shall be required to pay a license fee of one hundred dollars per year.
- (d) The parking, storing or keeping of all vehicles used in the transportation of refuse is prohibited within the corporate limits of the city of Centerville except in areas designated by the Centerville zoning code as M-1 light industrial or M-2 heavy industrial.

*(Ord. 1195 § 1, 1996; Ord. 1166 § 1(part), 1993).*

Sections:

6.56.010 - Established.

6.56.020 - General operations.

6.56.030 - Burials and disinterments.

6.56.040 - Markers and decorations.

6.56.050 - Cemetery charges.

6.56.060 - Sale of lots—Perpetual care.

6.56.070 - Long-term care of lots.

6.56.080 - Records.

6.56.090 - Liability.

**6.56.010 - Established.**

The Oakland Cemetery is established as a municipal cemetery of the city of Centerville, Iowa.

*(Ord. 1097 § 1, 1980).*

**6.56.020 - General operations.**

The following rules shall govern general operations of the cemetery:

- (a) Persons within the cemetery shall at all times maintain decorum of speech and action, including avoidance of loud talking or other noise.
- (b) No person shall drive any vehicle faster than fifteen miles an hour or in a careless manner upon the cemetery roads nor drive anywhere except upon such roads unless authorized by the cemetery superintendent.
- (c) Persons shall walk only on roads and walkways or footpaths except when absolutely necessary for maintenance of gravesites, inspection of plots, installation of markers or decoration of graves.
- (d) No person shall deface or otherwise damage any marker, headstone, monument, cemetery fence, or any other cemetery structure.
- (e) The hours of the cemetery shall be from sunrise to sunset each day.
- (f) No person except an authorized city employee shall cut, remove, or carry away any flowers, trees, shrubs, plants or vines from any lot. However, the owner of a lot may remove and carry away any flowers, plants or vines that he has placed upon said lot. No person other than the owner of the lot or city employees in the performance of their duties shall remove, carry away or destroy any vases, flower pots, urns or other objects which have been placed upon any lot.
- (g) No person may consume or possess refreshments, liquors or beverages of any kind on the cemetery grounds.
- (h) No person shall allow any dog or other animal belonging to him or under his control to run at large in the city cemetery, or any part thereof.
- (i) No persons other than law enforcement officers and persons engaged in military funerals or like ceremonies whose functions require the carrying of firearms may carry any firearm in or upon the city cemetery grounds.
- (j) All persons using the cemetery grounds shall deposit their rubbish and trash in the receptacles placed

in the cemetery for that purpose.

*(Ord. 1097 § 2, 1980).*

#### **6.56.030 - Burials and disinterments.**

The following rules shall apply to burials and disinterments within the city cemetery:

- (a) Before any burial will be permitted, proper permits must be furnished to the superintendent.
- (b) Lot owners are forbidden to allow interments to be made in their lot for a remuneration.
- (c) All graves shall be dug by workmen employed by the city and no filling, sodding, boxing, mounding, or other work upon single or lot graves shall be done only by such authorized personnel.
- (d) No interment of any body other than a human being shall be permitted or made in the city cemetery, nor shall there be more than one body per grave, except as may be authorized.
- (e) Arrangements for interments shall be made by the owner of the burial space, by a member or members of the family acting and authorized by law to act for the owner, or by an authorized undertaker, or other authorized agent of the owner.
- (f) Notice of interment must be given to the superintendent at least forty-eight hours in advance of burial. The superintendent must be present at all interments and have full charge of opening, closing and sodding or seeding of all graves.
- (g) The city shall in no manner be liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations of the cemetery have not been complied with. The city shall be under no duty to recognize any protest of interment unless it be in writing and filed with the city clerk. The city shall not be responsible for errors resulting from orders or instructions given by telephone and the clerk and cemetery superintendent may require such orders to be in writing before finalizing any action.
- (h) The city shall not be liable for the interment permit nor for the identity of the body sought to be interred.
- (i) Cemetery employees shall exercise reasonable care in making a removal but neither they nor the city shall assume any liability for damages to any casket or burial case or urn incurred in making the removal. All interments shall be in a vault, cement receptacle or fiberglass receptacle.

*(Ord. 1146 §§ 1 and 2, 1990; Ord. 1097 § 3, 1980).*

#### **6.56.040 - Markers and decorations.**

The following rules shall apply to the erection of markers within the city cemetery:

- (a) Monuments and grave markers of every description shall have suitable foundations, adequate to prevent tipping or sinking. Such foundations shall be of rock, sand and cement (three to one mix) and shall be both four inches wide and longer than the stone with a minimum depth of forty inches. All foundations shall be installed by persons authorized by the city.
- (b) Location of a marker shall be determined by the superintendent and it must be set and maintained so that the top of the foundation is flush with the surrounding ground, except in the Memorial Addition where the top of the marker shall be flush with the surrounding ground.
- (c) Slabs of any kind will not be permitted as coverings for graves. Surface vaults will not be permitted.

- (d) If any vault, tomb, mausoleum or like structure in which bodies are entombed in the cemetery shall fall into a state of dilapidation or decay, or shall be determined by the city council to be offensive or in any way injurious to the appearance of the cemetery, no adequate provisions having been made by the owner for repair and preservation of such structure, the city shall have the right to remove the said offensive or objectionable structure and to inter any body or bodies contained therein, in the earth upon the lot on which such structure was located, maintaining such lot thereafter in good and similar condition as done with other lots in the cemetery.
- (e) No fences or enclosures around lots shall be permitted.
- (f) Lot owner shall have the right to cultivate plants within the limit of a one-foot radius of any monument, which plants must not be detrimental to the cemetery or adjoining lots. Owners of lots shall not change the grade of any lot, nor interfere in any way with the general plan of landscaping of the cemetery.
- (g) The caretaker or other authorized employees of the city may enter upon any lot and remove any shrub, plant, ornament or other object which is deemed detrimental to the cemetery or adjoining lots and for the purpose of making any improvements deemed to be advantageous to the cemetery grounds.
- (h) Lot owners and others are prohibited from placing on lots or graves any toys, cases, boxes, globes, shells, cans, jugs, bottles, bric-a-brac of every description, wooden benches, chairs, settees, headboards or wooden articles of any kind. Any such articles found on the cemetery grounds may be removed.

*(Ord. 1097 § 4, 1980).*

**6.56.050 - Cemetery charges.**

The city council shall set from time to time, by resolution, charges for burial permits, grave digging, filling, protective tent rent, casket-lowering machine rent, concrete vaults, marker or monument bases, or other services.

*(Ord. 1097 § 5, 1980).*

**6.56.060 - Sale of lots—Perpetual care.**

- (a) Purchasers of burial space in the city cemetery, whether by lots or parts thereof, shall be entitled upon payment of the full purchase price to a deed for the space purchased; said deed to be signed by the mayor and countersigned by the city clerk, and specifying that said deed vests in the purchaser, the heirs, or the assigns of said purchaser, a right in fee simple to such lots, lot, or part thereof for the sole purpose of sepulcher alone, for human bodies only, subject to the rules and regulations and ordinances governing the cemetery as they exist at the time of interment, and that the city reserves the control of said lots, lot, or part of lot in the cemetery in order to properly maintain the cemetery. No deed shall be delivered until the purchaser has made final payment of the full fee for purchase plus the payment required for perpetual care. Any deed granted prior to the requirements for perpetual care shall be subject to any annual fee that the council has set for care. The council shall permit the conversion of the annual care requirement to perpetual care upon payment of the owner or another person in his behalf of the amount that would be required for each lots for perpetual care if purchased at the time of such conversion. Thereafter such owner or his heirs and assigns shall be relieved of any annual liability for a care fee.
- (b) Any unoccupied lot will be presumed abandoned under the conditions set out in state law for reversions, and the city may sell such reverted lot, the proceeds from which shall be deposited in the perpetual care fund to provide for the care of any occupied area of the reverted property or if there be no occupied portion, the proceeds from the sale portion may be invested, and the interest thereon be used wherever deemed useful for the care of the cemetery.
- (c) The city council shall from time to time, as conditions require, set by resolution prices for the conveyance of a deed for lots, based on the size and location of each. The price shall include a portion for the perpetual care charge as set by said resolution. The proceeds from the sale portion shall be deposited in the general fund.

The prices may be increased and the proportion for perpetual care changed when the council finds that the needs of the cemetery require it.

- (d) The city reserves and shall have the right to correct any errors that may be made in making either interments, disinterments, or removals, or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the city or in the sole discretion of the city, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the city reserves the right to remove and transfer such remains in such other property of equal value and similar location as far as reasonable possible may be substituted and conveyed in lieu thereof.

*(Ord. 1097 § 6, 1980).*

#### **6.56.070 - Long-term care of lots.**

The purchase price shall include a portion to be called the perpetual care charge, to be set as a percentage of the full price, and the clerk shall deposit such amount to a cemetery perpetual care fund. The council, by resolution, may accept gifts or donations of land, money or investment assets to be placed on the credit of the perpetual care fund. The assets of the perpetual care fund shall be invested by the treasurer as permitted by state law for municipal cemetery investments. The city shall use the income from such investments in caring for the property of the donor, or as provided in the terms of such gift or donation, or as agreed in the instrument for sale and purchase of a cemetery lot. Nothing herein required shall be construed as destroying any vested right as to investments heretofore made prior to the date that the city acquired title to the cemetery or said fund, but such investments may be continued until their maturity, and then reinvested according to the provisions of this section.

*(Ord. 1097 § 7, 1980).*

#### **6.56.080 - Records.**

- (a) The city shall keep a lot record and each lot record shall consist of an individual page or card for each lot, arranged by blocks according to lot number. Each page or card shall contain a record of the name and complete address, as nearly as possible, of each lot owner, the lot and block number, the purchase receipt number, date of purchase and space for recording transfers.
- (b) An interment register shall be maintained by the city showing a complete record of interments.

*(Ord. 1097 § 8, 1980).*

#### **6.56.090 - Liability.**

The city shall take reasonable precautions to protect plot owners and the property rights of plot owners within the cemetery from loss or damage, but it expressly shall not be liable for loss or damage beyond its control, and, particularly, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable civil disorder, whether the damage be direct or consequential.

*(Ord. 1097 § 9, 1980).*

Chapters:

Chapter 7.04 - Animals and Fowl Generally

Chapter 7.09 - Animal Control

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Chapter 7.04 - Animals and Fowl Generally

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Sections:

7.04.010 - Running at large.

7.04.020 - Hogs and domestic fowl—Pens.

7.04.025 - Large animal housing requirement.

7.04.030 - Abuse of animals.

7.04.040 - Poisoned meat.

7.04.050 - Male animals for breeding.

7.04.060 - Permit required.

7.04.070 - Reporting disease.

**7.04.010 - Running at large.**

No person shall knowingly or negligently permit or suffer any cattle, horses, swine, sheep or fowl under his control to run at large.

*(1942 Rev. Ords. § 862).*

**7.04.020 - Hogs and domestic fowl—Pens.**

No person shall erect or use any hogpen or pen for domestic fowl within twenty feet of the street or adjoining property; nor shall any person keep more than two hogs or pigs on any one lot, in any one pen, and the pen shall be constructed so as to have a wooden floor which shall be at least one foot above the ground. No hogpen or pen for domestic fowl shall be constructed or maintained nearer than one hundred feet from any dwelling. No more than two chickens shall be kept on any one lot; roosters are prohibited.

*(1942 Rev. Ords. § 863; Ord. 605, 1945, Ord. 1321, § 1, April 3, 2017).*

**7.04.025 - Large animal housing requirement.**

Each horse, cow, cow-calf pair, horse-colt pair, sheep and goats shall have a two acre requirement per pair. The calf or colt is defined as an animal that has been weaned for less than three months.

*(Ord. 1274 § 1(part), 2007).*

**7.04.030 - Abuse of animals.**

No person shall abuse, torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat or cruelly kill any animal. Unnecessary failure to provide animals with proper food, drink, shelter or protection from weather, driving or working animals when unfit for labor, cruelly abandoning animals, carrying animals or causing animals to be cruelly carried on any vehicle or otherwise, or committing any other act or omission by which unjustifiable pain, distress, suffering or death is caused shall not be permitted to any animal or animals.

*(1942 Rev. Ords. § 864).*

**7.04.040 - Poisoned meat.**

No person shall expose any poisoned meat or other poisoned substance outside of his own dwelling house where the same may be taken by any human being or domestic animal.

*(1942 Rev. Ords. § 865).*

**7.04.050 - Male animals for breeding.**

A person shall neither use any stallion, jack or bull for breeding purposes except in a proper enclosure not without written permission from the mayor authorizing such use at such place. Such permit shall not be granted for a longer period than one year from date of issuance.

*(1942 Rev. Ords. § 866).*

**7.04.060 - Permit required.**

No person shall keep within the limits of the city in any building or on any premises of which he may be the owner, lessee, tenant or occupant, any cattle, goats, swine, or domestic fowl, without a written permit from the city clerk. Buildings, yards and enclosures for cattle, goats, swine, or domestic fowl must at all times be kept clean and free from filth, dirt and stagnant water. Unless otherwise approved by the city council, all such permits shall expire annually; provided, however, any such permit may be revoked by the city council, subsequent to notice by certified mail and hearing thereon, if the permittee fails to comply with the provisions of this chapter.

*(Ord. 1132 § 1, 1988: Ord. 605, 1945: 1942 Rev. Ords. § 867).*

**7.04.070 - Reporting disease.**

Any person having knowledge of the presence of any disease among animals capable of being communicated to man, shall immediately report that fact, together with the street and number of the premises at which the animals are kept, to the city health officer.

*(1942 Rev. Ords. § 868).*

Sections:

7.09.010 - Definitions.

7.09.020 - License.

7.09.030 - Relicensing of prohibited animals.

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**7.09.010 - Definitions.**

The following words and phrases shall for purposes of this chapter have the following meanings:

"At large" means either of the following:

- (1) An animal on the premises of the owner which is not restrained on those premises by an adequate protective fence or by leash, cord, muzzle, chain or other similar restraint which prevents the animal from going beyond the owner's property line; or
- (2) An animal off the premises of the owner which is not properly restrained within a motor vehicle, housed in a veterinary hospital or registered kennel, or is not on a leash, cord, muzzle, chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the animal.

"Breeder" means any person, partnership, or corporation which maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration of profit, fee or compensation.

"Cats," when used herein, means and includes animals of all ages, both female and male, which are members of the feline species whether altered or not.

"Dangerous animal" means (1) 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; and (2) the following animals, which are

deemed to be dangerous per se:

- (1) Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
- (2) Wolves, coyotes and foxes;
- (3) Badgers, wolverines, weasels, skunk and mink;
- (4) Raccoons;
- (5) Bears;
- (6) Monkeys and chimpanzees;
- (7) Bats;
- (8) Alligators, crocodiles and caimans;
- (9) Scorpions;
- (10) Snakes and reptiles that are venomous;
- (11) Snakes that are constrictors over six feet in length;
- (12) Gila monsters;
- (13) Opossums;
- (14) All apes, baboons and macaques;
- (15) Piranhas;
- (16) Any crossbred of such animals which have similar characteristics to the animals specified above.

"Dogs," when used herein, means and includes animals of all ages, both female and male, which are members of the canine species whether altered or not.

"Exotic animal" means an animal that is not indigenous to Iowa.

Muzzle. When required by this chapter, a "muzzle" shall be of appropriate material with sufficient strength to restrain the animal from biting and no such muzzle employed shall be made from any material or maintained on the animal in any manner so as to cut or injure the animal.

"Owner" means every person, firm, partnership, or corporation owning, keeping or harboring an animal within the corporate limits of the city. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

"Pit bull," when used herein, shall refer to the pit bull terrier breed of dog defined as follows: an American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Bull Terrier breed of dog, or any mixed breed of the above breeds which strongly possesses the characteristics of the pit bull breed as to be easily and commonly recognizable as a pit bull, or is referred to as such by the owner or person having control of the animal.

"Presa Canario (Dogos)," when used herein, shall refer to the Presa Canario (Dogos) breed of dog or any mixed breed of the Presa Canario (Dogos) which so strongly possesses the characteristics of the Presa Canario (Dogos) breed as to be easily and commonly recognizable as a Presa Canario (Dogos), or is referred to as such by the owner or person having control of the animal.

"Rotweiler," when used herein, shall refer to the rotweiler breed, or any mixed breed animal which includes the rotweiler breed which so strongly possesses the characteristics of the rotweiler breed as to be easily and commonly recognizable as a rotweiler, or is referred to as such by the owner or person having control of the animal.

"Stray" means any animal which does not have affixed to it a collar with an identification tag with owner's name, address and phone number or a current city of Centerville license tag.

"Vaccination" means an injection of any vaccine for rabies approved by the State Veterinarian, and administered by a licensed veterinarian or agent of the health officer.

"Vicious animal" means and includes:

- (1) Any animal with a known propensity, tendency or disposition to attack unprovoked as evidenced by its habitual or repeated chasing, snapping or barking at human beings or other animals so as to potentially cause injury or to otherwise endanger their safety.
- (2) Any animal that has been used as a weapon, or during the commission of a crime, whether injury occurred or not.
- (3) Any animal that has been trained to injure humans or animals, including, but not limited to fighting. Animals, such as hunting dogs, trained to retrieve injured or dead game are not included.
- (4) Any animal identified as a vicious animal by a veterinarian.
- (5) An animal which injures a person, animal or property without just cause or justification.

"Wild animal" means an animal incapable of being completely domesticated, and requiring exercise of art, force, or skill to keep it in subjection.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.020 - License.**

It is unlawful for any person, firm, partnership or corporation to own, keep or harbor a dog or cat or dangerous animal within the corporate limits of the city without having first paid to the city an annual license fee for all such animals six months of age or over. The license fee required by this section shall be due and payable as soon as the animal attains six months of age. The annual license fee shall be established by resolution of the city council.

To secure a license, owner must provide proof of legal rabies vaccination, proof of surgery if the animal was spayed or neutered. The application for license must be accompanied by a photograph or photographs of the animal such that the facial characteristics and full body markings can be clearly distinguished. Upon payment of the license fee to city clerk, the owner of the animal will be issued a tag. Every animal covered by this chapter must have and wear a collar of such type that the city license tag may be firmly attached at all times to the collar or harness. Failure to keep such a tag on the collar shall be unlawful.

The license as referred to in this section shall be effective for the year ensuing its issuance, and must be renewed each subsequent year prior to April 1. Unless the owner has an existing license, the initial license provided for in this chapter shall be purchased on or before December 1, 2008. This license shall be nontransferable. Upon the death of the dog or cat, the owner shall advise the City Hall to void the registration of the animal. Upon the move of the owner and animal from one residence to another residence within the city of Centerville, the owner shall notify City Hall in writing within ten days of the new residence address and telephone number. Owners of animals moving permanently out of the city shall notify City Hall in writing within thirty days and request cancellation of their license.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.030 - Relicensing of prohibited animals.**

All animals meeting the definition of prohibited animals, in order to meet the exception for continuously registered and licensed animals, must provide proof of the information required in Section 7.09.020, within thirty days of the passage of the ordinance. There will be no additional fee for the relicensing of currently licensed animals.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.040 - Renewal licensing of prohibited animals.**

All animals meeting the definition of prohibited animals, in order to continue to meet the exception must be continuously registered and licensed, each year prior to April 1, and must provide annually the licensing requirements, including proof of continuing liability insurance for the licensing year.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.050 - Identification.**

Regardless of the age of the animal, the owners of all dogs and cats shall obtain a durable identification tag for the animal setting forth the name, address and phone number of the owner of the animal, and said identification tag shall also be attached to the collar or harness of the animal. Failure to keep an identification tag on the animal as well as a license is unlawful.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.060 - Number of animals.**

It is unlawful for any person, firm, partnership or corporation to own, keep or harbor more than six dogs and/or cats within the corporate limits of the city. This provision shall not apply to proprietors of animal hospitals, and veterinarians when such animals are kept upon premises and used by such business. This provision also shall not apply to owners of animals who are animal breeders or kennel operators, who hold a license from the state for breeding or kennel operation.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.070 - Removal of waste/waste container.**

It is unlawful for any person owning or having control of any dog not to remove any waste left by that dog on any sidewalk, gutter, street, lot or other public area or private property not owned by the dog owner located within the city limits of the city of Centerville, Iowa. Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle, sanitary disposal unit or other closed or sealed refuse container. This section shall not apply to large animals whose participation in a parade or event is conditioned upon the provision of the event sponsor's waste removal services. This section shall not apply to service animals of persons with a disability.

Any person owning or having control of or exercising a house pet within the city limits of the city of Centerville, Iowa, must have in their immediate control a container for the disposal of pet waste. Such container must be produced at the request of a law enforcement officer, animal control officer, or citizen. Said requirement does not extend to a person having control of an animal upon the owner's own property.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.080 - Animals on the square.**

All animals are prohibited from the one block radius of the city square as bounded by the centerline of the following streets, East Washington to the North, North 14th to the East, Maple Street/Highway 2 to the South, and North 10th to the West.

Animals performing or appearing in a parade, procession or other special event are excepted, so long as they are restrained under the control of a competent handler.

Owners owning animals who live within the square area may lawfully exercise their animals, while properly restrained and leashed, by leading them to and from the square by the most direct route.

Nothing in this section makes any restriction upon service animals of persons with a disability.

*(Ord. 1288 § 2(part), 2008).*

**7.09.090 - Dogs on chains.**

Outdoor dogs on chains shall be located at least ten feet from the owner's property line and shall not be allowed fifty feet from the neighbor's dwelling. The dog chains shall not allow dogs within twenty feet of city property, sidewalks or right-of-way accesses. Should an owner's residence not practically allow for keeping an animal in such a manner, the owner must contact the animal control officer, who may, in his discretion, locate and provide written specifications of how the dog may be chained. In this case, it shall be the duty of the owner to maintain the dog on chain in the manner instructed by the animal control officer.

*(Ord. 1288 § 2(part), 2008).*

**7.09.100 - Animal care.**

Owners or caretakers of animals shall provide animals with sufficient good and wholesome food and water, in suitable containers, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No one shall abandon an animal within the city limits.

No person shall expose an animal to any known poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by any animal, unless for the purpose of vermin removal.

*(Ord. 1288 § 2(part), 2008).*

**7.09.110 - Abandonment of animal.**

Any owner or person in control or possession of an animal who is found to have intentionally abandoned an animal under this section, by dumping it along a thoroughfare, or by moving away and leaving the dog enclosed or secured shall be guilty of a violation of this chapter.

*(Ord. 1288 § 2(part), 2008).*

**7.09.120 - Location of animal pen.**

Outdoor dog pens shall be located fifty feet from any dwelling other than the person owning or controlling the dog. Yard fences which enclose at least one-half of the yard area are not to be construed as dog pens. Dog pens shall not be constructed of chicken wire or such material which would not be assured to adequately secure the dog, given the size, age, and weight of the dog. Dog pen sizes must be a minimum of six feet by ten feet. Should an owner's property be smaller than fifty feet in width and length, it shall be the discretion of the animal control officer, mayor or designee to provide written specification as to where the animal pen shall be located. In this case, it shall be the duty of the owner to maintain animal pen in the manner instructed by the animal control officer.

*(Ord. 1288 § 2(part), 2008).*

**7.09.130 - Conditions of pens and premises.**

It is unlawful for any person keeping or harboring animals to:

- (a) Fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of said premises;
- (b) Allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animals' waste from the premises;
- (c) Allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control;

- (d) Fail to meet the minimum size standards per animal for an animal pen.

*(Ord. 1288 § 2(part), 2008).*

**7.09.140 - Wireless or underground dog fences.**

Animal control systems which by means of electronic negative stimulation are designed to keep the animal within the bounds of the owner's residence may not be the sole means for restraint of an animal.

*(Ord. 1288 § 2(part), 2008).*

**7.09.150 - Animal at large.**

Animals must be confined to the premises of the owner. An animal shall be deemed not to be at large if:

- (a) The animal is on the premises of the owner or the premises of a person given charge of the animal by the owners and is either:
  - i. Accompanied by and obedient to the commands of the owner or the person given such charge; or
  - ii. Restrained on those premises by and adequate protective fence, or leash, cord, chain or other similar restraint of sufficient strength to restrain the animal and does not allow the animal to go beyond the owner's/person's property line or onto the sidewalk.
- (b) On a public sidewalk or street but restrained by a leash held by a person capable of restraining the animal.

*(Ord. 1288 § 2(part), 2008).*

**7.09.160 - Animal habitually at large.**

An animal which has been found to be at large within the meaning of the above section twice within the previous year.

*(Ord. 1288 § 2(part), 2008).*

**7.09.170 - Requirements for an animal habitually at large.**

- (a) An animal found habitually at large must be enclosed in a pen, approved in writing by the animal control officer, mayor or designee.
- (b) Upon receiving notification that the animal is habitually at large, it shall be the duty of the owner of the animal to contact the animal control officer, within three days of such notification, to request that the animal control officer, mayor or designee inspect the enclosure provided for the animal.
- (c) The owner may also permanently remove the animal from the city limits within the three days, by removing the animal and providing the permanent whereabouts of the animal to the animal control officer in writing to City Hall.

*(Ord. 1288 § 2(part), 2008).*

**7.09.180 - Failure to secure an animal habitually at large.**

- (a) An owner whose animal has been found to be "at large," who has been found to have either failed to construct a pen, whose pen does not pass the city inspection, or whose animal has been found at large despite the pen or has failed to secure an animal habitually at large is guilty of a simple misdemeanor.

- (b) After the second violation of this subsection, the animal control officer may impound the animal pending successful completion of the requirements of Section 7.09.170
- (c) If said requirements are not completed within five calendar days of the impound, the animal may be humanely destroyed and the costs billed to the owner.

*(Ord. 1288 § 2(part), 2008).*

**7.09.190 - Animal bites.**

Any animal which has bitten a person is a rabies suspect and such animal shall be immediately released by the owner or custodian for quarantine confinement in a veterinary hospital approved by the city for a period of ten days or within an enclosure approved by the city. When any animal has bitten, scratched or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify the City Hall. The animal may be quarantined for a period of at least ten days at the expense of the owner, or ownership may be relinquished, and the animal euthanized. The quarantine may be on the premises of the owner at the discretion of and under supervision of the director of animal control, if an appropriate place is available. Unclaimed stray animals may be humanely euthanized after five days.

*(Ord. 1288 § 2(part), 2008).*

**7.09.200 - Nuisance animals.**

Owners of a nuisance animal shall be subject to the penalty provisions of this chapter. A nuisance animal is an animal who infringes upon the rights of another animal or person by:

- (a) Chasing persons, bicycles, automobiles, or other vehicles;
- (b) Attacking other animals;
- (c) Trespassing on others property;
- (d) Damaging private or public property;
- (e) Habitually howl, yelp, or bark; and
- (f) Impeding the passage of another person or animal along a public sidewalk or right-of- way by threatening sounds or physical action.

*(Ord. 1288 § 2(part), 2008).*

**7.09.210 - Animals prohibited.**

Except within a commercial kennel, animal hospital, or shelter approved by the city, animals prohibited to be owned or kept within the city limits, as defined in Section 7.09.010 above, are:

- (a) Pit bulls;
- (b) Rotweillers;
- (c) Presa Canarios (Dogos);
- (d) Dangerous animals; and
- (e) Vicious animals.

*(Ord. 1288 § 2(part), 2008, Ord. 1321, § 2, April 3, 2017).*

**7.09.220 - Exceptions for continuously registered and licensed prohibited animals.**

Animals prohibited pursuant to Section 7.09.210, but currently and continuously registered and licensed pursuant to the chapter, shall be exempted, provided that they meet, and continuously meet the following exemptions:

- (a) Animal shall be spayed or neutered, with proof provided to the city.

- (b) Animal shall have a microchip inserted subcutaneously for identification purposes by a licensed veterinarian, which information shall be made available to the animal control officer.
- (c) Animals shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure housing one animal must have minimum dimensions of ten feet (width) by twelve feet (length) by six feet (height), and must be constructed securely, with a secure cover. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. On the confinement, the owner shall display clearly a visible warning sign, no less than eight and one-half by eleven inches in size warning the public of the "Dangerous Animal." The sign must be legible from the public street. The owner shall also display a sign with a symbol warning children of the presence of a dangerous animal. Such pen housing prohibited animals must be approved by the animal control officer prior to relicensing or renewal of relicensing.
- (d) Prohibited animals must be muzzled and securely restrained by a competent handler when transported within the city.
- (e) Prohibited animals are banned from all public places, including but not limited to, streets and sidewalks, parks, schools, the city pool, etc.
- (f) Insurance. The owner of the animal must maintain homeowner's insurance or other suitable policy providing a minimum amount of coverage of three hundred thousand dollars, insuring the owner for any damage or personal injury which may be caused by the prohibited animal.
- (g) It shall be the duty of the persons owning or having control of a vicious, wild or dangerous animal to report to the police department when such animal is found missing.
- (h) Said prohibited animal, found at large may be captured and impounded, or in the discretion of the police chief, destroyed. The city shall be under no duty to attempt the capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
- (i) Upon the reporting of any information that an individual or entity is keeping, sheltering or harboring a prohibited animal in the city, the mayor or police chief shall cause the matter to be investigated and if after investigation, the facts indicated that the person named in the complaint is keeping, sheltering, or harboring a prohibited animal in the city, the police chief shall immediately seize any such animal. The animal so seized shall be impounded for a period of five days. If at the end of such period, the individual or entity keeping the prohibited animal per se has not appealed or petitioned the Appanoose County District Court seeking the return of such dangerous animal, the mayor or police chief shall cause the dangerous animal per se to be disposed of by sale or otherwise or destroy such animal in a humane manner.
- (j) In his discretion, the animal control officer may confirm the location of any licensed prohibited animal and the compliance with the owner of the conditions herein.
- (k) Such procedure shall not be required where such prohibited animal has caused serious physical harm or death to any person, in which case the mayor or police chief shall cause the animal to be immediately seized and impounded or destroyed, if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- (l) An animal owner, of an animal that is vicious, wild or dangerous, and whose animal was seized for violation of the requirements of this chapter shall not be permitted to own an animal covered by this chapter for a period of five years from the date of seizure.

*(Ord. 1288 § 2(part), 2008).*

**7.09.230 - Exemption for offspring of exempted animals.**

Offspring of registered animal otherwise prohibited shall be exempt from the prohibition, for the first six

months of life, provided they both meet the requirements of Section 7.09.220(c) and (d) and that within ten days of their birth, the owners of offspring of registered animals of prohibited breeds shall send a certified letter to the animal control officer announcing the birth. Failure to properly notify the city shall remove the exemption.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.240 - Exemption for animals temporarily transported within city limits.**

Prohibited animals may be temporarily transported and held within the city of Centerville for up to seventy-two hours, for purposes of showing the animal in a public exhibition, or transported to a veterinarian's office, provided that they are securely restrained by kennel or muzzle, as described in Section 7.09.220(d) above.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.250 - Exemption for animals in city custody.**

Animals held in the city's animal shelter, transported by city personnel or transported by persons contracted with by the city for animal control services shall be exempted.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.260 - Impoundment.**

Animals prohibited pursuant to Section 7.09.210, shall be subject to the following additional penalties:

- (a) The animal control officer of the city of Centerville, Iowa is authorized to immediately impound any animal prohibited which is found within the city limits of the city of Centerville which does not meet one of the exceptions. Unless it is determined that the prohibited animal falls under one of the exceptions, subject to the right of appeal, ten calendar days after impoundment, the animal control officer shall destroy the animal unless the owner of the animal produces evidence deemed sufficient by the animal control officer that the prohibited animal is to be permanently taken out of the city of Centerville, and the owner pays the cost of impoundment.
- (b) When the animal control officer has impounded any animal pursuant to this section, and the owner of the animal disputes the classification of the animal as a member of a prohibited class, or disputes whether an exemption should apply, the owners of the animal may file a written request for hearing with the mayor or mayor's designee within seven calendar days after impoundment. The appellant/owner of the animal shall bear the burden of proof. The mayor or mayor's designee will act as hearing officer. At the conclusion of the hearing, or sometime thereafter the mayor or mayor's designee shall render a written decision as to whether the animal is prohibited. The findings of the mayor or designee shall be conclusive.
- (c) The mayor or designee upon finding that the animal is prohibited shall order the destruction of the animal, unless the owner of the animal produces evidence deemed sufficient by the animal control officer that the animal is to be permanently taken out of the city of Centerville, and the owner pays the cost of impoundment. The city shall not destroy any animal until all legal proceedings and appellate time frames have expired. The owners will be responsible for all costs of impoundment pending any proceedings.

*(Ord. 1288 § 2(part), 2008).*

#### **7.09.270 - Enforcement.**

For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, any police officer and any animal control employee is empowered to enter any premises upon which an animal is kept or harbored and to demand and secure the owner's exhibition of such animal. Said officials named herein are further empowered to enter the premises where any animal is reportedly kept in a cruel or inhumane manner to examine

such animal and to take possession thereof when it reasonably appears that such animal requires humane treatment.

*(Ord. 1288 § 2(part), 2008).*

**7.09.280 - Interference with enforcement.**

It is unlawful for any person to interfere in any manner with any animal control employee while he is discharging his duties.

*(Ord. 1288 § 2(part), 2008).*

Chapters:

- Chapter 8.04 - Minor Offenses
- Chapter 8.06 - Loitering
- Chapter 8.08 - Public Morals and Decency
- Chapter 8.12 - Interfering with Police
- Chapter 8.20 - Offenses Against Library Property
- Chapter 8.24 - Curfew
- Chapter 8.32 - Occult Arts
- Chapter 8.36 - Dangerous Operation of Aircraft
- Chapter 8.46 - Nuisance Abatement
- Chapter 8.48 - Hazardous Vegetation
- Chapter 8.50 - Noise Nuisances
- Chapter 8.52 - Dutch Elm Diseased Trees
- Chapter 8.56 - City Reservoirs
- Chapter 8.60 - Junk and Junk Vehicles
- Chapter 8.64 - Lelah Bradley Park and Property Adjoining City Reservoirs
- Chapter 8.68 - Consumption of Beer on Property Adjoining City Reservoirs
- Chapter 8.72 - Social Host Provisions.

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Chapter 8.04 - Minor Offenses [1]

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Sections:

- 8.04.010 - Disturbing the peace.
- 8.04.020 - Keeping disorderly house.
- 8.04.030 - Unlawful assembly.
- 8.04.040 - Interference with radio or broadcasting.
- 8.04.050 - Disturbance of library.
- 8.04.090 - Vagrancy—Begging.
- 8.04.100 - Gambling.
- 8.04.110 - Discharging of weapons.
- 8.04.130 - Soliciting prohibited.
- 8.04.140 - Soliciting—Inconvenience prohibited.

**8.04.010 - Disturbing the peace.**

No person shall disturb the peace of any street, alley, public ground, religious or public assembly, public or private building, or any neighborhood, private family or person by loud or disagreeable noise or by indecent, profane or obscene language, conversation, or conduct or by quarreling, assaulting, fighting or by any other means.

*(1942 Rev. Ords. § 828).*

**8.04.020 - Keeping disorderly house.**

No person shall permit or suffer to continue without taking legal steps to prevent the same any quarreling, fighting, profane, indecent or obscene language or conduct or loud, disagreeable noises to the disturbance of the neighborhood or general public upon any premises owned by him or in his possession.

*(1942 Rev. Ords. § 829).*

**8.04.030 - Unlawful assembly.**

No person shall participate in any assembly where persons come together in a violent or tumultuous manner or when together attempt to do an act whether lawful or unlawful in an unlawful, violent or tumultuous manner to the disturbance of others.

*(1942 Rev. Ords. § 830).*

#### **8.04.040 - Interference with radio or broadcasting.**

It shall be unlawful for any person to operate or to be responsible for the operation of any machine, apparatus or equipment, generating or causing high frequency oscillation or interference of any kind such as to interfere with radio or broadcasting, without providing for the elimination of such interference so far as possible.

*(1942 Rev. Ords. § 831).*

#### **8.04.050 - Disturbance of library.**

No person shall disturb the order and quiet of the public library by loud talking, whispering, profane, indecent or obscene language or conduct or by violating the rules governing conduct adopted by the library board.

*(1942 Rev. Ords. § 832).*

#### **8.04.090 - Vagrancy—Begging.**

No person shall be found upon any street, alley or public ground or in any public place who has no visible calling or means of support, nor shall any person be found begging from house to house or in a public place.

*(1942 Rev. Ords. § 839).*

#### **8.04.100 - Gambling.**

No person shall gamble or keep or participate in any gambling game in any public street, alley or other public ground, or in any private house, room or rooms, or in any open lot or other place, or keep or engage in the use of any gambling device in any such place.

*(1942 Rev. Ords. § 841).*

#### **8.04.110 - Discharging of weapons.**

- (a) No person shall discharge any cannon, shotgun, rifle, pistol, air gun, or shoot a bow (cross bow) or any other firearm or dangerous instrument within the city. However, this prohibition shall not apply to law enforcement Officers using firearms, organized functions, e.g. Veterans Services, or bow hunters (cross bows) bow (cross bow) hunters must complete a bow hunter shooting proficiency test and comply with all Iowa DNR Rules covering Bow hunting of deer and possess a valid State of Iowa hunting license and a City of Centerville deer hunting permit issued by the city administrator or designee.
- (b) No person shall shoot a bow (cross bow) and arrow on public property, except for licensed fishing when participating in an organized sporting event approved by the chief of police or designee, or when authorized by this Code. A person may discharge a bow (cross bow) and arrow on private property after using appropriate caution and with due regard for the safety of other persons and property; however, in no case shall such arrow cross a property line without permission of the property owners.

No person shall hunt with a bow (cross bow) and arrow within the city limits, whether on public or private property, unless properly licensed by the State of Iowa and approved by the chief of police or designee. Any such person authorized to hunt within the city limits shall only do so in accordance with rules and regulations prescribed by the chief of police.

- (c) This section shall not apply to law enforcement officers discharging weapons in performance of their duties

or to discharging of said weapons at any contest, game or sporting event or at any practice range where the discharge of said weapons is a part of said activity nor to the discharging of any said weapon in the defense of persons as permitted by law.

*(1942 Rev. Ords. § 626(3); Ord. No. 1298, § 1, September 6, 2011).*

**8.04.130 - Soliciting prohibited.**

It is unlawful to ring any doorbell or knock on an door or peddle, or canvass, or solicit orders or beg, or solicit for any purpose or distribute advertising of any kind, in or upon any private lot, building or premises without an invitation or request from the owners or occupants.

*(1942 Rev. Ords. § 825; Ord. 2013-1300 § 10a, April 1, 2013).*

**8.04.140 - Soliciting—Inconvenience prohibited.**

It is unlawful to telephone to any private lot, building or premises for the purpose of peddling, or canvassing, or soliciting for any purpose without an invitation or request from the owner or occupant.

*(1942 Rev. Ords. § 826; Ord. 2013-130; Ord. 2013-1300 § 10a, April 1, 2013).*

FOOTNOTE(S):

<sup>(1)</sup> *For provisions regarding the powers of city to restrain and prohibit generally, see ICA Chapter 364.*

Sections:

8.06.010 - Definitions.

8.06.020 - Types of loitering.

8.06.030 - Discretion of peace officer.

**8.06.010 - Definitions.**

- (a) "Loitering" means remaining idle in essentially one location and includes the concepts of spending time idly, loafing or walking about aimlessly, and shall also include the colloquial expression "hanging around."
- (b) "Public place" means any place to which the public has access and includes any street, highway, road, alley or sidewalk. It also includes the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, and public grounds, areas, parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter.

*(Ord. 1040 § 1, 1975).*

**8.06.020 - Types of loitering.**

No person shall loiter in a public place in such manner as to:

- (1) Create or cause to be created a danger of a breach of the peace;
- (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (3) Obstruct the free passage of pedestrians or vehicles;
- (4) Obstruct, molest or interfere with any person lawfully in any public place as herein defined, This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

*(Ord. 1040 § 2, 1975).*

**8.06.030 - Discretion of peace officer.**

Whenever any peace officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in Section 8.06.020, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who refuses to leave after being ordered to do so by a peace officer shall be guilty of a violation of this chapter.

*(Ord. 1040 § 3, 1975).*

Sections:

8.08.010 - Lewd or indecent conduct.

8.08.020 - Fornication—Harboring prostitutes.

8.08.030 - Resorts.

**8.08.010 - Lewd or indecent conduct.**

No person shall designedly make an open and indecent or obscene exposure of his person, or of the person of another, nor behave indecently or lewdly, nor exhibit or make public any indecent or lewd books, picture, statue or other thing; nor exhibit or perform any indecent, immoral or lewd play or other representation; nor bathe or swim in any pond or swim during daylight when naked or insufficiently clothed.

*(1942 Rev. Ords. § 834).*

**8.08.020 - Fornication—Harboring prostitutes.**

No person shall commit fornication, nor bring nor assist in bringing into Centerville any lewd woman or prostitute, or knowingly harbor any such woman.

*(1942 Rev. Ords. § 835).*

**8.08.030 - Resorts.**

No person shall keep or resort to any bawdy house, disorderly house, house of ill-fame, roadhouse where lewdness is carried on, opium or hop joint, place resorted to for the use of drugs or hashish, or place where intoxicating liquor is kept, sold or given away; nor shall any person knowing the character or reputation of any such place transport others to or from any of the places described in this section.

*(1942 Rev. Ords § 840).*

Sections:

8.12.010 - Hindrance of officers.

8.12.020 - Communication with prisoners.

**8.12.010 - Hindrance of officers.**

No person shall willfully hinder, interfere with, resist or abuse any police officer in the discharge of his duty, nor abuse or ridicule any police officer in any verbal manner while the officer is on duty, nor neglect or refuse to assist or aid such officer in making an arrest or in preventing the escape of a prisoner, nor aid any person in charge of such officer to escape.

*(Ord. 970 § 1, 1970; 1942 Rev. Ords. § 882).*

**8.12.020 - Communication with prisoners.**

No person shall annoy or insult any prisoner nor communicate with any prisoner after being warned to refrain therefrom, except that any prisoner may call for and consult with his attorney at any time.

*(1942 Rev. Ords. § 883).*

Sections:

8.20.010 - Removal of books.

8.20.020 - Notice to return books.

8.20.030 - Destruction of books and materials.

**8.20.010 - Removal of books.**

No person shall take from the Drake Free Public Library any book, pamphlet, periodical, paper or other property except in accordance with the rules and regulations of the Drake Free Public Library.

*(1942 Rev. Ords. § 875).*

**8.20.020 - Notice to return books.**

Every person who shall take or borrow from the Drake Free Public Library any book, pamphlet, periodical, paper or other property shall return the same within two weeks from the date of a notice mailed to his or her address.

*(1942 Rev. Ords. § 876).*

**8.20.030 - Destruction of books and materials.**

No person shall willfully and wantonly cut out, mutilate, mark, tear, write upon, deface or otherwise destroy or injure in whole or in part any book, pamphlet, periodical, map, paper, document, picture, written or engraved or printed matter belonging to the Drake Free Public Library; nor shall suffer any such injury to be inflicted while such property is in his or her custody nor shall willfully or wantonly injure any of the furniture or property in the Drake Free Public Library building.

*(1942 Rev. Ords. § 877).*

Sections:

8.24.010 - Purpose.

8.24.020 - Definitions.

8.24.030 - Curfew established.

8.24.040 - Exceptions.

8.24.050 - Responsibility of adults.

8.24.060 - Enforcement procedures.

8.24.070 - Penalties.

**8.24.010 - Purpose.**

A curfew for minors is necessary to promote the public health, safety, morals and general welfare of the residents of the city, and is enacted specifically to achieve the following purposes:

- (a) Reinforce the primary authority and responsibility of adults responsible for minors;
- (b) Protect the public from the illegal acts committed by minors; and
- (c) Protect minors from improper influences and criminal activity during certain hours.

*(Ord. 1177 § 1(part), 1994).*

**8.24.020 - Definitions.**

As used in this chapter:

"Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident, or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.

"Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility through an objective test. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

"Minor" means any unemancipated person under the age of eighteen years. "Nonsecured custody" means custody in an unlocked area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecure custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release of the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention.

"Public place" means and includes the city square, shopping centers, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use; and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise, or in or on which the general public is permitted without specific invitation, or to which the general public has access.

"Responsible adult" means a parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody or control of a minor.

"Unemancipated" means unmarried and still under custody or control of a responsible adult.

*(Ord. 1177 § 1(part), 1994).*

**8.24.030 - Curfew established.**

- (a) No minor fifteen years of age or younger shall be in any public place during the following times:
  - (1) Sunday—Thursday: ten p.m.—five a.m. each day;
  - (2) Friday—Saturday: eleven p.m.—five a.m. each day.
- (b) No minor sixteen through seventeen years of age shall be in any public place during the following times:
  - (1) Sunday—Thursday: eleven p.m.—five a.m. each day;
  - (2) Friday—Saturday: Midnight—five a.m. each day.

*(Ord. 1177 § 1(part), 1994).*

**8.24.040 - Exceptions.**

The following are exceptions to the curfew:

- (a) The minor is accompanied by a responsible adult.
- (b) When the minor is on the sidewalk or property where the minor resides, or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
- (c) The minor is present at or is traveling between home and one of the following:
  - (1) Minor's place of employment in a business, trade or occupation, in which the minor is permitted by law to be engaged; or, if traveling, within one hour after the end of work;
  - (2) Minor's place of religious activity; or, if traveling, within one hour after the end of the religious activity;
  - (3) Governmental or political activity; or, if traveling, within one hour after the end of the activity;
  - (4) School activity; or, if traveling, within one hour after the end of the activity;
  - (5) Assembly such as a march, protest, demonstration, sit-in; or meeting of an association for the advancement of economic, political, religious or cultural matters; or for any other activity protected by the First Amendment of the U. S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly. If traveling, within one hour after the end of the activity;
  - (6) The minor is on an emergency errand for a responsible adult.

*(Ord. 1177 § 1(part), 1994).*

**8.24.050 - Responsibility of adults.**

It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the city within the time periods prohibited by this chapter, unless the minor's presence falls within one of the exceptions set forth in this chapter.

*(Ord. 1177 § 1(part), 1994).*

**8.24.060 - Enforcement procedures.**

- (a) **Determination of Age.** In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer shall, in the first instance, use his or her best judgment in determining age.
- (b) **Grounds for Arrest.** The following shall constitute grounds for arrest:
  - (1) Refusal to sign the citation without qualification;
  - (2) Two or more violations of the curfew ordinance;
  - (3) Refusal to provide proper identification;
  - (4) An individual engaged in action that constitutes an immediate threat to the person's own safety or the safety of the public.
- (c) **Conditions of Custody.** A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.
- (d) **Notification of Responsible Adult.** After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.
- (e) **Minor Without Adult Supervision.** If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child, or another adult person who is known to the child.

*(Ord. 1177 § 1(part), 1994).*

#### **8.24.070 - Penalties.**

- (a) **Responsible Adult's First Violation—Warning.** In the case of a first violation by a minor, the police department shall send the adult responsible for the minor a written notice of the violation by certified mail, with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor.
- (b) **Responsible Adult's Second Violation—Simple Misdemeanor.** Any responsible adult as defined in this chapter who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed one hundred dollars or imprisonment not to exceed thirty days.
- (c) **Minor's First Violation—Warning.** In the case of a first violation by a minor, the police shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor.
- (d) **Minor's Second Violation—Simple Misdemeanor.** For the minor's second and subsequent violations of any of the provisions of this chapter, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed one hundred dollars or to perform community service as ordered by the court.

*(Ord. 1177 § 1(part), 1994).*

Sections:

8.32.010 - Occult arts prohibited.

**8.32.010 - Occult arts prohibited.**

No person shall ply the vocation of a fortuneteller, palmist, phrenologist or clairvoyant within the corporate limits of the city of Centerville.

*(1942 Rev. Ords. § 569).*

Sections:

8.36.010 - Regulations for operation.

**8.36.010 - Regulations for operation.**

No person, firm or corporation shall operate or cause to be operated in the air over the city of Centerville, any airplane, balloon or other aircraft at an altitude of less than one thousand feet, or perform with the same any tailspin, loops or other so-called stunts or acrobatics or maneuvers of a similar nature above the city nor land the same within the city limits unless a written consent of the airport commission to so operate or land the same has first been secured, except at the airport under the rules and regulations governing the same and in compliance with the laws of Iowa and the Constituted Federal Civil Aeronautics Authorities.

*(1942 Rev. Ords. § 737).*

Sections:

8.46.010 - Definitions.

8.46.020 - Nuisances designated.

8.46.030 - Generally.

8.46.080 - Emergency abatement.

8.46.090 - Failure—City action.

8.46.100 - Failure—Collection of costs.

**8.46.010 - Definitions.**

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

- (a) "Nuisance" means whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property.
- (b) "Property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

*(Ord. 1012 § 1(part), 1974).*

**8.46.020 - Nuisances designated.**

The following are declared to be nuisances:

- (a) The erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
- (b) The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
- (c) The obstructing or impeding without legal authority the passage of any natural waterway.
- (d) The corrupting or rendering unwholesome or impure the water of any stream or pond, or unlawfully diverting the same from its natural state, to the injury or prejudice of others.
- (e) 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 railroad track as to render dangerous the use thereof.
- (f) The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the city, unless in the building of fireproof construction.
- (g) The emission of dense smoke, noxious fumes or fly ash.
- (i) Trees infected with Dutch elm disease.
- (j) Dense growth of weeds, brush, and/or other vegetation, including grass ten inches long.
- (k) Effluent from a septic tank or drain field, including standing water over a drain field which is not working.

- (l) Any article or substance placed upon any street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the same.
- (m) All privies.
- (n) The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
- (o) Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity provided by Chapter 723A, Iowa Code, or places resorted to by persons using controlled substances, as defined in Section 124.101(5), Iowa Code, in violation of the law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.
- (p) Any object or structure hereafter erected within one thousand feet of the limits of the municipal airport, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
- (q) Any excavation, holes or wells that are not securely enclosed and that is not securely covered so as to prevent any child or person from being injured or in danger of falling into such excavation, hole, or well.
- (r) The use of barbed wire or electric fences (other than buried dog fences) to enclose in whole or in part any residential lot or lots containing less than three acres of land area.
- (s) Littering or disposing grass clippings, leaves, twigs and branches onto city streets.
- (t) Any nuisance described as such in the laws of the state of Iowa.
- (u) Any condition which is declared to be a nuisance by a majority vote of the city council.

*(Ord. 1196 § 1, 1996; Ord. 1012 § 1(part), 1974; Ord. 2013-1300 §§ 11a-b, April 1, 2013; Ord. 2013-1302 § 6, September 16, 2013).*

#### **8.46.030 - Generally.**

The creation or maintenance of a nuisance, public or private, may be abated in the manner provided in this chapter.

*(Ord. 1012 § 2, 1974).*

#### **8.46.080 - Emergency abatement.**

If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The city shall assess the costs as provided in Section 8.46.100 of this chapter, after notice to the property owner under the applicable provisions of Section 8.46.040 and 8.46.050 and hearing as provided in Section 8.46.070.

*(Ord. 1012 § 7, 1974).*

#### **8.46.090 - Failure—City action.**

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.

*(Ord. 1012 § 8, 1974).*

**8.46.100 - Failure—Collection of costs.**

The clerk shall mail a statement of the total nuisance that occurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, he shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

*(Ord. 1012 § 9, 1974).*

Sections:

8.48.010 - Hazardous weeds and shrubs.

8.48.020 - Offensive or nuisance wildlife and rodent harborage.

8.48.030 - Remedy the harborage.

**8.48.010 - Hazardous weeds and shrubs.**

Dense growth of all weeds, brush, and or other vegetation including grass ten inches long is declared a public nuisance.

Landowners or persons in control of the property must destroy them, by cutting, burning or by chemical means.

If this order is not complied with, the city has the authority to cause such destruction without further notice. The minimum charge is seventy-five dollars. The total cost of destruction, penalty fine, administrative costs and legal fees will be charged as taxes against the property owner of record if not paid within thirty days upon receiving a statement from the city.

*(Ord. 1196 § 2, 1996: Ord. 726 § 2, 1958).*

**8.48.020 - Offensive or nuisance wildlife and rodent harborage.**

- (a) Offensive or nuisance wildlife and rodent shall mean but not limited to: Feral cats, wild dogs, skunks, raccoons, opossums and rodents (including rats and mice) and other (creatures) wildlife;
- (b) Harborage shall mean any condition which provides shelter, protection, food or comfort for any of the above listed creatures aiding or favoring their multiplication and continued existence in, under or outside any structure or property;
- (c) It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish, or trash in any structure or on any property so that the same may afford harborage for any of the above listed offensive or nuisance (creatures) wildlife and rodents; and/or
- (d) It shall be unlawful for any person to permit to accumulate on any property any articles or materials that may constitute a harborage. Such material or articles shall be placed upon racks elevated not less than eighteen inches above the ground and evenly piled or stacked. However, organized and neatly stacked firewood or properly maintained compost piles and bins maintained following Iowa State University Extension guidelines are exempt.

*(Ord. No. 1294, § 2, April 5, 2010).*

**8.48.030 - Remedy the harborage.**

Upon receipt of a written notice or order from the City of Centerville, the owner or tenant in control of any structure or property specified therein shall take immediate measures to remedy the harborage. In event such remedies are not instigated within the time designated, the City of Centerville may instigate condemnation and destruction proceedings or take such action as deemed necessary to remedy the harborage.

*(Ord. No. 1294, § 3, April 5, 2010).*

Sections:

8.50.010 - Declaration of nuisance.

8.50.020 - Variances.

**8.50.010 - Declaration of nuisance.**

The following activities are determined to constitute noise nuisances:

- (a) The use of engine back-pressure breaking systems on trucks, commonly known as "jake brakes;"
- (b) The operation of a vehicle sound system (including but not limited to a radio, tape player, compact disc or any other sound amplification device) that can be heard at a distance of one hundred feet or greater from the vehicle.

*(Ord. 1214 § 1(part), 1999).*

**8.50.020 - Variances.**

The chief of police or the city council may grant a temporary variance to this chapter to facilitate special events, subject to such terms and conditions as may be established. Any violation of any the terms and conditions of the variance shall be considered a violation of this chapter.

*(Ord. 1214 § 1(part), 1999).*

Sections:

8.52.010 - Public nuisances declared.

8.52.020 - Nuisances prohibited.

8.52.030 - Inspection.

8.52.040 - Abatement of nuisances.

8.52.050 - Interference with removal by city.

**8.52.010 - Public nuisances declared.**

The council having determined that the health of the Elm trees within the city is threatened by a fatal disease known as the Dutch elm disease declares the following to be public nuisances:

- (a) Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles, that is *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (marsh);
- (b) Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

*(Ord. 825 § 1, 1966).*

**8.52.020 - Nuisances prohibited.**

No person, firm or corporation shall permit any public nuisances as defined in Section 8.52.010 of this chapter to remain on the premises owned, controlled or occupied by him within the city.

*(Ord. 825 § 2; May 23, 1966).*

**8.52.030 - Inspection.**

The city engineer shall inspect or cause to be inspected all premises and places within the city to determine whether any public nuisance as defined in Section 8.52.010 of this chapter exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

*(Ord. 825 § 3; May 23, 1966).*

**8.52.040 - Abatement of nuisances.**

- (a) If the city engineer upon inspection or examination, in person or by some qualified person acting for him, shall determine that any public nuisance as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger to other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise abate the same in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.
- (b) If the city engineer upon inspection or examination, in person or by some qualified person acting for him, shall determine with reasonable certainty that any public nuisance as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, he shall immediately serve or cause to be served upon the owner, occupant or person in charge of such property, a written notice to abate such nuisance within twenty days of service of said notice. If such

owner, occupant or person in charge of said property fails to comply with said notice within twenty days of receipt thereof, the council upon notice and hearing, may cause the nuisance to be removed and the cost assessed against the property.

- (c) If the city engineer is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

*(Ord. 82 5 § 4; May 2 3, 1966).*

**8.52.050 - Interference with removal by city.**

It shall be unlawful for any person, firm or corporation to hinder, obstruct or otherwise interfere with the agents or employees of the city while engaged in carrying out the provisions of this chapter upon order of the council made thereunder.

*(Ord. 825 § 5; May 23, 1966).*

Sections:

- 8.56.010 - Swimming, bathing, wading or water-skiing.
- 8.56.020 - Climbing, driving or trespassing on dams or spillways.
- 8.56.030 - Disturbing property—Throwing litter.
- 8.56.040 - Fishing off dams.
- 8.56.050 - Boating restrictions and certificates.
- 8.56.060 - Boating—Identification tags.
- 8.56.070 - Boating—Licenses and tags.

**8.56.010 - Swimming, bathing, wading or water-skiing.**

Swimming, bathing, wading or water-skiing on either of the two city reservoirs is prohibited.

*(Ord. 865 § 1, 1968).*

**8.56.020 - Climbing, driving or trespassing on dams or spillways.**

Climbing, driving or trespassing on either of the dams or spillways of the dams of either reservoir is prohibited.

*(Ord. 865 § 2, 1968).*

**8.56.030 - Disturbing property—Throwing litter.**

Disturbing in any way the rocks, signs or fences on the dams or about the reservoirs and the throwing of rocks or litter into the reservoirs is prohibited.

*(Ord. 865 § 3, 1968).*

**8.56.040 - Fishing off dams.**

Fishing off the dams of the reservoirs is prohibited.

*(Ord. 865 § 4, 1968).*

**8.56.050 - Boating restrictions and certificates.**

Unless a prohibition as to gas powered boats is posted, boats of any type shall be allowed on the upper reservoir, but can only be operated at idle or no-wake speed. If gas powered boats are prohibited on the upper reservoir, then boats on the upper reservoir shall be limited to rowboats, sailboats, canoes and electric trolling motors. Boats on the lower reservoir shall be limited to rowboats, sailboats, canoes and electric trolling motors. All boat operators shall purchase a registration certificate at the Centerville municipal waterworks office or from the Centerville police department at a cost of ten dollars per year. Such registration certificate shall be carried either in the boat or on the person of the operator of the boat when in use.

*(Ord. 1204 § 1, 1998).*

**8.56.060 - Boating—Identification tags.**

The water company shall furnish two identification tags for each boat licensed and a certificate for the operator to carry on his person.

*(Ord. 865 § 6, 1968).*

**8.56.070 - Boating—Licenses and tags.**

Licenses and identification tags shall be available for purchase at either the waterworks office or the police station.

*(Ord. 865 § 7, 1968).*

Sections:

8.60.010 - Definitions.

8.60.020 - Junk and junk vehicles prohibited.

8.60.030 - Junk and junk vehicles a nuisance.

8.60.040 - Exceptions.

8.60.050 - Notification of impoundment.

8.60.060 - Release of vehicle.

8.60.070 - Disposal of unclaimed vehicles.

8.60.080 - Penalty.

**8.60.010 - Definitions.**

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

"Junk" means all old or scrap copper, brass, lead or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or rear yard is not considered junk.

"Junk vehicle" means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:

Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.

Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.

Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power.

Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

"Vehicle" has the meaning set forth in [Section 321.1\(90\)](#) of the Code of Iowa.

*(Ord. 1321 § 11, April 3, 2017).*

**8.60.020 - Junk and junk vehicles prohibited.**

It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the city any junk or junk vehicle.

*(Ord. 1321 § 11, April 3, 2017).*

### **8.60.030 - Junk and junk vehicles a nuisance.**

It is hereby declared that any junk or junk vehicle located upon private property, unless excluded by Section 8.60.040 of this code, 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 or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

*(Ord. 1321 § 11, April 3, 2017).*

### **8.60.040 - Exceptions.**

The provisions of this chapter do not apply to any junk or junk vehicle stored within:

- (a) A fully enclosed fence or wall in the rear yard of a parcel within an industrial zoning district constructed of wood or opaque materials meeting applicable city ordinances at least eight feet in height, constructed so as to prevent unauthorized entrance and access to the junk or junk vehicle;
- (b) Structure. A garage or other enclosed structure; or
- (c) Salvage Yard. An auto salvage yard or junk yard lawfully operated within the city.

*(Ord. 1321 § 11, April 3, 2017).*

### **8.60.050 - Notification of impoundment.**

The last known registered owner of the abandoned or junk vehicle and any lienholder of record as shown on the records in the office of the Appanoose County treasurer or the Iowa Department of Transportation shall be notified of the impoundment of any vehicle by a representative of the Centerville police department by either certified mail or personal service within ten days after its impoundment, and if such owner or lienholder does not exercise the right to claim such vehicle within twenty-one days after completion of the service of such notice, the owner and lienholder shall have no further right, title, claim or interest in the vehicle.

The notice shall describe the year, make, model and vehicle identification number of the vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the vehicle within twenty-one days after the effective date of the notice upon payment of all towing and storage charges resulting from the impoundment of the vehicle. The notice shall further state that the failure of the owner or lienholder to exercise their right to claim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the vehicle, and that such failure to reclaim is deemed consent to the sale of the vehicle at public auction or disposal of the vehicle by a demolisher.

If the identity or address of the last known owner cannot be ascertained from the records of the Appanoose County treasurer or the Iowa Department of Transportation, notice shall be given by one publication in a newspaper of general circulation in the city. Multiple listings may be included in such notice if they are subject to the same time limits. Notice shall be deemed given on the date of the mailing, or the date of personal service, or the date of the publication, as the case may be.

*(Ord. 1321 § 11, April 3, 2017).*

### **8.60.060 - Release of vehicle.**

If prior to the delivery of the notice, or within the reclamation period as set forth herein, such owner or lienholder shall appear and identify such vehicle, the vehicle shall be released to such owner or lienholder upon payment of the impoundment fee per day set by the city council from time to time if stored in a city garage or designated city location, towing and storage charges if stored in a privately owned garage.

*(Ord. 1321 § 11, April 3, 2017).*

**8.60.070 - Disposal of unclaimed vehicles.**

If any impounded vehicle has not been reclaimed as provided for in this chapter, the chief of police, or authorized representative, shall dispose of such vehicle and account for the proceeds of the sale in the manner provided by [Chapter 321](#) of the Code of Iowa.

*(Ord. 1321 § 11, April 3, 2017).*

**8.60.080 - Penalty.**

Any person convicted of violating any provision of this chapter shall be deemed guilty of a simple misdemeanor.

*(Ord. 1321 § 11, April 3, 2017).*

Sections:

8.64.010 - Areas designated—Restrictions on use.

8.64.020 - Vehicle use—Restricted to roadways.

8.64.030 - Vehicle use—Speed limits.

8.64.040 - Vehicle use—Parking.

8.64.050 - Damage to grounds prohibited.

8.64.060 - Fire limitations.

8.64.070 - Use of firearms prohibited.

8.64.080 - Litter prohibited.

8.64.085 - Animals.

**8.64.010 - Areas designated—Restrictions on use.**

Lelah Bradley Park and property adjoining the city reservoirs shall be opened for use only between the hours of five a.m. and ten p.m. of each day, unless parties are using the areas for fishing and/or camping purposes, in which event the hours shall not apply; provided, however, no camping shall be allowed without having first obtained a permit for the same from the Appanoose County conservation commission. Camping shall only be permitted in designated areas.

*(Ord. 1205 § 1(part), 1998).*

**8.64.020 - Vehicle use—Restricted to roadways.**

Unless a permit is obtained from the Appanoose County conservation commission, no person shall drive a vehicle of any type within the areas specified in Section 8.64.010 except on designated roadways.

*(Ord. 1205 § 1(part), 1998).*

**8.64.030 - Vehicle use—Speed limits.**

The maximum speed limit of all vehicles within the boundaries of said areas is twenty miles per hour, which shall be posted at the entrances; provided, however, that the chief of police may and he is authorized to designate a lesser speed limit as to all or portions of the areas specified in Section 8.64.010 which shall be effective when appropriate signs giving notice thereof are erected in the areas so designated.

*(Ord. 1100 § 3, 1980).*

**8.64.040 - Vehicle use—Parking.**

All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any designated roadway except in the case of an emergency.

*(Ord. 1100 § 5, 1980).*

**8.64.050 - Damage to grounds prohibited.**

It is unlawful for any person to remove, destroy, injure or deface plant life, trees, buildings, equipment or other natural or material property within the boundaries of the areas specified in Section 8.64.010.

*(Ord. 1100 § 2, 1980).*

**8.64.060 - Fire limitations.**

No fire shall be built except in a place provided therefor and such fire shall be extinguished when the site is

vacated unless it is immediately used by some other party.

*(Ord. 1100 § 6, 1980).*

**8.64.070 - Use of firearms prohibited.**

Except for areas designated for public hunting, the use by the public of firearms, fireworks, explosives and weapons of all kinds is prohibited.

*(Ord. 1205 § 1(part), 1998).*

**8.64.080 - Litter prohibited.**

No person shall place any waste, refuse or litter in any area, except in receptacles provided for that purpose. Waste, refuse or litter that is not generated from the ordinary use of the area shall not be permitted.

*(Ord. 1205 § 1(part), 1998).*

**8.64.085 - Animals.**

No owner shall permit an animal to run at large. No horses, mules, or any other animal shall be ridden or led except on roadways, parking areas or other designated areas.

*(Ord. 1205 § 2, 1998).*

Sections:

8.68.010 - Purpose.

8.68.020 - Definitions.

8.68.030 - Prohibited areas.

8.68.040 - Permit required.

8.68.050 - Rules and regulations.

8.68.060 - Deposit disposition.

**8.68.010 - Purpose.**

The purpose of this chapter is to establish rules and regulations relating to the consumption of beer dispensed from a keg or other container larger than one gallon or a gross amount of beer exceeding two hundred eighty-eight fluid ounces.

*(Ord. 1133 § 1, 1988).*

**8.68.020 - Definitions.**

For the purpose of this chapter the following words shall have the following meanings:

"Beer" as defined in Section 123.3(9), Code of Iowa.

"Campground" means the portion of the Lelah Bradley Park of areas adjoining the city reservoir which are designated for camping activity, including parking areas contiguous thereto.

"Kegger" means a gathering of two or more persons, at which beer is dispensed from a keg or other container larger than one gallon or a gross amount of beer exceeding two hundred eighty-eight fluid ounces.

"Person" as defined by Section 4.1(13), Code of Iowa.

*(Ord. 1133 § 2, 1988).*

**8.68.030 - Prohibited areas.**

Keggers shall not be conducted in campgrounds, or in parking areas immediately adjacent to campgrounds.

*(Ord. 1133 § 3, 1988).*

**8.68.040 - Permit required.**

Any person desiring to conduct a kegger in any area subject to this chapter shall obtain a permit for the same from the Centerville Police Department.

*(Ord. 1133 § 4, 1988).*

**8.68.050 - Rules and regulations.**

The following rules and regulations shall apply:

- (a) A designated agent shall execute a responsibility agreement in the form which is attached hereto and by this reference made a part hereof.
- (b) The designated agent shall be available for personal contact by police officers of the Centerville Police Department at all times during the kegger.

- (c) The designated agent shall pay the sum of one hundred dollars as a damage deposit.
- (d) The area in which the kegger is to be conducted shall be designated by the Centerville Police Department.
- (e) The designated agent shall be responsible for the conduct of all persons attending the kegger, and shall be responsible for the compliance with all state, county and local laws.
- (f) The designated agent shall be responsible to see that the area used for the kegger is left in a clean and uncluttered condition, and shall be responsible for all damages which might have occurred as a result of the kegger.
- (g) The designated agent shall inform the Centerville Police Department when the attendees have left the area and the kegger is concluded.

*(Ord. 1133 § 5, 1988).*

**8.68.060 - Deposit disposition.**

The one hundred dollar deposit shall be refunded within three days, unless it has been necessary for city employees to clean up the area or it is necessary to repair any damages resulting from the kegger. If such damages exist, the deposit refund shall be forfeited; provided, however, the forfeiture of such damage deposit shall not be construed as a limit of liability for any damages to the property and the city may take any legal action necessary in order to recover additional damages.

*(Ord. 1133 § 6, 1988).*

Sections:

8.72.010 - Definitions.

8.72.020 - Prohibited acts and affirmative defense.

8.72.030 - Exceptions and penalties.

**8.72.010 - Definitions.**

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

- (a) "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer as specified in Iowa Code 123.3.
- (b) "Emergency Responders" means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.
- (c) "Enforcement Services" means the salaries and benefits of emergency responders for the amount of time actually spent responding to or remaining at an event, gathering, or party, administrative costs attributable to the incident, the actual costs for medical treatment for any injured emergency responder, and the costs of repairing any damage to equipment or vehicles.
- (d) "Event, gathering, or party" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (e) "Juvenile" means a person under the age of 18.
- (f) "Legal Age" means 21 years of age or more.
- (g) "Parent" means any person having legal custody of a juvenile (a) as a natural parent, adoptive parent or stepparent, (b) as a legal guardian, or (c) as a person to whom legal custody has been given by order of the court.
- (h) "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, hall or meeting room, park, or any other place of assembly, whether public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation. "Premises" does not include property that is licensed to sell or serve alcoholic beverages.
- (i) "Public Place" means any place, building, or conveyance to which the public has or is permitted access
- (j) "Social Host" means any person, partnership, corporation, or association of one or more individuals who aids, allows, entertains, organizes, supervises, controls or permits an event, gathering, or party on any premises under the control of the social host. The term "Social Host" includes but is not limited to (a) the person(s) who owns, rents, leases or otherwise has control of any premises where the event, gathering or party takes place, (b) the person in charge of the premises, or (c) the person(s) who organized the event, gathering, or party.
- (k) "Underage person" means any individual under the age of 21.

*(Ord. 1304, October 7, 2013)*

**8.72.020 - Prohibited Acts and Affirmative Defense.**

- (a) It is unlawful for any social host who knows or reasonably should know of underage persons consuming or possessing alcoholic beverages at an event, gathering, or party to permit or allow underage persons to consume or possess alcoholic beverages on any premises controlled by such social host, whether or not the social host is present on the premises.
- (b) A social host has an affirmative defense if the social host took reasonable steps to prevent consumption of alcohol by underage persons by:
  - (1) Controlling underage persons' access to alcoholic beverages,
  - (2) Verifying the age of persons being served, in the possession of, or consuming alcoholic beverages at the event, gathering, or party by inspecting drivers' licenses or other government issued identification cards,
  - (3) Supervising the activities of underage persons at the party, and/or
  - (4) Notifying law enforcement when the host knows or reasonably should know that an underage person has consumed or possesses an alcoholic beverage and allowing law enforcement to enter the premises for the purpose of stopping the illegal activities.
- (c) If a social host in violation of this chapter is a juvenile and the parent(s) are present on the premises at the time of the violation, the parent(s) of such juvenile shall also be in violation of this chapter.

*(Ord. 1304, October 7, 2013)*

**8.72.030 - Exceptions and Penalties.**

- (a) This chapter does not apply to actions permitted under Iowa Code 123.47(2), or to legally protected religious observances, or to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.
- (b) The exceptions outlined herein shall not apply under circumstances in which the underage person leaves the home, religious gathering, or place of employment and subsequently violates Iowa Code 123.46(2) regarding consumption or intoxication in public places.
- (c) In addition to penalties under Chapter 1.24, the City may seek reimbursement for enforcement services provided by emergency responders related to the event, gathering or party. Violations of this chapter may also be considered by the City for purposes of approving licenses applied for by the social host or for any other requirements that are subject to approval by the City."

*(Ord. 1304, October 7, 2013)*

Chapters:

Chapter 10.03 - Traffic Regulations—Adoption of State Traffic Laws  
Chapter 10.08 - Application and Exceptions  
Chapter 10.12 - Authority of Police  
Chapter 10.21 - Soliciting in Streets  
Chapter 10.22 - Unnecessary Vehicle Noise  
Chapter 10.24 - Speed Restrictions  
Chapter 10.28 - One-Way Streets and Alleys  
Chapter 10.32 - Load Limits\*  
Chapter 10.36 - Stop and Yield Intersections  
Chapter 10.40 - Controlled-Access Facilities  
Chapter 10.52 - Prohibited Parking  
Chapter 10.60 - Parking Limits  
Chapter 10.70 - Parades  
Chapter 10.76 - Railway  
Chapter 10.80 - Bicycles, Skateboards, Roller Skates and Scooters  
Chapter 10.96 - Snow Emergency

FOOTNOTE(S):

<sup>(2)</sup> *Statutory authority—See ICA Section 321.236 Power of local authorities; Section 321.471 Local authorities may restrict; Section 321.472 Signs posted; Section 321.473 Limiting trucks; Section 321.293 Local authorities may alter limits; Section 321.235 Uniform provisions.*

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Chapter 10.03 - Traffic Regulations—Adoption of State Traffic Laws

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Sections:

10.03.010 - Purpose of provisions.  
10.03.020 - Definitions.  
10.03.030 - Enforcement authority.  
10.03.040 - Statutory provisions adopted.

**10.03.010 - Purpose of provisions.**

The purpose of this chapter is to make regulations for traffic upon the streets of Centerville, and to provide for the enforcement of these regulations.

*(Ord. 1197 § 1(part), 1997).*

**10.03.020 - Definitions.**

Where words and phrases used in this chapter are defined by the laws of Iowa such definitions shall apply to this chapter.

*(Ord. 1197 § 1(part), 1997).*

**10.03.030 - Enforcement authority.**

(a) Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department.

- (b) The officers of the police department are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws.
- (c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.
- (d) 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 is in violation of this chapter.

*(Ord. 1197 § 1(part), 1997).*

#### **10.03.040 - Statutory provisions adopted.**

Whoever shall, within the city, violate any of the provisions of the following Iowa laws relating to motor vehicles and traffic is in violation of this chapter. Pursuant to the authority provided in Iowa Code Sections 380.10 and 321.236, the following Iowa statutes and all subsequent amendments thereto are adopted by the city as ordinances of the city:

##### Obstructions in Highway Rights-of-Way.

- 318.1 Definitions,
- 318.2 Purpose,
- 318.3 Obstructions in highway right-of-way,
- 318.4 Duty of highway authorities,
- 318.5 Removal and cost,
- 318.6 Public nuisance,
- 318.7 Injunction to restrain obstructions,
- 318.8 Permit required,
- 318.9 Utility structures,
- 318.10 Fences,
- 318.11 Billboards and signs,
- 318.12 Enforcement;

##### General Provisions.

- 321.1 Definitions,
- 321.1A Presumption of residency;

##### Registration.

- 321.17 Misdemeanor to violate registration provisions,
- 321.20B Proof of security against liability – driving without liability coverage,
- 321.32 Registration card signed, carried and exhibited,
- 321.37 Display of plates,
- 321.38 Plates, methods of attaching,
- 321.41 Change of address or name of fuel type,
- 321.46 New title and registration upon transfer of ownership,
- 321.67 Certificate of title must be executed,
- 321.78 Injuring or tampering with motor vehicle,
- 321.79 Intent to injure,

321.89 Abandoned vehicles,  
321.90 Disposal of abandoned vehicles,  
321.91 Limitation on liability—penalty for abandonment,  
321.98 Operation without registration,  
321.99 Fraudulent use of registration;

Operators and Chauffeurs License.

321.174 Operators and chauffeurs licensed,  
321.174A Operation of motor vehicle with expired license,  
321.180 Instruction permits,  
321.180A Special instruction permit,  
321.180B Graduated driver's licenses for persons aged fourteen through seventeen,  
321.193 Restriction on license,  
321.194 Minors' school license,  
321.216 Unlawful use of license,  
321.216A Falsifying driver's license, nonoperator's identification cards, or forms,  
321.216B Use of motor vehicle license by underage person,  
321.216C Use of driver's license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, or vapor products, or cigarettes,  
321.218 Operating without valid driver's license or when disqualified – penalties,  
321.219 Permitting unauthorized minor to drive,  
321.220 Permitting unauthorized person to drive,  
321.221 Employing unlicensed chauffeur,  
321.222 Renting motor vehicle to another,  
321.223 Driver's license inspection for motor vehicle rental,  
321.224 Record kept;

Obedience to and Effect of Traffic Laws.

321.229 Obedience to peace officers,  
321.232 Radar jamming devices—penalties,  
321.234 Bicycles, animals or animal—driven vehicles,  
321.234A All-terrain vehicles-highway use,  
321.235A Electric personal assistive mobility devices,  
321.247 Golf cart operation on city streets;

Traffic Signs, Signals and Markings.

321.256 Obedience to official traffic-control devices,  
321.257 Official traffic control signal—traffic lights,  
321.259 Unauthorized signs, signals or markings,  
321.260 Interference with devices, signs, or signals – unlawful possession – traffic signal preemption devices;

Accidents.

321.261 Death or personal injuries,  
321.262 Damage to vehicle,

321.263 Information and aid – leaving scene of personal injury accident,  
321.264 Striking unattended vehicle,  
321.265 Striking fixtures upon a highway,  
321.266 Reporting Accidents;

Reckless Driving, Drag Racing and Operation of Motorcycles.

321.275 Operation of motorcycles and motorized bicycles,  
321.277 Reckless driving,  
321.277A Careless driving,  
321.278 Drag racing prohibited,  
321.284 Open containers in motor vehicles,  
321.284A Open containers in motor vehicles – passengers;

Speed Restrictions.

321.285 Speed restrictions,  
321.288 Control of vehicle—reduced speed,  
321.294 Minimum speed regulation,  
321.295 Limitation on bridge or elevated structure;

Driving on Right Side of Roadway—Overtaking and Passing.

321.297 Driving on right-hand side of roadway,  
321.298 Meeting and turning to right,  
321.299 Overtaking a vehicle,  
321.302 Overtaking on the right,  
321.303 Limitations on overtaking on the left,  
321.304 Prohibited passing,  
321.305 One-way roads and rotary traffic islands,  
321.306 Roadways laned for traffic,  
321.307 Following too closely,  
321.308 Motor trucks and towed vehicles—distance requirements,  
321.309 Towing—convoys—drawbars,  
321.310 Towing four-wheeled trailers;

Turning and Starting and Signals on Stopping and Turning.

321.311 Turning at intersections,  
321.312 Turning on curve or crest of grade,  
321.313 Starting parked vehicle,  
321.314 When signal required,  
321.315 Signal continuous,  
321.316 Stopping,  
321.317 Signal devices,  
321.318 Method of giving hand and arm signals;

Right-of-Way.

321.319 Entering intersections from different highways,

321.320 Left turns—yielding,  
321.321 Entering through highways,  
321.322 Vehicles entering stop or yield intersections,  
321.323 Moving vehicle backward on highway,  
321.323A Approaching certain stationary vehicles,  
321.324 Operation on approach of emergency vehicles,  
321.324A Funeral processions;

Pedestrians Rights and Duties.

321.325 Pedestrians subject to signals,  
321.326 Pedestrians on left,  
321.327 Pedestrians' right of way,  
321.328 Crossing at other than crosswalk,  
321.329 Duty of driver—pedestrians crossing or working on highways,  
321.330 Use of crosswalks,  
321.331 Pedestrians soliciting rides,  
321.332 White canes restricted to blind persons,  
321.333 Duty of drivers,  
321.334 Penalties,  
321.340 Driving through safety zone;

Stopping, Standing and Parking.

321.341 Obedience to signal of train,  
321.342 Stop at certain railroad crossings,  
321.343 Certain vehicles must stop,  
321.343A Employer violations – penalty,  
321.344 Heavy equipment at crossing,  
321.353 Stop before crossing sidewalk—right-of-way,  
321.354 Stopping on traveled way,  
321.358 Stopping, standing or parking,  
321.359 Moving another vehicle,  
321.360 Theaters, hotels and auditoriums,  
321.361 Additional parking regulations;

Miscellaneous Rules.

321.362 Unattended motor vehicle,  
321.363 Obstruction to driver's view,  
321.364 Preventing contamination of food by hazardous material,  
321.365 Coasting prohibited,  
321.366 Acts prohibited on fully controlled-access facility,  
321.367 Following fire apparatus,  
321.368 Crossing fire hose,  
321.369 Putting debris on highway,  
321.370 Removing injurious material,  
321.371 Clearing up wrecks,

321.372 Discharging pupils – stopping requirements – penalties;

Safety Standards.

321.381 Movement of unsafe or improperly equipped vehicles,

321.381A Operation of low-speed vehicles,

321.382 Upgrade pulls—minimum speeds,

321.383 Exceptions—slow vehicles identified;

Equipment.

321.384 When lighted lamps required,

321.385 Head lamps on motor vehicles,

321.386 Head lamp on motorcycle and motorized bikes,

321.387 Rear lamps,

321.388 Illuminating plates,

321.389 Reflector equipment,

321.390 Reflector requirements,

321.392 Clearance and identification lights,

321.393 Color and mounting,

321.394 Lamp or flag on projecting load,

321.395 Lamps on parked vehicles,

321.397 Lamps on bicycles,

321.398 Lamps on other vehicles and equipment,

321.402 Spot lamps,

321.403 Auxiliary driving lamps,

321.404 Signal lamps and signal devices,

321.404A Light-restricting devices prohibited,

321.405 Self-illumination,

321.406 Cowl lamps,

321.408 Back-up lights,

321.409 Mandatory lighting equipment,

321.415 Required usage of lighting services,

321.417 Single-beam road—lighting equipment,

321.418 Alternate road—lighting equipment,

321.419 Number of driving lamps required or permitted,

321.420 Number of lights required,

321.421 Special restrictions on lamps,

321.422 Red light in front,

321.423 Flashing lights,

321.430 Brake, hitch and control requirements,

321.431 Performance ability,

321.432 Horns and warning devices,

321.433 Sirens and bells prohibited,

321.434 Bicycle sirens or whistles,

321.436 Mufflers, prevention of noises,

321.437 Mirrors,

321.438 Windshields and windows,  
321.439 Windshield wipers,  
321.440 Restrictions as to tire equipment,  
321.441 Metal tires prohibited,  
321.442 Projections on wheels,  
321.444 Safety glass,  
321.445 Safety belts and safety harnesses—use required,  
321.446 Child restraint devices,  
321.449 Motor carrier safety regulations,  
321.450 Hazardous materials transportation regulations,  
321.452 Scope and effect,  
321.454 Width of vehicles,  
321.455 Projecting loads on passenger vehicles,  
321.456 Height of vehicles—permits,  
321.457 Maximum length,  
321.458 Loading beyond front,  
321.460 Spilling loads on highway,  
321.461 Trailers and towed vehicles,  
321.462 Drawbars and safety chains,  
321.463 Maximum gross weight,  
321.465 Weighing vehicles and removal of excess,  
321.466 Increased loading capacity—registration;

Criminal Responsibility.

321.482 Violations—simple misdemeanors,  
321.484 Offenses by owners,  
321.485 Notice to appear—promise to appear,  
321.487 Violation of promise to appear;

Motor Vehicle Financial Responsibility.

321A.32 Other violations—penalties;

Snowmobiles and All-Terrain Vehicles.

321G.1 Definitions,  
321G.3 Registration and numbering required,  
321G.5 Display of identification numbers,  
321G.6 Registration—renewal—transfer,  
321G.9 Operation on roadways and highways,  
321G.10 Accident reports,  
321G.11 Mufflers required,  
321G.12 Head lamp—tail lamp—brakes,  
321G.13 Unlawful operation,  
321G.14 Penalty,  
321G.15 Operation pending registration,  
321G.16 Special events,

321G.17 Violation of stop signal,  
321G.19 Rented snowmobiles and all-terrain vehicles,  
321G.20 Minors under twelve,  
321G.26 Termination of use;

Operating While Intoxicated.

321J.21 Driving while license suspended, denied, revoked, or barred;

Parking for Persons with Disabilities.

321L.1 Definitions,  
321L.2A Wheelchair parking cone,  
321L.3 Return of persons with disabilities parking permits,  
321L.4 Persons with disabilities parking—display and use of parking permit and persons with disabilities identification designation,  
321L.5 Persons with disabilities parking spaces—location and requirements—review committees,  
321L.6 Persons with disabilities parking sign,  
321L.7 Penalty for failing to provide persons with disabilities parking spaces and signs.

*(Ord. 1321, § 5, April 3, 2017; Ord. 1325, § 1, July 17, 2017; Ord. 1326, § 2, September 5, 2017).*

Sections:

10.08.010 - Public employees to obey traffic regulations.

10.08.020 - Authorized emergency vehicles—Exceptions.

10.08.030 - Persons or animals to obey traffic regulations.

**10.08.010 - Public employees to obey traffic regulations.**

The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States government, this state, county or city. It shall be unlawful for any such operator to violate any of the provisions of this title, except as otherwise permitted in this title.

*(1942 Rev. Ords. § 640).*

**10.08.020 - Authorized emergency vehicles—Exceptions.**

The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined in this title while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties, This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

*(1942 Rev. Ords. § 641).*

**10.08.030 - Persons or animals to obey traffic regulations.**

Every person propelling any pushcart or riding a bicycle or an animal upon a roadway, and every person driving any animal, shall be subject to the provisions of this title applicable to the operator of any vehicle, except those provisions of this title with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

*(1942 Rev. Ords. § 642).*

Sections:

- 10.09.010 - General rules.
- 10.09.020 - Golf cart registration and license requirements.
- 10.09.030 - License period – Renewal.
- 10.09.040 - Transfer of golf cart.
- 10.09.050 - Loss—Theft of license.
- 10.09.060 - Operation of golf carts.
- 10.09.070 - Abandoned golf carts.

**10.09.010 - General rules.**

The operation of golf carts on city streets in incorporated areas of the city is allowed by persons possessing a valid driver's license. However, a golf cart shall not be operated upon a city street that is a primary road extension through the city but shall be allowed to cross a city street that is a primary road extension through the city. Golf carts shall be equipped with a slow moving vehicle sign and a safety flag and operate on the streets only from sunrise to sunset. Golf carts operated on city streets shall be equipped with adequate brakes.

*(Ord. 1321, § 4, April 3, 2017).*

**10.09.020 - Golf cart registration and license requirements.**

Each person operating a golf cart shall cause the ownership thereof to be registered at the Centerville Police Department. The fee charged for the registration of golf carts shall be as established by the city council from time to time. After the golf cart has been inspected and the registration fee paid, the Centerville Police Department will issue a license which thereafter shall be kept permanently attached to the golf cart. No person shall operate a golf cart on any public street without an attached license.

*(Ord. 1321, § 4, April 3, 2017).*

**10.09.030 - License period—Renewal.**

Golf cart registration shall be for a period of one year and shall expire on May 1st of each year. The same fee shall be paid for registration regardless of the date of issuance and all registrations shall expire at the same time.

*(Ord. 1321, § 4, April 3, 2017).*

**10.09.040 - Transfer of golf cart.**

In the event a licensed golf cart is sold or transferred, the licensee shall report the transfer to the Centerville Police Department. The Centerville Police Department shall make a record of the sale or transfer of a licensed golf cart, together with the name of the new owner or transferee of the golf cart. The new owner shall obtain a new license for the golf cart if the golf cart is operated within the city.

*(Ord. 1321, § 4, April 3, 2017).*

**10.09.050 - Loss—Theft of license.**

In the event that an owner of a golf cart shall lose the license issued pursuant to this chapter, or the license shall be destroyed or stolen, the loss shall be reported immediately to the Centerville Police Department, which shall then issue to the owner a new license at a cost established by the city council.

*(Ord. 1321, § 4, April 3, 2017).*

#### **10.09.060 - Operation of golf carts.**

All persons using or operating golf carts upon any street in the city shall observe all traffic rules as to traffic lights and highway stop signs and manner as signals are required under the law governing the use and operation of motor vehicles upon streets and highways; shall not turn left in traffic except at regular intersections of the streets or alleys; shall not weave in and out of traffic; and shall observe at all times the following rules and regulations:

- (a) **Dangerous or Improper Operation.** It is unlawful for any person to operate a golf cart in an irregular or reckless manner, such as zigzagging, stunting, or in such a manner as to endanger the safety of either the operator or others.
- (b) **Golf Carts to be Operated Single File.** Golf carts shall be operated in single file only.
- (c) **Golf Carts to be Operated to the Right.** Golf carts shall be operated in the same direction as the traffic and as near the right-hand edge of the traveled part of the street as possible at all times.
- (d) **Towing.** Unless specifically manufactured or designed for this purpose, it is unlawful for any person operating a golf cart to be towed or to tow any other individual or object.
- (e) **Following Fire Trucks.** It is also unlawful for any person operating a golf cart to follow a fire truck or other fire equipment at any time.
- (f) **Carrying Extra Passengers.** Except upon a suitable device constructed for passengers, extra passengers shall not be carried upon a golf cart.
- (g) **Parking—Designation of Suitable Places.** Golf carts shall be parked in such a manner so as not to obstruct pedestrian or vehicular traffic.

*(Ord. 1321, § 4, April 3, 2017).*

#### **10.09.070 - Abandoned golf carts.**

The Centerville Police Department may take possession of any lost or abandoned golf cart. If the owner cannot be determined, a notice shall be published in the manner provided by Section 362.3(2), Code of Iowa, and if said golf cart is not claimed within thirty days from the publication of said notice, the city may sell the golf cart at public or private sale.

*(Ord. 1321, § 4, April 3, 2017).*

Sections:

10.12.010 - Police to direct traffic.

10.12.020 - Chief of police to adopt regulations and make monthly report.

10.12.030 - Obedience to police.

10.12.040 - Removal and custody of vehicles.

10.12.050 - Chief of police authorized to designate crosswalks.

10.12.060 - Chief of police authorized to designate safety zones and lanes for traffic.

**10.12.010 - Police to direct traffic.**

It shall be the duty of the police department of this city to enforce the provisions of this title. Officers of the police department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this title, provided, that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this title.

*(1942 Rev. Ords. § 643).*

**10.12.020 - Chief of police to adopt regulations and make monthly report.**

The chief of police is hereby empowered to make and enforce regulations necessary to make effective the provisions of this title and to make and enforce temporary regulations to cover emergencies or special conditions, He is hereby required to file with the city council on the first day of each month a report to the city council of all acts done under authority of this section.

*(1942 Rev. Ords. § 644).*

**10.12.030 - Obedience to police.**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.

*(1942 Rev. Ords. § 645).*

**10.12.040 - Removal and custody of vehicles.**

Whenever a vehicle is found in violation of any state law or the provisions of this code or other ordinances or causes a dangerous condition to exist or whenever the owner or operator of a vehicle has failed to report or to heed a notice to appear before the proper magistrate, any public officer may remove such vehicle from the street to a place of safekeeping. If such vehicle must be serviced or towed, a fee of two dollars together with any other necessary expense incurred shall be assessed against the vehicle and shall be paid before the release.

*(1942 Rev. Ords. § 646).*

**10.12.050 - Chief of police authorized to designate crosswalks.**

The chief of police is hereby authorized to establish and to designate and shall thereafter maintain, or cause to be maintained by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

*(1942 Rev. Ords. § 652).*

**10.12.060 - Chief of police authorized to designate safety zones and lanes for traffic.**

- (a) The chief of police is empowered to establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- (b) The chief of police is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this title.
- (c) The chief of police is empowered to determine those intersections at which operators of vehicles shall not make a left turn and shall place proper signs at such intersections.

*(1942 Rev. Ords. § 653).*

Sections:

10.21.010 – Definitions.

10.21.020 – Soliciting in streets.

**10.21.010 – Definitions.**

As used in this chapter,

"Soliciting" means any request for an immediate donation of money, and includes a request to purchase an item for an amount far exceeding its value and circumstances where a reasonably prudent person would understand that the purchase is in substance a donation.

"Travel portion" of a street or highway means the entire width of the roadway, including the edge or curb of the roadway and any median or island that separates directional traffic.

*(Ord. 1326 § 1, September 5, 2017).*

**10.21.020 – Soliciting in streets.**

No person shall stand, sit, or otherwise be present in or on the travel portion of Highway No. 2 or Highway No. 5 within the city limits of the City of Centerville for the purpose of soliciting or attempting to solicit employment, business or contributions from the occupants of any vehicle.

*(Ord. 1326 § 1, September 5, 2017).*

Sections:

10.22.010 - Prohibited.

10.22.020 - Designated.

**10.22.010 - Prohibited.**

It is unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city limits, by use of a motor vehicle.

*(Ord. 969 § 1, 1970).*

**10.22.020 - Designated.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter but shall not be deemed to be exclusive:

- (a) The willful sounding of any horn or signaling device on any motor vehicle on any street or public place of this city except as a danger warning;
- (b) The squealing of tires upon any street or public place in the city;
- (c) The causing of noise by failure to have a muffler on the motor vehicle that is in good working order and in constant operation.

*(Ord. 969 § 2, 1970).*

Sections:

10.24.010 - Districts established.

10.24.020 - Maximum speed.

10.24.030 - Minimum speed around square.

10.24.040 - Speed signs.

10.24.050 - Speed limit on Highway No. 5.

**10.24.010 - Districts established.**

For the purpose of controlling traffic the city is hereby divided into business districts, residence districts, school districts, and suburban districts as follows:

- (a) Business district. As defined in Section 10.04.020 of this code.
- (b) School district. The territory contiguous to a highway for a distance of two hundred feet in either direction from a schoolhouse.
- (c) Residence district. The territory contiguous to a highway, not comprising a business district or a school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings and buildings in use for business.
- (d) Suburban district. All other parts of a city or town not included in the business, school or residence districts.
- (e) Park district.
  - (1) All lands used for parks within or without the corporate limits of Centerville.
  - (2) The maximum speed of any vehicle in a park district shall be fifteen miles per hour.
  - (3) Any person violating any of the provisions of this chapter shall be punished by a fine not exceeding one hundred dollars and costs, or imprisonment not over thirty days.

*(Ord. 653, 1951: 1942 Rev. Ords. § 704).*

**10.24.020 - Maximum speed.**

The maximum speed of any vehicle in such districts shall be as follows:

- (a) In a business or school district, twenty miles per hour.
- (b) In a residence district, twenty-five miles per hour, except as set out in subsection (d) below.
- (c) In a suburban district, forty-five miles per hour.
- (d) On Iowa Primary Highway No. 5:
  - (1) Forty-five miles per hour from Sta. 735 to Sta. 795 (south corporate limits);
  - (2) Thirty-five miles per hour from Sta. 795 to Elm Street;
  - (3) Twenty-five miles per hour from Elm Street to Wall Street;
  - (4) Thirty-five miles per hour from Wall Street to Sta. 904;
  - (5) Forty-five miles from Sta. 904 to Sta. 915+14 (north corporate limits).

(e) On Iowa Primary Highway No. 2:

- (1) Forty-five miles per hour from Sta. 567 to west corporate limits (one thousand feet);
- (2) Thirty-five miles per hour from west corporate limits to North 9th Street;
- (3) Twenty-five miles per hour from North 9th Street to North 21st Street;
- (4) Forty-five miles per hour from North 21st Street to a point five thousand three hundred and fifty feet east.

*(Ord. 1053 § 1, 1976; Ord. 744, 1959; 1942 Rev. Ords. § 705).*

**10.24.030 - Minimum speed around square.**

No person shall operate or cause to be operated any vehicle on the public square in Centerville at a speed as to unreasonably delay the traffic thereon.

*(1942 Rev. Ords. § 706).*

**10.24.040 - Speed signs.**

On all main highways, except on the extensions of primary roads, on which the highway commission shall furnish and place suitable signs, the city shall furnish and place suitable signs showing the points at which the rate of speed changes and the maximum rate of speed in the district in which the vehicle is entering.

*(1942 Rev. Ords. § 707).*

**10.24.050 - Speed limit on Highway No. 5.**

- (a) The speed limit for traffic on Highway No. 5 shall be thirty-five miles per hour, with the following exception: when yellow lights are flashing, the speed limit shall be reduced to twenty-five miles per hour in the areas designated by speed limit signs.
- (b) Any person convicted of violating this section shall be deemed guilty of a misdemeanor.

*(Ord. 1222 § 1, 1999).*

Sections:

10.28.010 - High Street—Exceptions.

10.28.020 - Authorization to erect signs.

10.28.030 - West Jackson Street.

10.28.040 - East Jackson Street.

10.28.050 - West Van Buren Street.

10.28.060 - East Van Buren Street.

10.28.070 - North 12th Street.

10.28.080 - North 13th Street.

10.28.090 - Traffic on the square.

**10.28.010 - High Street—Exceptions.**

The operators of vehicles shall drive the same only south on High Street in the city, from Lane Street on the north to Grand Street on the south, except that between the hours of three and four in the afternoon, school buses may be driven north on the street for the purpose of taking on and leaving with students for transportation.

*(Ord. 817 § 2, 1965).*

**10.28.020 - Authorization to erect signs.**

The mayor shall require the street or police department to erect suitable signs showing how traffic shall move on the street and how vehicles shall be parked thereon.

*(Ord. 817 § 4, 1965).*

**10.28.030 - West Jackson Street.**

Traffic on West Jackson Street from 12th Street to 10th Street shall be one-way off the square west.

*(Ord. 868 § 1, 1968).*

**10.28.040 - East Jackson Street.**

Traffic on East Jackson Street from 13th to 14th Street shall be one-way onto the square west

*(Ord. 868 § 2, 1968).*

**10.28.050 - West Van Buren Street.**

Traffic on West Van Buren Street from 10th street to 12th Street shall be one-way onto the square east.

*(Ord. 868 § 3, 1968).*

**10.28.060 - East Van Buren Street.**

Traffic on East Van Buren Street from 13th Street to 14th Street shall be one-way off the square east.

Traffic on East Van Buren from 18th Street to Haynes Avenue shall be one-way and move in an easterly direction only.

*(Ord. 973 § 1, 1970; Ord. 868 § 4, 1968).*

**10.28.070 - North 12th Street.**

Traffic on North 12th Street from Maple Street to Jackson Street shall be one-way onto the square north.  
Traffic on North 12th Street from Van Buren to Washington Street shall be one-way off the square north.

*(Ord. 868 § 5, 6, 1968).*

**10.28.080 - North 13th Street.**

Traffic on North 13th Street from Maple Street to Jackson Street shall be one-way onto the square north.  
Traffic on North 13th Street from Washington Street to Van Buren Street shall be one-way onto the square south.

*(Ord. 868 § 7, 8, 1968).*

**10.28.090 - Traffic on the square.**

- (a) All traffic on the outside line of the square shall move in a counter-clockwise direction; i.e., north on 13th Street, west on Van Buren Street, south on 12th Street and east on Jackson Street.
- (b) All traffic on the inside lane of the square proper shall move in a clockwise direction; i.e., south on 13th Street, west on Jackson Street, north on 12th Street and east on Van Buren Street.

*(Ord. 956 § 2, 3, 1970).*

Sections:

- 10.32.010 - Paved roadways.
- 10.32.020 - Permit required.
- 10.32.030 - Ten thousand pounds—Streets designated.
- 10.32.040 - Fifteen thousand pounds—Streets designated.
- 10.32.050 - Washington Street.
- 10.32.060 - East State Street.
- 10.32.070 - North Seventh Street.
- 10.32.075 - Franklin Street.
- 10.32.090 - Exceptions.

**10.32.010 - Paved roadways.**

It is unlawful for any person to drive or haul or cause to be driven or hauled over any paved street, bridge or culvert, except on a marked arterial highway, or marked detour thereof, any motor bus or motor truck, having a gross weight, including vehicle and load, in excess of three tons, unless special permission shall have been secured from the city council upon a showing of public convenience and necessity for the use of other streets. Nothing in this chapter shall be construed, however, to prohibit the use of any street or streets in Centerville for the purpose of collecting or delivering merchandise to any point in Centerville not located on an arterial highway.

*(1942 Rev. Ords. § 712 (part)).*

**10.32.020 - Permit required.**

It is unlawful for any person to drive or haul or cause to be driven or hauled over any paved street, bridge, or culvert any tractor, grader, or other machine without first obtaining a permit from the city engineer who shall in every case be satisfied that the paving can be protected in such a manner as to render its injury impossible. Tractors, graders, and other machines having wheels or treads with flanges or other projections from the face of the rim or tread, shall remove the same or place bands or street plates on the same before proceeding over any pavement, bridge or culvert.

*(1942 Rev. Ords. § 712 (part)).*

**10.32.030 - Ten thousand pounds—Streets designated.**

It is unlawful for any person to drive or haul any motor vehicle having a gross weight of ten thousand pounds or more including vehicle and load, upon the following described streets or portions of streets:

- (a) East Cottage Street from South Eighteenth Street east to the east line of Cottage Grove Addition in said city;
- (b) Francis Avenue;
- (c) Merion Avenue;
- (d) South Main Street from Cottage Street south to the city limits;
- (e) East Van Buren Street from Haynes Avenue to Eighteenth Street;
- (f) East Prairie Street from South 18th Street to Drake Avenue;
- (g) East Cross Street.

*(Ord. 1163 § 1, 1992; Ord. 794; Ord. 789; 1942 Rev. Ords. § 712).*

**10.32.040 - Fifteen thousand pounds—Streets designated.**

It is unlawful for any person to drive or haul upon the road known as Star Route leading out of Centerville, and extending from the west end of West Maple Street in said city, southwesterly to the city limits, any vehicle having a gross weight, including vehicle and load, in excess of fifteen thousand pounds.

*(Ord. 789, 1963; 1942 Rev. Ords. § 712).*

**10.32.050 - Washington Street.**

No truck or other vehicle shall be driven or transported upon Washington Street in Centerville from the east line of Primary Highway No. 2 through the city of Centerville to the west line of Eighteenth Street in the city, except that portion of said street from the west side of Park Avenue to the east side of Haynes Avenue with a maximum weight in excess of ten thousand pounds gross weight.

*(Ord. 728 § 1, 1958).*

**10.32.060 - East State Street.**

No truck or other vehicle shall be driven or transported upon East State Street in Centerville, from the east line of Eighteenth Street in said city to the northwest line of Primary Highway No. 2 at the east corporation line of the city of Centerville, with a maximum weight in excess of ten thousand pounds gross weight.

*(Ord. 728 § 2, 1958).*

**10.32.070 - North Seventh Street.**

No truck or other vehicle shall be driven or transported on North Seventh Street in Centerville from the north line of Maple Street to the south line of Jackson Street in the city with a maximum weight in excess of ten thousand pounds gross weight.

*(Ord. 766 § 1, 1961).*

**10.32.075 - Franklin Street.**

- (a) No truck or other vehicle shall be driven or transported on Franklin Street between 1st and 4th Street in Centerville, Iowa, with a maximum weight in excess of five tons gross weight.
- (b) Any person violating the provisions of this section, after proper warning signs have been posted, shall be guilty of a misdemeanor and may be punished by a fine of not more than one hundred dollars or imprisonment not to exceed thirty days.
- (c) Emergency and maintenance vehicles in the operation of their duties are exempt from this section.

*(Ord. 1264 §§ 1—3, 2005).*

**10.32.090 - Exceptions.**

Nothing in this chapter shall be construed to prohibit the use of the city streets by delivery trucks, garbage trucks or authorized emergency vehicles.

*(Ord. 1163 § 2, 1992).*

Sections:

10.36.032 - Yield intersections designated.

10.36.034 - Stop intersections designated.

10.36.036 - Sign erection.

**10.36.032 - Yield intersections designated.**

All vehicles shall yield the right-of-way to approaching vehicles on the intersecting streets at the following intersections:

- (1) On Ninth Street at its intersection with Wall Street;
- (2) On Park Avenue at its intersection with Wall Street.

*(Ord. 854 § 1, 1968).*

**10.36.034 - Stop intersections designated.**

All vehicles shall stop before entering the intersecting street at the following intersections:

- (1) On Wall Street at its intersection with 12th Street;
- (2) On Grand Street at its intersection with Main Street;
- (3) On 17th Street with its intersection with Wall Street;
- (4) On 16th Street at its intersection with Wall Street;
- (5) On 15th Street at its intersection with Wall Street;
- (6) On 10th Street at its intersection with Washington Street;
- (7) On Washington Street at its intersection with 10th Street;
- (8) On Haynes Avenue at its intersection with Washington Street;
- (9) On Washington Street at its intersection with Haynes Avenue;
- (10) On Haynes Avenue at its intersection with East State Street;
- (11) On East State Street at its intersection with Haynes Avenue.

*(Ord. 1058 § 2, 1977; Ord. 854 § 2, 1968).*

**10.36.036 - Sign erection.**

The chief of police shall have appropriate signs erected at the intersections mentioned in Sections 10.36.032 and 10.36.034.

*(Ord. 854 § 3, 1968).*

Sections:

- 10.40.010 - Controlled-access facility defined.
- 10.40.030 - Authority by police.
- 10.40.040 - Highway accesses—Established.
- 10.40.050 - Highway accesses—Location.
- 10.40.052 - Establishment on Primary Road No. Iowa 2.
- 10.40.056 - Parking.

**10.40.010 - Controlled-access facility defined.**

For the purpose of this chapter, a "controlled-access facility" means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right of easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reasons Such highways or streets may be freeways open to use by all customary forms of street and highway traffic or they may be parkways from which trucks, busses, and other commercial vehicles shall be excluded.

*(Ord. 703 § 2; August 6, 1956).*

**10.40.030 - Authority by police.**

This chapter shall be deemed in exercise of the police power of the city for the preservation of the public peace, health and safety, and for the promotion of the general welfare. (Ord 703 § 1; August 6, 1956).

**10.40.040 - Highway accesses—Established.**

Access to the portion of highway described in Sections 10.40.010—10.40.030 shall be permitted only by way of the following established drives:

<i>Station</i>	<i>Side</i>	<i>Width</i>	<i>Use</i>
902	East	15'	Private
905	West	22'	Entrance to North Eighteenth Street
905	East	15'	Private
906	East	12'	Commercial
912	West	17'	Local East-
912	East	15'	Local East-

*(Ord. 722 § 1; February 17, 1958).*

**10.40.050 - Highway accesses—Location.**

The above drives are located in the southwest quarter of section 30, township 69 north, range 17 west of the fifth principal meridian, lying on the direction shown on the following described centerline of Primary Road No. Iowa 5 as shown on official plans for project U-781 (9). The centerline designated by station points one hundred feet apart, numbered from south to north, said numbers being adjusted at station 906 plus 51.9 to equal 906 plus 47.3 is described as follows: Beginning at station 901 plus 90.0, a point 1432.4 feet north of the southwest corner of said section 301 thence northeasterly 4184 feet along a 14325 foot radius curve concave southeasterly with along chord bearing north 17°36-½ east to station 906 plus 084; thence north 25°58-½ east 435 feet to station 906 plus 51.9 which

equals station 906 plus 473; thence north 25°58-½ Salt, 6507 feet to station 912 plus 98.

(Ord 722 § 2; February 17, 1958; Ord. 2013-1300 § 15b, April 1, 2013).

#### **10.40.052 - Establishment on Primary Road No. Iowa 2.**

There are hereby fixed and established controlled-access facilities on the primary road system extension improvement, Project No F-2-7(l)20-4, Primary Road No Iowa 2 within the city of Centerville, Iowa, described as follows: from Station 988+70, the west corporation line, to Station 1017+10, regulating access to and from said highway and to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No F-2-7(l)-20-4 on file in the office of the city clerk.

*(Ord. 876 § 5; October 21, 1968).*

#### **10.40.056 - Parking.**

Parking of any nature is prohibited on Iowa Highway 2, the west corporation line, easterly to the east corporation line. Parking of any nature is prohibited on Iowa Highway 5 at the south corporation line, north to the north corporation line effective January 1, 2020.

On unsignalized intersections parking shall be prohibited on the minor street approaches for a distance of thirty-five feet in advance of the stop sign. Where diagonal parking is permitted a fifty-five foot stop sign sight distance is to be maintained.

Parking shall be prohibited on the exit sides of the minor streets for a distance of thirty-five feet beyond the far crosswalk.

On signalized intersections on exit sides of the minor streets parking shall be prohibited a distance of twenty-two feet beyond the crosswalk and a distance of ten feet in advance of the crosswalk on the approach sides of the minor streets

*(Ord. 1329 § 1; November 5, 2018).*

Sections:

10.52.030 - Liability for unattended vehicles.

10.52.040 - Parking vehicle for sale prohibited.

10.52.050 - Parking on yards.

10.52.060 - Length and width of parked vehicles.

10.52.070 - Parking as traffic obstruction.

**10.52.030 – Liability for unattended vehicles.**

For purposes of prosecution under the Centerville Code, if a vehicle is found parked or left unattended in violation of the provisions of the Centerville Code and the identity of the operator cannot be determined at the scene of the violation, the registered owner there shall be responsible for such violation.

*(Ord. 2013-1300 § 12, April 1, 2013).*

**10.52.040 – Parking vehicle for sale prohibited.**

It is unlawful for any person to park upon a street any unattended vehicle displayed for sale.

*(1942 Rev. Ords. § 675; Ord. 2013-1300 § 10b, April 1, 2013 Ord. 2013-1302 § 1, September 16, 2013).*

**10.52.050 – Parking on yards.**

It is unlawful for the operator of a vehicles to stop, stand or park such vehicle on any front yard and any side yard adjacent to a street except in a driveway or an off-street parking area.

- (1) Except as otherwise defined herein, the meanings of the terms used in this section shall have the meanings set forth in Article 17.04.030.
- (2) The provisions of this section shall not apply to the following vehicles when an emergency situation requires such vehicles to park in any front yard or any side yard adjacent to a street: (i) emergency utility and public service vehicles whose operators are performing services for which they are responsible, or (ii) to vehicles belonging to persons under contract with the City to perform a public service.
- (3) The provisions of this section shall not apply to service vehicles whose operators have been engaged to perform and are performing moving, installation, repair, or maintenance services.
- (4) Any exceptions to this section shall be permitted only by resolution of the City Council.
- (5) The term "driveway" means a designated hard-surfaced area providing access from a street or alley to a parking area or garage that is at least the width of a vehicle; access from a street must include a driveway cut.

*(Ord. 2013-1302 § 2, September 16, 2013).*

**10.52.060 - Length and width of parked vehicles.**

It is unlawful to stop, stand or park any freight-carrying motor vehicle, trailer, camper, motor home, or any other passenger-carrying motor vehicle of any description which is over six feet in width or over fourteen feet in length, except by special permit or unless the vehicle is stopped temporarily for loading or unloading purposes.

*(Ord. 1321, § 6, April 3, 2017).*

**10.52.070 - Parking as traffic obstruction.**

It is unlawful for any operator to park a vehicle within an alley, except for a time as may be reasonably necessary to load or unload his vehicle and in a manner or under such conditions as to leave the roadway open for the free movement of vehicular traffic.

*(Ord. 1321, § 6, April 3, 2017).*

Sections:

10.60.010 - Parking limits.

10.60.020 - Vehicles on streets.

10.60.030 - All night parking on square prohibited.

10.60.040 - Penalty for violations.

**10.60.010 - Parking limits.**

Parking shall be prohibited as follows:

- (a) For longer than two hours at any time on the following streets:
  - (1) On West Van Buren Street from North Tenth Street to North Twelfth Street;
  - (2) On North Twelfth Street from West Washington Street to West Van Buren Street;
  - (3) On West Jackson Street from North Tenth Street to North Twelfth Street;
  - (4) On North Twelfth Street from West Maple Street (Iowa Highway No. 2) to West Jackson Street;
  - (5) On North Thirteenth Street from East Maple Street (Iowa Highway No. 2) to East Jackson Street;
  - (6) On East Jackson Street from Haynes Avenue to North Thirteenth Street;
  - (7) On East Van Buren Street from Haynes Avenue to North Thirteenth Street;
  - (8) On North Thirteenth Street from East Washington Street to East Van Buren Street; and
  - (9) Along the curb next to the businesses on the City Square.
- (b) For longer than one hour between the hours of eight a.m. and four p.m. on school days on the street adjoining the Centerville High School grounds on the east, between West Lane Street on the south and the extension of the South line of Liberty Street on the north.
- (c) There shall be no parking along the public thoroughfare now known as "James' Way."

*(Ord. 1261 § 8, 2005; Ord. 1136 § 1, 1988).*

**10.60.020 - Vehicles on streets.**

No person shall leave any automobile or vehicle upon any street, alley or public ground at any time for a longer period than twelve hours except in case of accident, and then for only a reasonable time in which to repair, and no person in charge of a garage shall leave any vehicle in his charge standing upon the street or alley for a longer period than twelve hours.

*(1942 Rev. Ords. § 670).*

**10.60.030 - All night parking on square prohibited.**

It is unlawful to park any vehicle against any curb on the portion of Jackson St. from 12<sup>th</sup> St. to 13<sup>th</sup> St., the portion of 13<sup>th</sup> St. from Jackson St. to Van Buren St., the portion of Van Buren St. from 13<sup>th</sup> St. to 12<sup>th</sup> St., and on the portion of 12<sup>th</sup> St. from Van Buren St. to Jackson St. (such streets are referred to as the "square") for a period of time longer than thirty minutes between the hours of two a.m. and six a.m. of any day.

*(Ord. 1321, § 7, April 3, 2017).*

#### **10.60.040 - Penalty for violations.**

Pursuant to [Section 321.236](#) of the Code of Iowa, parking violations that are uncontested shall be charged and collected upon a simple notice of a fine payable to the city clerk. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred. Violations that are denied shall be charged and proceed before the court the same as other traffic violations, and court costs shall be assessed as provided in [Section 805.6\(1\)\(a\)](#), Code of Iowa, for parking violation cases.

*(Ord. 1321, § 7, April 3, 2017).*

Sections:

- 10.70.010 - Title.
- 10.70.020 - Definitions.
- 10.70.030 - Permit—Required—Exceptions.
- 10.70.040 - Permit—Application—Fee.
- 10.70.050 - Permit—Conditions for issuance.
- 10.70.060 - Permit—Denial—Police chief action.
- 10.70.070 - Permit—Denial—Appeal.
- 10.70.080 - Permit—Alternate.
- 10.70.090 - Permit—Distribution.
- 10.70.100 - Permit—Contents.
- 10.70.110 - Permit—Carrying required.
- 10.70.120 - Obstructing prohibited.
- 10.70.130 - Permit—Revocation.

**10.70.010 - Title.**

The ordinance codified herein shall be known and may be cited as the "Parade Ordinance of the City of Centerville, Iowa."

*(Ord. 968 § 1, 1970).*

**10.70.020 - Definitions.**

- (1) "Chief of police" is the chief of police of the city of Centerville.
- (2) "City" is the city of Centerville, Iowa.
- (3) "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.
- (4) "Parade permit" is a permit as required by this chapter.
- (5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

*(Ord. 968 § 2, 1970).*

**10.70.030 - Permit—Required—Exceptions.**

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police (or other appropriate official or body).

- (1) This chapter shall not apply to:
  - (A) Funeral processions;
  - (B) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
  - (C) A governmental agency acting within the scope of its functions.

*(Ord. 968 § 3, 1970).*

**10.70.040 - Permit—Application—Fee.**

A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

- (1) An application for a parade permit shall be filed with the chief of police not less than twenty days nor more than thirty days before the date on which it is proposed to conduct the parade.
- (2) The application for a parade permit shall set forth the following information:
  - (A) The name, address and telephone number of the person seeking to conduct such parade;
  - (B) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
  - (C) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
  - (D) The date when the parade is to be conducted;
  - (E) The route to be traveled, the starting point and the termination point;
  - (F) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;
  - (G) The hours when such parade will start and terminate;
  - (H) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
  - (I) The location by streets of any assembly areas for such parade;
  - (J) The time at which units of the parade will begin to assemble at any such assembly area or areas;
  - (K) The interval of space to be maintained between units of such parade;
  - (L) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
  - (M) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.
- (3) The chief of police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than twenty days before the date such parade is proposed to be conducted.
- (4) There shall be paid at the time of filing the application for a parade permit a fee of twenty-five dollars.

*(Ord. 968 § 4, 1970).*

#### **10.70.050 - Permit—Conditions for issuance.**

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other

traffic contiguous to its route;

- (2) The conduct of the parade will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire;
- (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

*(Ord. 968 § 5, 1970).*

**10.70.060 - Permit—Denial—Police chief action.**

The chief of police shall act upon the application for a parade permit within ten days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant within ten days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

*(Ord. 968 § 6, 1970).*

**10.70.070 - Permit—Denial—Appeal.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within thirty days after notice. The city council shall act upon the appeal within twenty days after its receipt.

*(Ord. 968 § 7, 1970).*

**10.70.080 - Permit—Alternate.**

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within ten days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under, this chapter.

*(Ord. 968 § 8, 1970).*

**10.70.090 - Permit—Distribution.**

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

- (1) The mayor;
- (2) The city attorney;
- (3) The fire chief;
- (4) The city street commissioner.

*(Ord. 968 § 9, 1970).*

**10.70.100 - Permit—Contents.**

Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the chief of police shall find necessary to the enforcement of this chapter.

*(Ord. 968 § 10, 1970).*

**10.70.110 - Permit—Carrying required.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

- (1) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

*(Ord. 968 § 11, 1970).*

**10.70.120 - Obstructing prohibited.**

- (1) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- (2) No driver of a vehicle, street car or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (3) The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

*(Ord. 968 § 12, 1970).*

**10.70.130 - Permit—Revocation.**

The chief of police shall have the authority to revoke a parade permit issued hereunder upon application of

the standards for issuance as herein set forth.

*(Ord. 968 § 13, 1970).*

Sections:

10.76.010 - Railway trains and cars.

10.76.020 - Speed of trains.

**10.76.010 - Railway trains and cars.**

It shall be unlawful for the directing officer or the operator of any railway train or car to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. It shall be unlawful for any railway train or car to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.

*(1942 Rev. Ords. § 659).*

**10.76.020 - Speed of trains.**

No person, whether acting as owner, agent or employee shall run any interurban or railway train over the streets or through the limits of the city at a rate to exceed twenty-five miles per hour.

*(1942 Rev. Ords. § 660).*

Sections:

- 10.80.010 - Bicycle registration and license requirements.
- 10.80.020 - License period—Renewal.
- 10.80.030 - Transfer of bicycle.
- 10.80.040 - Loss—Theft of license.
- 10.80.050 - Operation of bicycles, roller skates, scooters and skateboards.
- 10.80.060 - Pedestrians—Right-of-way.
- 10.80.070 - Bicycle equipment.
- 10.80.080 - Penalty—Impoundment.
- 10.80.090 - Abandoned bicycles.

**10.80.010 - Bicycle registration and license requirements.**

Each person residing within the city who owns a bicycle shall cause the ownership thereof to be registered at the Centerville Police Department. The fee charged for the registration of bicycles shall be as established by the city council from time to time. After the bicycle has been inspected and the registration fee paid, the Centerville Police Department will issue a license which thereafter shall be kept permanently attached to the bicycle. No person shall ride a bicycle on any public street or sidewalk without an attached license.

*(Ord. 1153 § 1 (part), 1991).*

**10.80.020 - License period—Renewal.**

Bicycle registration shall be for a period of one year and shall expire on May 1st of each year, unless sooner revoked or suspended as hereinafter provided. The same fee shall be paid for registration regardless of the date of issuance and all registrations shall expire at the same time.

*(Ord. 1153 § 1(part), 1991).*

**10.80.030 - Transfer of bicycle.**

In the event a licensed bicycle is sold or transferred, the licensee shall report the transfer to the Centerville Police Department. The Centerville Police Department shall make a record of the sale or transfer of a licensed bicycle, together with the name of the new owner or transferee of the bicycle. The new owner shall obtain a new license for the bicycle.

*(Ord. 1153 § 1(part), 1991).*

**10.80.040 - Loss—Theft of license.**

In the event that an owner of a bicycle shall lose the license issued pursuant to this chapter, or the license shall be destroyed or stolen, the loss shall be reported immediately to the Centerville Police Department, which shall then issue to the owner a new license at a cost established by the city council.

**10.80.050 - Operation of bicycles, roller skates, scooters and skateboards.**

All persons using or operating bicycles, roller skates, scooters and skateboards upon any street or sidewalk in the city shall observe all traffic rules as to traffic lights and highway stop signs and manner as signals are required under the law governing the use and operation of motor vehicles upon streets and highways; shall not turn left in traffic except at regular intersections of the streets or alleys; shall not weave in and out of traffic; and shall observe at all times the following rules and regulations:

- (a) Dangerous or Improper Riding. It is unlawful for any person to ride a bicycle, roller skates, scooter or

skateboard in an irregular or reckless manner, such as zigzagging, stunting, or in such a manner as to endanger the safety of either the operator or others.

- (b) Bicycles, Roller Skates, Scooters and Skateboards to be Ridden Single File—Exception. Bicycles, roller skates, scooters and skateboards shall be ridden in single file on the City Square, or within one block therefrom. Bicycles, roller skates, scooters and skateboards may be ridden not over two abreast elsewhere.
- (c) Bicycles, Roller Skates, Scooters and Skateboards on the City Square. Bicycles, roller skates, scooters and skateboards shall not be ridden on the sidewalks on the City Square or within one block therefrom, unless a special permit for handicapped individuals is issued by the Centerville Police Department.
- (d) Bicycles to be Ridden to the Right. Bicycles shall be operated in the same direction as the traffic and as near the righthand edge of the traveled part of the street as possible at all times.
- (e) Restricted Uses. No person shall use roller skates, scooters or skateboards on any street except while crossing at an intersection, nor shall they be used on any public or private property unless written permission has been obtained from the owner.
- (f) Towing. It is unlawful for any person riding a bicycle, roller skates, scooters and skateboards to be towed or to tow any other individual or object unless specifically manufactured or designed for this purpose.
- (g) Following Fire Trucks, It is also unlawful for any person riding a bicycle, roller skates, scooters and skateboards to follow a fire truck or other fire equipment at any time.
- (h) Carrying Extra Passengers. Extra passengers shall not be carried upon a bicycle, except upon a suitable device constructed for passengers.
- (i) Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand on the handlebar.
- (j) Parking—Designation of Suitable Places. Bicycles, roller skates, scooters and skateboards shall be parked in such a manner so as not to obstruct pedestrian or vehicular traffic. Bicycle racks shall be used where available.

*(Ord. 1153 § 1(part), 1991).*

#### **10.80.060 - Pedestrians—Right-of-way.**

Pedestrians upon sidewalks shall have the right of way at all times and persons using or operating bicycles, roller skates, scooters and skateboards shall turn off the sidewalk at all times when meeting or passing pedestrians.

*(Ord. 1153 § 1(part), 1991).*

#### **10.80.070 - Bicycle equipment.**

- (a) All bicycles shall be equipped with adequate brakes, handle bars and a seat.
- (b) All bicycles shall, during the hours from one-half hour after sunset to one-half hour before sunrise, display a headlight on the forward part of the bicycle visible from a distance of at least three hundred feet. There shall also be displayed on the rear part of the bicycle a red reflector not to be smaller than one and one-half inches in diameter, or a red light of similar diameter.
- (c) All bicycles shall be equipped with either a suitable horn or bell. The use of a siren is unlawful.

**10.80.080 - Penalty—Impoundment.**

Any person violating any of the provisions of this chapter shall be given a written warning for the first offense, shall suffer his bicycle, roller skates, scooter and/or skateboard to be impounded for not more than ten days for the second offense, twenty days for the third offense and thirty days for each offense thereafter.

*(Ord. 1321, § 8, April 3, 2017).*

**10.80.090 - Abandoned bicycles.**

The Centerville Police Department may take possession of any lost or abandoned bicycle If the owner cannot be determined, a notice shall be published in the manner provided by Section 362.3(2), Code of Iowa, and if said bicycle is not claimed within thirty days from the publication of said notice, the city may sell the bicycle at public or private sale.

*(Ord 1153 § 1(part), 1991).*

Sections:

10.96.010 - Snow routes designated.

10.96.020 - Parking ban.

10.96.030 - Police department authorized to remove vehicles and clear streets.

10.96.040 - Owner notification of impounded vehicle.

10.96.050 - Vehicle released to owner or lien holder upon payment of fee and charges.

10.96.060 - Disposal of unclaimed vehicles.

**10.96.010 - Snow routes designated.**

The following streets are designated as snow routes:

- (a) City Square;
- (b) Jackson Street, from Haynes Avenue to tenth Street;
- (c) State Street, from Highway No. 5 to Highway No. 2;
- (d) Van Buren Street, from Highway No. 5 to Highway No. 2;
- (e) Washington Street, from Highway No. 5 to First Street;
- (f) Haynes Avenue, from Highway No. 2 to Grant;
- (g) Shamrock Lane;
- (h) North Thirteenth Street, from Highway No. 2 to Washington;
- (i) Main Street;
- (j) Twelfth Street, from Garfield to Washington;
- (k) Tenth Street, from Lane to Franklin;
- (l) Drake Avenue;
- (m) North Park Avenue;
- (n) Franklin Street, from North Park to Highway No. 5;
- (o) Highway No. 5 South, from Highway No. 2 to Green;
- (p) Green Street, from Drake to Highway No. 5;
- (q) Francis Street, from Drake to Main;
- (r) West Cottage Street, from Main to west city limits;
- (s) Wall Street, from Highway No. 5 to South Sixteenth Street;
- (t) South Sixteenth Street, from Walsh to Sheridan;
- (u) Sheridan Street, from Drake to Sixteenth Street; and
- (v) Country Club Road.

*(Ord. 1092 § 1, 1979).*

**10.96.020 - Parking ban.**

No person shall park, abandon or leave unattended any vehicle on designated snow routes or on any other street or alley not designated as a snow route from or during such times as may be proclaimed by the mayor or his designee as a snow emergency. The snow emergency parking ban shall continue from its proclamation until such snow routes, streets or alleys have been declared to be fully opened by the mayor or his designee. No person shall park, abandon or leave unattended any vehicle on designated snow routes whenever snow, freezing rain, sleet, snowdrifts or other natural phenomena create or are likely to create hazardous road conditions or road conditions impeding or likely to impede the free movement of fire, medical, police, emergency or other vehicular traffic vital to the health, safety and welfare of the community. The designated snow route parking ban will remain in effect until such time as all snow, ice and snowdrifts have been removed.

*(Ord. 1092 § 2, 1979; Ord. 2013-1300 § 13, April 1, 2013).*

**10.96.030 - Police department authorized to remove vehicles and clear streets.**

The police department, acting through any authorized agent, may remove vehicles when parked in violation of this chapter and in doing so, may employ such means as are reasonably necessary to clear the streets. The police department is further authorized to impound said vehicles and hold the same until the necessary charges as set forth herein for removing said vehicles are paid.

*(Ord. 1092 § 3, 1979).*

**10.96.040 - Owner notification of impounded vehicle.**

The police department shall determine and notify in writing the last known registered owner of the impounded vehicle and any lien holder of record within ten days after its impoundment, and if said owner or lien holder does not exercise his right to reclaim said vehicle within twenty-one days after the completion of the service of said notice, the owner and lien holders shall have no further right, title, claim or interest in or to such vehicle.

The notice shall describe the year, make, model and serial number of the vehicle, set forth the location of the facility where it is being held, inform the owner and any lien holders of their right to reclaim the vehicle within twenty-one days after the effective date of the notice upon payment of all towing and storage charges resulting from the impoundment of the vehicle. The notice shall further state that the failure of the owner or lien holder to exercise their rights to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title, claim and interest in the vehicle, and that such failure to reclaim is deemed consent to the sale of the vehicle at public auction or disposal of the vehicle to a demolisher.

Notice by certified mail shall be given by the chief of police to the owner and lien holders at their addresses as shown by the records in the office of the Appanoose county treasurer. If the identity or address of the last registered owner cannot be ascertained from the records of the Appanoose county treasurer, notice shall be given by one publication in a newspaper of general circulation in the city. Multiple listings may be included in said notice if they are subject to the same time limits. Notice shall be deemed given on the date of mailing or the date of publication, as the case may be.

The owners or any lien holder may, by written request delivered to the chief of police prior to the expiration of the twenty-one-day period, obtain an additional fourteen days within which the vehicle may be reclaimed.

*(Ord. 1092 § 4, 1979).*

**10.96.050 - Vehicle released to owner or lien holder upon payment of fee and charges.**

If prior to the delivery of notice, or within the reclamation period as set forth herein, such owner or lien holder shall appear and identify such vehicle, the vehicle shall be released to said owner or lien holder upon payment of the impoundment fee of five dollars per day if stored in a city garage or designated city location, and the payment of costs of towing, or upon payment of the towing and storage charges if stored in a privately owned garage.

*(Ord. 1092 § 5, 1979).*

**10.96.060 - Disposal of unclaimed vehicles.**

If an impounded vehicle has not been reclaimed as provided for in this chapter, the police department shall dispose of said vehicle and account for the proceeds of the sale in the manner provided by Chapter 321 of the Code of Iowa.

*(Ord. 1092 § 6, 1979).*

Chapters:

- Chapter 11.08 - Establishment of Improvements
- Chapter 11.12 - Numbering Buildings
- Chapter 11.16 - Sidewalk Construction and Maintenance
- Chapter 11.20 - Private Driveways
- Chapter 11.24 - Shade Trees
- Chapter 11.28 - Excavations
- Chapter 11.32 - Poles, Signs and Awnings
- Chapter 11.36 - Encroachments and Obstructions
- Chapter 11.44 - Street and Alley Construction

## FOOTNOTE(S):

<sup>(3)</sup> *Litter from billboards—See Section 5.20.040 of this code.*

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Chapter 11.08 - Establishment of Improvements

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Sections:

- 11.08.010 – Plats and new additions.
- 11.08.020 – Curb lines established.
- 11.08.030 – Changing curb lines.
- 11.08.040 – Gutters required.
- 11.08.050 – Parking maintenance.
- 11.08.060 – Adoption of SUDAS.

**11.08.010 - Plats and new additions.**

No addition to the city shall be accepted and approved by the city council as provided by law unless the principal streets, avenues and thoroughfares through the addition shall be so located with reference to existing streets in the city. Old and new streets shall make a continuous street without offset or turn. The city shall not accept any such addition until all the streets and alleys therein, without cost to the city, have been brought to a permanent grade including grades for sidewalk and all necessary permanent bridges and culverts constructed.

*(1942 Rev. Ords. § 111).*

**11.08.020 - Curb lines established.**

The curb lines on the various streets in the city shall be as follows:

- (a) On all streets in the city where the width of the street is seventy feet and over, the curb shall be twenty feet from the lot line;
- (b) On all streets in the city where the width of the street is sixty feet and up to sixty-five feet, the curb shall be eighteen feet from the lot line;
- (c) On all streets in the city where the width of the street is fifty feet and up to fifty-five feet, the curb shall be fifteen feet from the lot line;
- (d) On all streets in the city where the width of the street is forty feet and up to forty-five feet, the curb

shall be ten feet from the lot line;

- (e) On all streets in the city where the street is thirty-three feet in width, the curb shall be five feet from the lot line;
- (f) On and around the public square, the curb shall be sixteen feet from the lot line.

*(1942 Rev. Ords. § 350).*

**11.08.030 - Changing curb lines.**

It is further provided, that in case where the paving of any street is ordered and the street varies in width, the city council reserves the right to change the curb lines at any time and improve the whole or any part of the street, the object being to establish a uniform system of curb lines to meet requirements of Section 11.08.040.

*(1942 Rev. Ords. § 351).*

**11.08.040 - Gutters required.**

It is hereby ordered, and is made the duty of all persons to construct and maintain at all times, gutters in front of their lots on the public square. It is further ordained that gutters along the established curb lines shall be of uniform width.

*(1942 Rev. Ords. § 352).*

**11.08.050 – Parking maintenance.**

It shall be the duty of a property owner and building occupants in the city, where curb lines are established, to keep in a neat and clean order the parking, which is the area between the curb lines and the public sidewalk, or edge of the public right-of-way, removing there from all the trash or unsightly material or objects and maintaining the parking in a good condition as set out by the city standards.

*(Ord. 1283 § 1, 2008; Ord. 2013-1302 § 7, September 16, 2013).*

**11.08.060 – Adoption of SUDAS.**

The Iowa Statewide Urban Design Standards for Public Improvements and the Iowa Statewide Urban Standard Specifications for Public Improvements, as such standards are modified from time to time, (collectively, "SUDAS") are adopted by the City. To the extent any design or specification standard set forth in this Code conflicts with SUDAS, SUDAS shall control.

*(Ord. 2013-1302 § 4, September 16, 2013).*

Sections:

- 11.12.010 - Numbering plan.
- 11.12.020 - Base lines.
- 11.12.030 - Plan for numbering.
- 11.12.040 - Business area.
- 11.12.050 - Residential area.
- 11.12.060 - Directional divisions.
- 11.12.070 - Numbering—Painting.
- 11.12.080 - Numbering—Assessment of costs.
- 11.12.090 - Numbering—Doubt as to proper.
- 11.12.100 - Numbering—Haynes Avenue.

**11.12.010 - Numbering plan.**

All buildings now or hereafter to be erected and fronting the public streets or avenues within the corporate limits of the city of Centerville, shall be numbered, and the plan of numbering said buildings shall, as far as practicable, be the same as that which is known as the "Philadelphia Plan." The owners, agent or occupants shall cause the numbers, in accordance with the provisions of this chapter, to be placed on their property and maintained.

*(1942 Rev. Ords. § 101).*

**11.12.020 - Base lines.**

Main Street and Maple Street shall be constituted the base lines from which the numbering of buildings fronting or situated on streets extending from either of the base lines and on either side thereof shall commence.

*(1942 Rev. Ords. § 102).*

**11.12.030 - Plan for numbering.**

Odd numbers shall be on the north side of all streets running east and west and even numbers on the south side, Odd numbers shall be on the east side of all streets running north and south, and even numbers on the west side of the streets respectively alternating from side to side, the numbers being one hundred to each block or the distance between two street intersection on the same street, Where the streets intersecting on opposite sides of the street are not the same, numbers shall run in each case to a street intersecting on the side numbered.

*(1942 Rev. Ords. § 103).*

**11.12.040 - Business area.**

In the business portions of the city—Blocks one, two, three and four in Ranges two, three, four and five, original town of Centerville, and Blocks one, two, three and four in South Centerville Addition and the west half of Blocks six and seven in Adamson's Addition—the numbers shall be for each twenty feet, whenever a fraction of a lot less than fifteen feet occurs it shall be designated by the number before it with the figure one-half added.

*(1942 Rev. Ords. § 104).*

**11.12.050 - Residential area.**

In the residential portion of the city the numbers shall be for each twenty-five feet and fraction thereof, which shall be designated by the number one-half, and buildings having a frontage of more than twenty-five feet, the number thereof shall be given, by the number of the twenty-five foot frontage, upon which is the principal entrance to the building.

*(1942 Rev. Ords. § 105).*

**11.12.060 - Directional divisions.**

All those portions of any and all streets intersecting Maple Street and running north and south which lie north of Maple Street shall be known and designated with the prefix "North" and those which lie south of Maple Street shall be designated with the prefix "South." All those portions of any and all streets intersecting Main Street and running east and west which lie east of Main Street shall be known and designated with the prefix "East" and those that lie west of Main Street shall be known and designated with the prefix "West."

*(1942 Rev. Ords. § 106).*

**11.12.070 - Numbering—Painting.**

The numbers shall be painted conspicuously on pieces of tin, not less than two inches wide, by three inches long and shall be nailed to the first story front of all buildings in the city. The numbers may be painted on the front of the building, door, post or transom on the premises of such lot owner, or other suitable numbers made of wood or metal may be used, but each and every owner of every building is required to place the number thereon in plain view.

*(1942 Rev. Ords. § 107).*

**11.12.080 - Numbering—Assessment of costs.**

Should any person, persons or corporation fail for a period of thirty days after being notified either personally or by public notice, to put up such number or numbers, as may be herein required, then such numbering shall be done by the city, under proper order of the city council and all costs thereof shall be assessed to the property.

*(1942 Rev. Ords. § 108).*

**11.12 090 - Numbering—Doubt as to proper.**

In cases where there is doubt as to the proper number for any building or lot under this chapter, the city council shall on request decide the same.

*(1942 Rev. Ords. § 109).*

**11.12.100 - Numbering—Haynes Avenue.**

It is expressly provided that the provisions of this chapter shall not apply to Haynes Avenue but that the plan of numbering for Haynes Avenue shall commence at the base line of East Maple Street and each twenty-five feet of frontage of lots facing upon Haynes Avenue shall be given a number. Odd numbers shall be on the east side of the avenue, and even numbers on the west side of the avenue and where said avenue runs in an east and west direction the odd numbers shall be on the south side with the even numbers on the north side. Lots shall be numbered one hundred to each block consecutively or the distance between two street intersections on said avenue. Where the streets intersecting on opposite sides of the avenue are not the same, numbers shall run in each case to the street intersecting on the side numbered.

*(1942 Rev. Ords. § 110).*

Sections:

11.16.010 - Definitions and specifications.

11.16.020 - Bond required.

11.16.030 - Removal of snow and ice—Duty—Liability.

**11.16.010 - Definitions and specifications.**

"Permanent sidewalks" means cement concrete sidewalks constructed in accordance with the following:

Standard Specifications for Concrete Sidewalk Construction

City of Centerville, Iowa

- (1) Description and dimensions. Portland cement concrete sidewalks shall be composed of Portland cement concrete proportioned, mixed, and constructed on a prepared soil base in accordance with these specifications to a standard thickness of four inches. The standard width shall be not less than four feet but may be increased to greater widths in minimum increments of width of one foot. All walks shall be laid to the grade established therefor by ordinance and with the back line of four walks placed one foot out from the property line and the back line of five-foot and wider walks placed on the property line.
- (2) Composition, consistency, and materials. Concrete used shall conform to the following proportions:

	Per Bag	Per Cubic Yard
Cement	1 pound	648 pounds
Sand	220 pounds	1520 pounds
Gravel or crushed stone	220 pounds	1520 pounds

It shall be mixed to a uniform consistency, and with a water content such that the slump shall not exceed four inches when tested by the AASHO Standard Method of "Slump Test for Consistency of Portland Cement Concrete", T 119. Sand shall be natural sand, free within a maximum limitation of one and one-half percent of injurious amounts of silt, shale, coal, organic matter, or other deleterious substances. Gravel or crushed stone shall be washed and screened gravel or crushed limestone obtained from ledges in which at least ninety-five percent of the total shall have a percentage of wear not in excess of forty-five when tested in accordance with the current AASHO Standard Method of "Test for Abrasion of Coarse Aggregate", T 96, Grading B. It shall be free of any unsound material in which disintegration is accompanied by an increase in volume.

- (3) Construction Method.
  - (a) Preparation of subgrade. The foundation for sidewalks shall be prepared by excavation or filling to a depth such that the specified depth will be obtained below the established grade line after compaction of the base as specified herein, If filling be required, it shall be done only with natural soil or crushed limestone corresponding to Class A roadstone (at least fifty percent passing #4 sieve and at least twenty-five percent fines or dust). Sand may not be used. The base and any fill shall be thoroughly compacted by tamping or rolling until a smooth, dense, and hard subgrade is obtained.
  - (b) Forming. Wood or steel forms shall be used to form a straight edge set true to line and grade. If wood they shall be not less than one and five-eighths inches in thickness and of a width of not less than three and five-eighths inches. Forms shall be set true to line and grade and held rigidly in place by adequate staking placed outside of the forms.

- (c) Placement and finishing. The subbase shall be thoroughly moistened if dry, and concrete then placed in successive batches to the full depth and width of the slab in one operation. It shall be thoroughly spaded along the edge and tamped to eliminate voids. A flat surface shall be generated by operation of a screed across the top of the forms, filling any low places as the screed progresses. After the final surface elevation and flatness have been obtained by the screed and any unavoidable floating, the entire surface shall be steel troweled to obtain a dense, smooth surface. Troweling shall be delayed until the concrete has set long enough to work correctly under the trowel and should be interrupted on any section when excess water has been flushed to the surface, After absorption of the water, troweling can be resumed. When the final steel trowel finish has been obtained, the surface should be brushed lightly to obtain a traction surface. The brush shall be such as to cause a fine ribbed finish and not coarse grooves in the surface. It shall be cleaned frequently, but water shall not be carried back onto the surface of the concrete. Edges shall be rounded with a suitable edging tool and walks shall be cross-divided every four feet by cutting on a straight line with a pointed trowel or by use of a metal divider to form joints. Cuts shall be done late enough or else repeated so that a plane of weakness will result. The finished cut shall be edged.

In no case shall dry cement or dry cement and sand be sprinkled on the surface to absorb surface water, and in no case shall water be added to or sprinkled on the surface for ease in finishing.

A curing medium shall be applied after finishing the walk. This may be an impervious white sprayed-on coating or impervious paper or mats, Burlap or any other method which requires periodic wetting may not be used.

- (d) Two course construction. Two course construction is approved provided that the topping course is composed of a mixture having the same sand and cement content as the base course, omitting only coarse aggregate, and that such topping be not less than one-half inch in thickness and be placed not longer than two hours after placement of the basic slab.
- (e) Jointing. At intervals not exceeding fifty feet, one-half inch thick expansion joints shall be constructed by insertion of a bituminous or asphaltic joint strip. Such joints shall also be used at the meeting of a walk with any building or structure, at sidewalk intersections, at the intersection of house or parking sidewalks with the sidewalk, and where walks meet curbs or any other fixtures in the surface. When sidewalks are constructed between an adjoining permanent structure on one side and a curbing on the other side, continuous expansion joint material shall be installed adjacent to the curbing. Joint strip material shall be set one-fourth to one-half inch below finish grads.
- (4) Driveway entrances. Where driveways, paved entries or alleys, crosswalks, the thickness shall be increased to not less than six inches and such crossings shall be reinforced either by the use of  $6 \times 6 - 6/6$  mesh or three one-half inch reinforcing bars set lengthways. The grade elevation of such crossings may not be depressed below the sidewalk grade but shall be a continuation of it, and no curbing or step is permitted. Such entrances shall terminate at the outside edge of the curbing and shall not lap over the curb. One inch expansion material shall be used between the end of such entrances and the curbing and one-half expansion material shall be used on either side of the sidewalk if the driveway or slab is not constructed as a continuous slab through the sidewalk. The end of entrance slabs shall be thickened to not less than eight inches where such slabs meet pavements.

Under some circumstances, permission will be given to reduce curb height in which case the cut may be smoothed, if desired, by use of asphaltic or other patching materials, but in no case shall the driveway or entrance slab be constructed beyond the outside or back edge of the curb. Such patching shall not extend beyond the face surface of the remaining curbing and the flow line elevation of the gutter shall not be changed by filling of any sort.

- (5) Special construction and fixtures. Wherever fixtures such as manholes, crossing plates, access doors, posts or poles are situated in sidewalks, the effect of expansion and contraction shall be anticipated and extra expansion material used as indicated. Telephone or power poles which must be incorporated

into the walk shall be isolated from it by encirclement with an expansion joint strip not less than one-half inch in thickness to the full depth of the sidewalk. Should the fixture be such that no bond is desirable, a heavy coating of asphalt or bituminous material shall be applied to the fixture before placement of concrete. Where sidewalk construction causes damage or destruction of existing curbs, they shall be rebuilt to match similar curbing in new condition. Materials and method of construction shall conform to these specifications and forming shall be carefully done; the concrete shall be cured in the same manner as for sidewalks.

- (6) Removal of nonconforming construction. Gutter fillets, and sidewalk driveway and entrance slabs not conforming with established line and grade and this specification may be removed from the street by the city and the expense thereof charged to the abutting property owner.
- (7) Standard drawing. A drawing illustrating the herein specified details of construction of sidewalks and driveway and entrance slabs is on file with the city clerk and is made a part of this section by reference.

The contractor or walk builder will be required to provide the proper barriers or lights to properly protect the walks built until they shall become thoroughly set.

*(Ord. 895 § 2, 1969).*

#### **11.16.020 - Bond required.**

No person, partnership or corporation engaged in the building of cement sidewalks shall be allowed to build said walks ordered constructed by the property owner or the city council upon the streets or alleys of the city of Centerville, who shall not first have filed and the city council have approved a bond in the sum of five hundred dollars securing the city and the property owner against poor workmanship or faulty materials or any defects caused thereby, which may appear within a period of two years after the construction; provided, however, that this section does not prevent cement walks, of character as specified in this section from being built by the property owner himself, in which event no bond will be required.

*(Ord. 1050 § 2, 1976).*

#### **11.16.030 - Removal of snow and ice—Duty—Liability.**

It shall be the duty of all property owners whose property abuts on a sidewalk to keep such sidewalk free of snow and accumulation of ice, mud and debris. Failure to so do shall make such property owner liable for any injuries caused by such snow and accumulation of ice, mud and debris. In the event any action is brought against the city for personal injuries alleged to have been caused by such snow or ice accumulation, mud and debris, the city may notify such property owner to appear and defend as provided in Iowa Code Annotated, and require the property owner to pay any judgment obtained against the city as therein provided. Snow, ice or accumulations from abutting property which have remained on any sidewalk for a period of ten hours or more may be removed by the street commissioner without notice to property owner.

*(Ord. 1050 § 1, 1976; Ord. 716 § 2, 1957; 1942 Rev. Ords. § 290).*

Sections:

11.20.010 - Construction and maintenance costs.

11.20.020 - Supervision by street commission.

11.20.030 - Alteration and improvements—Costs.

11.20.040 - Removal by street commissioner.

11.20.050 - Bond required.

**11.20.010 - Construction and maintenance costs.**

In the construction and maintenance of any driveway or approach from any street or alley in the city of Centerville, leading to private property, the entire cost of such construction and maintenance, including grading, paving, curbing, drain, water pipes and culverts, necessitated by the construction and maintenance, shall be paid by the property owner and the city shall pay no part thereof.

*(1942 Rev. Ords. § 346).*

**11.20.020 - Supervision by street commission.**

Construction and maintenance of the driveway approaches shall be done in accordance with the plans and under the direction and supervision of the street commissioner of the city and in no other manner.

*(1942 Rev. Ords § 347).*

**11.20.030 - Alteration and improvements—Costs.**

In the event that the said city shall make any improvements on any of the streets and alleys of the city by paving, grading, changing driveways, ditches, or otherwise that necessitates change in any driveways or approaches to private property, then the entire cost of the change in the driveways or approaches shall be done by the property owner and no part of the cost of the changes shall be paid for by the city.

*(1942 Rev. Ords. § 348).*

**11.20.040 - Removal by street commissioner.**

In the event that any driveway or approach is not constructed or maintained in accordance with the plans and to the satisfaction of said street commissioner or when, in his judgment the driveway or approach is not authorized, he is empowered to remove the part of the driveway or approach interfering with the proper use and maintenance of the street or when the same mars the appearance thereof.

*(1942 Rev. Ords. § 349).*

**11.20.050 - Bond required.**

No person, partnership or corporation engaged in the construction of any driveway or approach from any street or alley in the city of Centerville shall be allowed to build said approach or driveway ordered constructed by the property owner or the city of Centerville who shall not first have filed and the city council have approved a bond in the sum of five hundred dollars, securing the city and property owner against poor workmanship or faulty materials or any defects caused thereby, which may appear within the period of two years after the construction; provided, however, that this section does not prevent driveways or approaches, as specified in this section from being built by the property owner himself, in which event no bond would be required.

*(Ord. 1051 § 1, 1976).*

Sections:

11.22.010 – Construction and specifications.

11.22.020 – Qualified contractors.

11.22.030 – Permit required.

**11.22.010 – Construction and specifications.**

New and replacement driveway cutouts must be constructed according to the specifications attached to this Chapter 11.22. Said cutouts must be made by Qualified Contractors or the City of Centerville, Iowa, unless otherwise authorized in writing by the Mayor and the Street Commissioner.

*(Ord. 2013-1302 § 3, September 16, 2013).*

**11.22.020 – Qualified contractors.**

The term "Qualified Contractors" shall mean contractors who have provided current proof of insurance to the City and who are listed by the City of Centerville, Iowa, as having completed required training course(s) on installing driveway cutouts as specified in this chapter. Additional training may be required. Contractors may be removed from the list for failure to comply with the plan specifications or with any other requirement of this chapter. Changes to the list of Qualified Contractors will be approved by the Mayor and the Street Commissioner.

*(Ord. 2013-1302 § 3, September 16, 2013).*

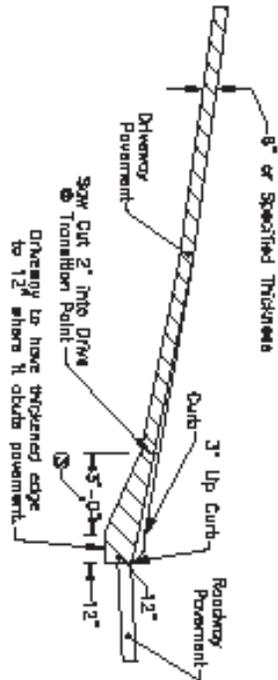
**11.22.030 – Permit required.**

Contractors shall contact the City of Centerville to obtain a driveway cutout permit at least one week prior to beginning work. The City of Centerville, Iowa, will charge a permit fee to inspect and monitor construction of such driveway cutouts. Contractors must coordinate with the building inspector for inspection. Such fees may be set and modified by Resolution of the City Council.

*(Ord. 2013-1302 § 3, September 16, 2013).*

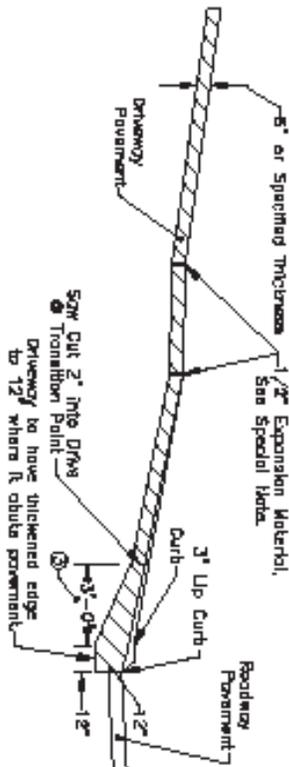
**GENERAL NOTES:**  
 The slope and surface of driveways will vary to fit individual conditions. Concrete for driveways shall be 4000 lbs. mix, with a minimum thickness of 9". Sidewalk which is constructed within the limits of the driveway shall be the same thickness as the driveway, and shall have a maximum 2% cross-slope.

- ① Line of Back of Curb
- ② SOW Joint on Centerline
- ③ Top of 12" thickness to 8" Driveway thickness.

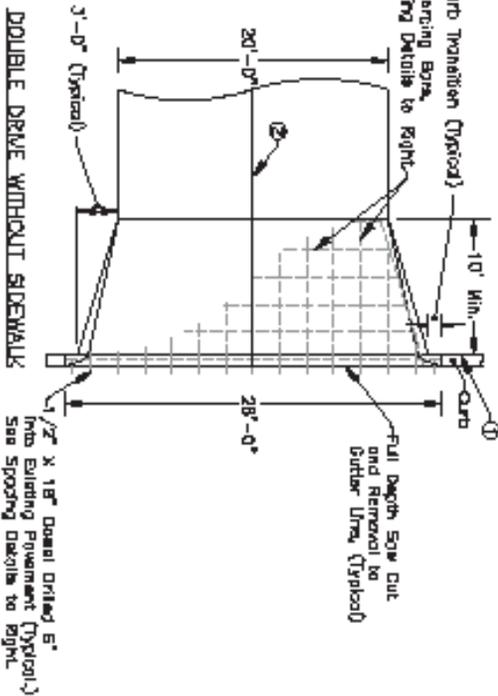


TYPICAL SECTION WITHOUT SIDEWALK

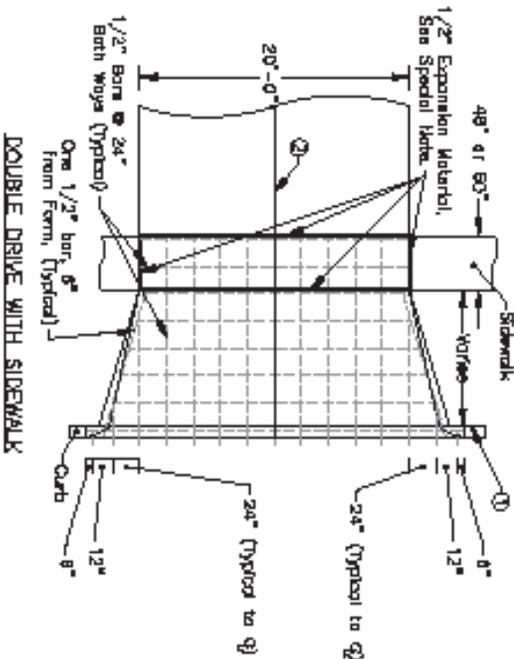
**SPECIAL NOTE:**  
 If the sidewalk is in place at the time of construction, expansion material shall be placed at the front edge of the sidewalk. If the sidewalk is reconstructed with the driveway entrance, expansion material shall be placed along the back edge of the sidewalk and a joint sawed or formed along the front edge of the sidewalk.



TYPICAL SECTION WITH SIDEWALK



DOUBLE DRIVE WITHOUT SIDEWALK



DOUBLE DRIVE WITH SIDEWALK

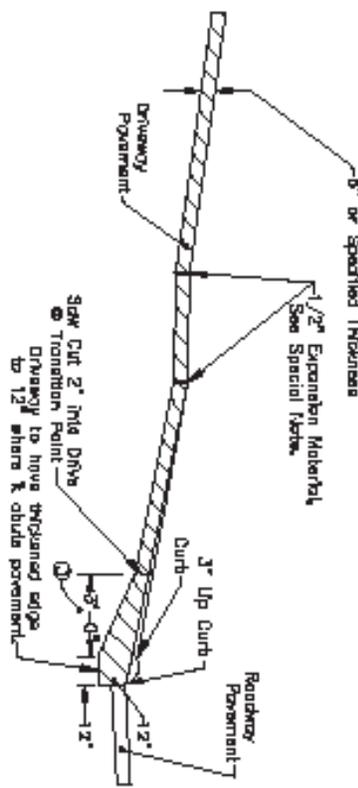
Revised 10/22/04

<b>CITY OF CENTERVILLE, IOWA CONSTRUCTION DETAILS</b>		Drawing No. 0441
HALL ENGINEERING COMPANY CENTERVILLE, IOWA	<b>DRIVEWAY AND CURB CUT DETAIL</b>	Date 3/31/04
		Page 1 of 2

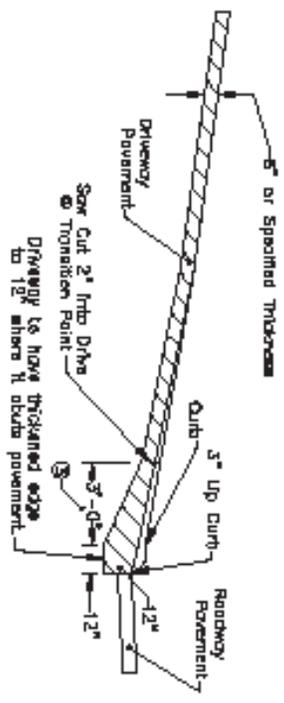
**GENERAL NOTES:**  
 The slope and surface of driveways will vary to fit individual conditions. Concrete for driveways shall be 4000 lb. mix, with a minimum thickness of 6". Sidewalk which is constructed within the limits of the driveway shall be the same thickness as the driveway, and shall have a maximum 2% cross-slope.

- ① Line of Back of Curb
- ② Saw Joint on Centerline
- ③ Taper from 12" thickness to 6" Driveway thickness.

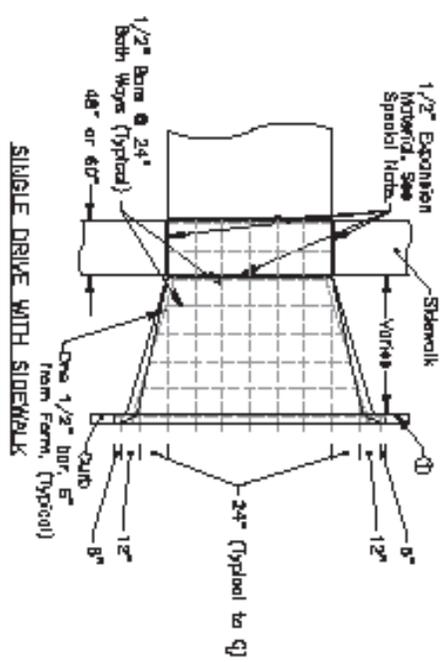
**SPECIAL NOTE:**  
 If the sidewalk is in place at the time of construction, expansion material shall be placed at the front edge of the sidewalk. If the sidewalk is reconstructed with the driveway entrance, expansion material shall be placed along the back edge of the sidewalk and a joint sawed or formed along the front edge of the sidewalk.



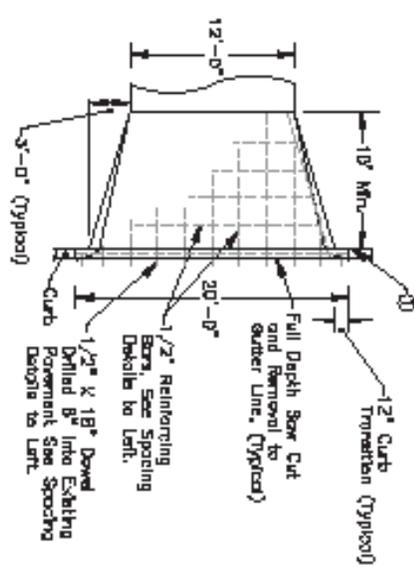
TYPICAL SECTION WITH SIDEWALK



TYPICAL SECTION WITHOUT SIDEWALK



SINGLE DRIVE WITH SIDEWALK



SINGLE DRIVE WITHOUT SIDEWALK

Revised 10/22/04

<b>CITY OF CENTERVILLE, IOWA CONSTRUCTION DETAILS</b>		Drawing No. 0441
HALL ENGINEERING COMPANY CENTERVILLE, IOWA	<b>DRIVEWAY AND CURB CUT DETAIL</b>	Date 3/31/04
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Sections:

11.24.010 - Shade trees—Trimming.

11.24.020 - Notice to trim—Cost.

11.24.030 - Planting.

11.24.040 - Permit required.

11.24.050 - Work specifications—Bond.

11.24.060 - Warnings required.

11.24.070 - General permit.

11.24.080 - Exceptions.

**11.24.010 - Shade trees—Trimming.**

Any person or persons owning or occupying real property bordering on any street upon or in front of which property there may be shade trees over-hanging any portion of such street shall keep such trees trimmed in such manner that they will not obstruct or shade the electric lights, or public lamps, or obstruct the passage of persons on such sidewalks. All such trees and overhanging branches shall be kept trimmed to at least the height of fifteen feet from the surface of the sidewalk and street. In no event shall any dead trees or branches overhang a public street.

*(Ord. 975 § 1(part), 1971; 1942 Rev. Ords. § 286).*

**11.24.020 - Notice to trim—Cost.**

Any person or persons owning or occupying real property bordering on any street having trees upon or in front of same, which obstruct or shade the electric lights or lamps, or which obstruct the passage of persons on such sidewalk, or the branches of which overhang any portion of such street, who shall be notified by the marshal or other persons authorized by the city council to do so, shall trim such trees in a manner that they will not obstruct or shade the electric lights or public lamps or obstruct the passage of persons on a sidewalk, and shall trim such trees and over-hanging branches to the height of at least fifteen feet above the surface of the sidewalk and street, and shall be required to so trim such trees within forty-eight hours of the time of service of such notice. Any person or persons owning or occupying real property bordering on any street having dead trees or branches overhanging said street who shall be notified by any person authorized by the city council to do so, shall trim such trees and/or branches in a manner so that they do not overhang said street or any public sidewalk. Whenever any such person after having had notice as herein required, shall fail, refuse, or neglect to comply therewith for more than forty-eight hours after the service of the notice, then it shall be lawful for the street commissioner to trim such trees as herein provided and such commissioner shall report to the city council the exact cost thereof, which shall be assessed to the owner and against his property, and the cost shall be certified to the county auditor for collection.

*(Ord 976 § 1 (part), 1971; 1942 Rev. Ords. § 287).*

**11.24.030 - Planting.**

No trees, shrubbery or other vegetation shall be planted on property owned by the city without the adoption of a resolution by the city council giving consent thereto. If consent is given by resolution of the city council, such trees, shrubbery or other vegetation shall become the property of the city, and the city shall have the right to replace or remove the same at any time without liability therefor.

*(Ord. 1116 § 1, 1984).*

**11.24.040 - Permit required.**

No person, firm or corporation shall cut or trim any trees when the trees or branches shall fall into the street

or on the parkings, sidewalks or alleys or would be in danger of so doing or would endanger persons using the same, without first obtaining permission from the street commissioner.

*(1942 Rev. Ords. § 340).*

**11.24.050 - Work specifications—Bond.**

The work shall be done in the manner and according to the directions and specifications of the street commissioner, who may, if necessary in his estimation, require the applicant to deposit a surety bond sufficient to and for the purpose of indemnifying the city and public against any damage or liability resulting therefrom.

*(1942 Rev. Ords. § 341).*

**11.24.060 - Warnings required.**

When a permit is issued, the person authorized thereunder shall place proper warning signs in the form of red flags and, after dark, flares approved by the street commissioner so as to sufficiently warn persons using the street, sidewalks, parkings or alleys and no trees or branches so cut shall be allowed to there remain longer than the time specified in the permit. No tree shall be felled into the street without having persons stationed in the street to stop traffic from both directions at the time the tree is dropped or in danger of dropping.

*(1942 Rev. Ords. § 342).*

**11.24.070 - General permit.**

Anyone desiring a general permit to cut or trim trees as provided in this chapter may be issued a permit for the period of one year upon the filing of a bond of one thousand dollars by an approved surety company and the payment of a fee of two dollars, which fee shall be paid to the street commissioner and shall accompany the application.

*(1942 Rev. Ords. § 343).*

**11.24.080 - Exceptions.**

This chapter shall not require a permit from persons notified by the city to trim trees, nor to persons firms or corporations authorized under franchises or contracts with the city to trim or fell trees, nor to those having a street occupancy permit for building materials and machinery under Sections 11.36.040—11.36.050. In cases of emergency, when there is immediate danger in delay, no permit shall be necessary, but the persons in charge of or doing the work shall conform to all the requirements as to warnings as specified in this chapter and shall notify the street commissioner as soon as possible.

*(1942 Rev. Ords. § 344).*

Sections:

- 11.28.010 - Permit required.
- 11.28.020 - Bond required.
- 11.28.030 - Barriers and warnings.
- 11.28.040 - Time allowed.
- 11.28.050 - Undermining pavement.
- 11.28.060 - Refilling and repairing paving.
- 11.28.070 - Removal of rubbish and extra material.
- 11.28.080 - Settling.
- 11.28.090 - Application of chapter.
- 11.28.100 - Permit not required when.
- 11.28.110 - Driving stakes.

**11.28.010 - Permit required.**

No person, firm or corporation shall dig or cause to be dug any holes or excavations in the streets, highways, alleys or public places within the corporate limits of Centerville, without first having obtained a permit from the mayor or city council of Centerville. The city council shall establish a fee schedule for the issuance of such permits.

*(Ord. 1171 § 1, 1993; 1942 Rev. Ords. § 326).*

**11.28.020 - Bond required.**

All persons, firms or corporations applying for a permit to excavate or dig in any of the streets, highways, alleys or public places within the corporate limits of the city of Centerville, shall first file with the city clerk of the city of Centerville, a good and sufficient bond in the sum of five hundred dollars to indemnify the city for, and to hold the city harmless from any damages which may result from said excavation, and conditioned that said applicant will comply with this code and all other ordinances and resolutions relating to excavations in streets, highways, alleys or public places.

The city clerk is authorized to discharge said bond and release the surety thereon when a certificate has been presented from the city engineer to the effect that said excavation or opening has been properly filled and any openings in the pavement properly filled.

*(1942 Rev. Ords. § 327).*

**11.28.030 - Barriers and warnings.**

The applicant for a permit shall agree that the work shall be carried on so as to cause as little inconvenience as may be to the public. The excavation shall be guarded by barriers and red lights shall be placed on the same at dusk in such manner as to prevent accidents. The applicant shall indemnify the city for, and hold the city harmless from any and all damages, damage suits, costs and charges that shall or may accrue to it on account of said digging or excavation.

*(1942 Rev. Ords. § 328).*

**11.28.040 - Time allowed.**

No street, highway, alley or public place shall be torn up for a period to exceed forty-eight hours from the time the permit is issued except by special permission from the mayor or city council.

*(1942 Rev. Ords. § 329).*

**11.28.050 - Undermining pavement.**

The undermining pavement shall not be permitted and when in the judgment of the city engineer it is necessary to prevent undermining by caving, such persons, firms or corporations will provide suitable bracing to prevent the same.

*(1942 Rev. Ords. § 330).*

#### **11.28.060 - Refilling and repairing paving.**

Any excavation made for any purpose in any paved street, avenue or alley, shall be refilled and the paving repaired by the person, corporation or company making the excavation in the following manner: The hole shall be filled and compacted with Class A road rock. After the hole has been properly filled, the paving shall be removed for a distance of one foot on the solid undisturbed bank on all sides of the excavation. A reinforced concrete slab seven inches in thickness shall then be laid, bringing the patch to exactly the same level and contour as the original paving.

*(Ord. 1171 § 2, 1993).*

#### **11.28.070 - Removal of rubbish and extra material.**

The person, firm or corporation making excavation shall clean up and remove all rubbish or extra material at once, after the excavation has been filled.

*(1942 Rev. Ords. § 332).*

#### **11.28.080 - Settling.**

Where the surface and/or pavement has settled, causing a sink after the excavation has been filled, the person, corporation or company who makes the excavation, upon notice from the city engineer, shall proceed immediately to raise the surface and/or pavement to its proper level. If, at the expiration of twenty-four hours from the receipt of such notice, they fail to do so, the city engineer may cause the same to be done at the expense of the person, corporation or company taking out the permit, or their bondsman. The provisions of this section shall also apply to excavations made in unpaved streets, avenues or alleys and in sidewalks.

*(1942 Rev. Ords. § 333).*

#### **11.28.090 - Application of chapter.**

All provisions of this chapter shall apply to excavations made across or along sidewalks in the city of Centerville.

*(1942 Rev. Ords. § 334).*

#### **11.28.100 - Permit not required when.**

No permit shall be required of any person, firm or corporation doing business or operating under a franchise in the city of Centerville, in cases where the delay incident to obtaining a permit would result in loss or damage, and said person, firm or corporation may commence any necessary excavation to repair the damage done to its property or to the property of another, or for the repairing of any leak in any main or pipeline without a permit, but shall report such action immediately to the city engineer and make application to the mayor or city council for a permit therefor for the continuance of such work.

*(1942 Rev. Ords. § 335).*

#### **11.28.110 - Driving stakes.**

Anyone erecting tents or having occasion to drive stakes in the parking or streets of the city of Centerville, shall file his needs with the city street commissioner. The city street commissioner shall in turn notify the public

utility companies of the city of the proposed request so that all underground conduits and other underground properties can be protected and no such stakes shall be driven until the street commissioner has approved the work. Anyone driving stakes in violation of the provisions of this chapter shall be liable for any damages caused by such acts.

*(Ord. 755, 1960; 1942 Rev. Ords. § 335 ½).*

Sections:

11.32.010 - Poles prohibited.

11.32.020 - Swinging signs.

11.32.030 - Signs across sidewalks—Awning.

11.32.040 - Dangerous signs—Repaired or removed.

11.32.050 - Hitching to poles or trees.

11.32.060 - Interference with wires and poles.<sup>8</sup>

11.32.070 - Signs on public property.

11.32.080 - Removal.

**11.32.010 - Poles prohibited.**

Unless permission is granted by the adoption of a resolution by the city council, no person, firm or corporation shall erect, maintain or place, or suffer to be placed, erected or maintained any electric light, telegraph pole or poles of any kind whatsoever in or upon the sidewalks or public crossings within the corporate limits of the city.

*(Ord. 1135 § 1, 1988).*

**11.32.020 - Swinging signs.**

No person, firm or corporation shall erect or maintain, or suffer to be erected or maintained, any swinging sign or signs extending more than eight feet outward from the face of the buildings to which the same shall be attached, nor less than seven feet above the sidewalk.

*(1942 Rev. Ords. § 227).*

**11.32.030 - Signs across sidewalks—Awning.**

No sign or other advertising device shall be so constructed or placed as to extend across any sidewalk or public crossing within the corporate limits of the city. Canvas awnings may be placed in front of business houses or windows, which awning shall be firmly fastened to the face or front of the building and at a height of not less than seven feet from the sidewalk.

*(1942 Rev. Ords. § 228).*

**11.32.040 - Dangerous signs—Repaired or removed.**

All signs suspended over public space shall at all times be kept in good repair and in a safe condition for the public by the owner. Should the owner refuse or neglect to repair or make safe a sign over public space when notified to do so by the mayor, then the mayor shall give twenty-four hours notice to such owner. If the owner then refuses or neglects to fix said, the mayor may order said sign removed and the cost of the removal shall be taxed to the property from which said dangerous sign was removed.

*(1942 Rev. Ords. § 229).*

**11.32.050 - Hitching to poles or trees.**

No person shall hitch to any telegraph, telephone, electric light or power pole, or to any tree or fence without the consent of the owner thereof.

*(1942 Revs. Ords. § 853).*

**11.32.060 - Interference with wires and poles.<sup>1</sup>**

No person shall unlawfully cut, break or otherwise interfere with any telephone or electric wire or pole or guy wire or unlawfully climb upon any poles bearing telephone or electric wires or throw any stones or missiles at any electric lamp, insulator or other electric appliances.

*(1942 Rev. Ords. § 854).*

**11.32.070 - Signs on public property.**

Except as otherwise provided by this chapter, no person, firm or corporation shall erect, maintain or place, or cause to be erected, maintained or placed any advertising or political signs, displays, posters or devices on or above public property or affixed to any utility poles located on public property.

*(Ord. 1096 § 1(part), 1980).*

**11.32.080 - Removal.**

Any advertising or political sign, display, poster or device erected, maintained or placed in violation of this chapter is a public nuisance and shall without notice or liability for damages be removable by the city and the costs thereof assessed against the person, firm or corporation responsible for the erection, maintenance or placement of said advertising or political signs, displays, posters or devices.

*(Ord. 1096 § 1(part), 1980).*

Sections:

11.36.020 - Merchandise on sidewalks and streets.

11.36.030 - Wood and coal upon streets.

11.36.040 - Temporary occupation of streets.

11.36.050 - Permits.

11.36.060 - Obstructing streets.

11.36.080 - Areas and coal holes.

11.36.090 - Leaving cellar doors open.

**11.36.020 - Merchandise on sidewalks and streets.**

Unless authorization is granted by motion of the Centerville city council, no person shall place, deposit or permit to remain upon any sidewalk or street any goods, wares, merchandise, building materials or other products except in the following areas:

- (a) Except on Pancake Day, merchants on the City Square shall be entitled to use five feet of the city sidewalk adjacent to the buildings which they occupy for the purpose of displaying their goods, wares or merchandise for sale; and, subject to said exception, all other merchants shall be entitled to use one-half of the city sidewalk adjacent to the buildings which they occupy if or the purpose of displaying their goods, wares or merchandise for sale.
- (b) On Pancake Day, it is unlawful for any person, firm, corporation or the organization to sell, transfer, or trade any goods or merchandise, or engage in any business transactions on city property on the City Square and within one block thereof without first obtaining a permit from the chief of police and the consent of any owner or tenant or property adjacent to which the proposed business will be transacted.

The section shall not be construed to prohibit merchants and others from the free use of the streets, alleys and sidewalks in conveying merchandise and other property to and from their premises, nor shall it apply to the sale of newspapers or magazines.

*(Ord. 1157 § 2, 1991).*

**11.36.030 - Wood and coal upon streets.**

No person shall place or allow to remain upon any street or alley for a longer period than three hours any coal, wood or fuel of any kind.

*(1942 Rev. Ords. § 232).*

**11.36.040 - Temporary occupation of streets.**

A portion of a street or alley not to exceed one-third of the driveway thereof may be temporarily occupied with building materials or machinery or equipment for use in the construction or repair of a building adjacent thereto provided the mayor deems it advisable to issue a permit therefor. No sidewalk shall be so obstructed.

*(1942 Rev. Ords. § 337).*

**11.36.050 - Permits.**

Permits shall granted from April first for a period of one year or fraction thereof and shall be issued only after the applicant therefor has filed with the city clerk a bond in the penal sum of one thousand dollars in form and with sureties satisfactory to the city solicitor. The bond shall guarantee the faithful performance of all duties required by this code and all other ordinances, rules or regulations of the city shall hold the city harmless from all damages for which the city may be or may become liable because of such occupation of the street, and shall agree to pay the cost

of repairing any damages to the city by reason of such occupation. The mayor shall certify a list of permits issued and shall file a copy thereof in the office of the chief of police.

*(1942 Rev. Ords. § 338).*

**11.36.060 - Obstructing streets.**

No person shall place any wood, stone, earth, lumber, material, or any other obstruction on any street, sidewalk, alley, parking or public ground, except in accordance with this code and any other ordinances authorizing and providing for the same.

*(1942 Rev. Ords. § 851).*

**11.36.080 - Areas and coal holes.**

No person shall construct or cause to be constructed any area, stairway or coal hole in any sidewalk except by permission of the city council and under the direction of the city engineer.

*(1942 Rev. Ords. § 858).*

**11.36.090 - Leaving cellar doors open.**

No person shall leave open or in an insecure condition any cellar door, grating or covering to any areaway, stairway, coal hole, or other opening in any sidewalk, street, or alley.

*(1942 Rev. Ords. § 859).*

Sections:

11.44.010 - Plans to be submitted.

11.44.020 - Crossings.

11.44.030 - Crossings under paved streets or alleys.

11.44.040 - Openings.

11.44.050 - Unpaved streets.

11.44.060 - Trenching and backfill.

11.44.070 - Protection of surface installations.

**11.44.010 - Plans to be submitted.**

All construction work in streets and alleys of the city must be approved by the street commissioner, mayor, building official or city engineer, with the exception of those utility companies that operate under an approved local franchise, and those contractors that have been licensed (or bonded) prior to January 1 of that calendar year. Plans for all new construction work shall be submitted to the commissioner sufficiently in advance to permit review before the intended date for initiation of work. In the absence of formal plans, adequate information in other form must be furnished to fully describe the project. Prior to approval for any such planned construction work, proof of twenty-four hour notification to all utility companies or other interested parties must be provided.

*(Ord. 904 § 1; October 20, 1969).*

**11.44.020 - Crossings.**

All crossings for pipe lines, sewers, cables, other construction shall be installed by auger, boring machine, pushing, jacking, tunneling or other means satisfactory to the commissioner with no open cut except in those special cases where no other method is practical. No crossing by cutting and repairing shall be made without permission of the street commissioner.

*(Ord. 904 § 2; October 20, 1969).*

**11.44.030 - Crossings under paved streets or alleys.**

When permission for open cut crossing has been given, the actual cutting of the pavement shall be by sawing. Both sides of the street shall not be closed to traffic simultaneously, but work must be completed in one-half before closing of the other. Alternate streets crossing the line of progress of the work shall be kept open. Reconstruction of the surface shall be by backfilling in conformance with this chapter and then repaving with a high early strength concrete slab equal in thickness to the original slab but not less than six inches. The pavement shall be cut back a distance of one foot beyond the edges of the backfill and onto solid undisturbed earth, and concrete laid in this opening. Any reinforcement cut through shall be replaced with new steel of the same dimension; concrete shall have a minimum compressive strength of three thousand pounds at twenty-eight days. Special shapes such as curbing shall be rebuilt to match best parts of similar construction in the block or city, and no work shall be done in freezing or adverse weather. A curing compound shall be depressed two inches to permit asphaltic resurfacing.

*(Ord. 904 § 3; October 20, 1969).*

**11.44.040 - Openings.**

Where it is necessary to make an opening in any concrete or asphaltic street there shall be a fee of fifty dollars which may be refunded after completion and approval of street commissioner, mayor, building official or city engineer.

#### **11.44.050 - Unpaved streets.**

Crossing of unpaved streets may be by open trenching and by resurfacing in the manner and with the material used on the street before opening.

*(Ord. 904 § 5; October 20, 1969).*

#### **11.44.060 - Trenching and backfill.**

Trenches for installation of pipe lines, cables, sewers, or other subsurface installations shall be kept as far from pavement as possible. Whenever such trenches are beneath a roadway, paved driveway, sidewalk, or within five feet of the edge of any such roadway or driveway, backfilling shall be done with suitable dry earth with compaction by power tamping in six inch layers to the surface, or by use of a drop-hammer type of compactor for all work subsequent to the first six inch layer. Backfilling shall be performed as quickly as practical and the length of trench which may be opened in advance of construction may be limited by the street commissioner. Excavated material shall be kept clear of sidewalks and shall be placed so as to cause minimum interference with vehicular traffic. At such points as may be directed by the commissioner, trenches shall be bridged to give necessary access to public or private premises; access shall be maintained at all times to fire hydrants and water valves. Notice shall be given to any utilities concerned before removing or disturbing any pipe, cable, conduit, or such encountered in such trenching.

Trenches shall be slightly overfilled and uniformly, crowned from one to two inches over the natural lay of the ground. Excess excavation material shall be removed. Ditches filled in this method will be maintained at original grade for three years.

*(Ord. 904 § 6; October 20, 1969).*

#### **11.44.070 - Protection of surface installations.**

All shade trees, telephone and power poles, buildings, walls, foundations, fences, bridges, pavements, railroads or improvement of any sort shall be carefully protected from injury, and surface drainage shall not be obstructed. All construction shall be guarded by sufficient barricades, and flares or lanterns.

*(Ord. 904 § 7; October 20, 1969).*

Chapters:

Chapter 12.04 - Sewage Treatment Works Debt Service and User Charges

Chapter 12.08 - Use of Public Sewer System

Chapter 12.12 - Stormwater Drainage Utility

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Chapter 12.04 - Sewage Treatment Works Debt Service and User Charges

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Sections:

12.04.010 - Purpose.

12.04.020 - Definitions.

12.04.030 - Persons liable for user charges.

12.04.040 - Method of payment.

12.04.050 - Base user charge.

12.04.060 - Over-base user charge.

12.04.070 - Determination of rate of charge.

12.04.080 - Rate of user charges.

12.04.085 - Late payment penalty.

12.04.090 - Rate of debt service charges.

12.04.095 - Minimum charge.

12.04.100 - Base use concentration.

12.04.110 - Notification of user charge rate.

12.04.120 - Charges for contributors of unmetered wastes.

12.04.130 - Metered water not entering the sanitary sewer system.

12.04.140 - Application of sewage treatment works user charges.

12.04.150 - Records.

12.04.160 - Initial period of operation.

12.04.170 - Property lien and suspension of service.

12.04.180 - Saving clause.

**12.04.010 - Purpose.**

The purpose of this chapter is to enable the collection of the cost of operation and maintenance including replacements of the sewage treatment works of the city from all users in proportion to the contribution of wastes by each user to the total waste loading of the treatment works; to recover an amount of revenue sufficient to pay the cost of operation and maintenance including replacement of all treatment works; and to enable collection of revenue at least sufficient to provide for amortization of and payment of interest on indebtedness incurred in the construction of sewage treatment works.

*(Ord. 1110 § 1(part), 1983).*

**12.04.020 - Definitions.**

The following listed terms are defined for use in this chapter as follows:

"Base use concentration" means the average concentration of each pollutant in the influent to the sewage treatment works after adjustment to exclude the effect of the wastes of over-base users.

"Base user charge" means a charge levied on all contributors discharging waste into the sanitary sewer system, regardless of concentration of pollutants in said waste.

"BOD" is an abbreviation of biochemical oxygen demand and shall mean the quantity of oxygen utilized in

the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees C., expressed in parts per million by weight.

"Debt service charge" means a charge per 134 cubic feet of potable water for base users, and per 134 cubic feet of waste discharged into the sanitary sewer system for over-base users, which is levied for the purpose of payment of principal and interest on indebtedness incurred for construction of sewage treatment works.

"Industrial wastes" means the liquid wastes from industrial processes, trades or businesses as distinguished from sanitary sewage.

"Over-base charge" means a surcharge levied on over-base users.

"Over-base user" means a contributor who discharges volumes of waste into the sanitary sewer system which constitutes a significant fraction of the total flow to the treatment works or which have a concentration of pollutants substantially greater than the base concentration.

"pH" means the negative logarithm of the effective concentration of hydrogen ions expressed in grams per liter of solution.

"Pollutants" means any wastes having BOD; suspended solids; dissolved or colloidal substances; liquid wastes from industrial processes, trades or businesses; heavy metals; and any and all other substances uncommon to, or in greater concentration than found in, the potable water supply of the city of Centerville.

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

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

"Sewage treatment works" means all facilities of the city for collecting, pumping, storing, treating and disposing of sewage.

"Superintendent" means the superintendent of the city sewage treatment works, or his duly authorized agent or representative.

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

*(Ord. 1110 § 1(part), 1983; Ord. 1322 § 1, 2017).*

#### **12.04.030 - Persons liable for user charges.**

All natural persons, trades, businesses, industries, or corporations who contribute wastes to the city's sewer system by a direct or indirect connection thereto, including premises outside the city boundaries, shall pay debt service and user charges to the city at the rates and in the manner provided in this chapter. The user charge ordinance shall take precedence over any terms or conditions of agreements or contracts between the city and users which are inconsistent with the requirements of Section 204(b)(1)(A) of the Act and 40 CFR 35.929-2 dated September 27, 1978.

*(Ord. 1119 § 1(part), 1985).*

#### **12.04.040 - Method of payment.**

The billing procedure for debt service and user charges shall be the same as that in use by the municipal water system for sale of potable water. The billing period shall be the same as the billing periods for the municipal water system but not less frequently than monthly, and bills shall be payable with the water bill at the office of the municipal water system. Sewage treatment works user charges and debt service charges shall be separately shown and identified as such on the regular bill used for potable water usage billing.

*(Ord. 1110 § 1(part), 1983).*

#### **12.04.050 - Base user charge.**

The base user charge shall be an amount of money per 294 cubic feet of potable water delivered to contributors during a billing period, and shall be computed for each contributor by multiplying the volume of potable water delivered to each by the base user charge. The latter shall be the rate fixed from time to time as provided herein under Section 12.04.070, and as given herein under Section 12.04.080.

*(Ord. 1110 § 1(part), 1983; Ord. 1322 § 2, 2017).*

#### **12.04.060 - Over-base user charge.**

The over-base user charge shall be an amount of money per additional 134 cubic feet of waste discharged into the sanitary sewer system by over-base users during a billing period. It shall be computed individually for each such user by multiplying the unit cost of treatment of each major distinguishable class of pollutant by the concentration in excess of the base use concentration of the respective pollutant in the waste discharge of the particular over-base user. The sum of these products shall then be multiplied by the volume of sewage discharged into the sanitary sewer system by the over-base user. It shall be recomputed annually, and additionally whenever a substantial change occurs in the composition, concentration, or rate of delivery of wastes discharged by that user.

The superintendent shall obtain and deliver to the clerk information as to the composition, strength, volume, and rate of delivery of sewage from each over-base user by periodic sampling and measurement of the user's sewage. Such sampling and measurement shall be frequent enough to yield representative value, and appropriate units of concentration and volume shall be used. Permanent metering equipment may be installed by the superintendent.

If toxic pollutants, or any substances which singly or by interaction with other substances, cause identifiable increases in the cost of managing the effluent or the sludge from the treatment works, or in the cost of operation, maintenance, or replacement of the treatment works, or cause additional tests to be taken for environmental purposes, the superintendent and clerk shall ascertain the increased costs from these causes by individual case analysis. In addition, if the rate of discharge of sewage by any contributor is of such magnitude as to increase the cost of transportation or treatment, the increased costs from this excessive delivery shall also be ascertained by the superintendent and clerk by individual analysis. Such costs shall then be added to the base user charge of the particular contributors.

*(Ord. 1173 § 1, 1994; Ord. 1110 § 1(part), 1983; Ord. 1322 § 3, 2017).*

#### **12.04.070 - Determination of rate of charge.**

The city clerk, no less frequently than annually, shall ascertain the cost for the preceding year of operation and maintenance including billing, collection, and administrative costs, and the cost of replacements for the sewage treatment works of the city. He shall then determine the unit cost of treatment of each major class of pollutant and of volume of flow and shall calculate rates of charges so as to recover the entire cost of operation and maintenance for the succeeding year, and to maintain an adequate reserve for replacements. This calculation shall be based upon the said cost for the preceding year, adjusted as deemed necessary by the clerk for changed conditions including use of potable water in the succeeding year.

The fraction of the charges dedicated to replacement shall in no event be less than twenty percent of the total of all other operation and maintenance costs unless analysis of replacement experience indicates the need for an increase or reduction in this fraction; provided, however, that this fraction shall be such as to always provide adequate revenues to meet the replacement needs of the treatment works over its service life. The superintendent shall assist

the clerk in computations, and engineering assistance may be employed by either for these determinations.

The rate of base user charge and the unit costs of treatment for the succeeding year shall then be fixed by the city council by ordinance so as to recover operation and maintenance costs and any deficiencies in recovery of said costs from preceding years. In the event of excessive balances remaining in the operation and maintenance and replacement accounts, the council may adjust the rate downward appropriately. The currently effective rates shall be as given in Section 12.04.080.

At that same time, the council shall review the user charge system to ascertain that proportionate distribution of operation and maintenance costs among users and user classes is maintained, and shall revise the charges or system as necessary to assure maintenance of said proportionality.

*(Ord. 1110 § 1(part), 1983).*

#### **12.04.080 - Rate of user charges.**

The base user charge for waste water treatment works is \$14.52 per month per user for any usage up to and including 294 cubic feet per month; for any usage over 294 cubic feet per month, there is an additional fee of \$3.83 per 134 cubic feet. Each user shall also pay (i) a \$3.02 per month maintenance fee for residential use property and a \$4.54 per month maintenance fee for commercial use property and (ii) a \$20.00 per month surcharge for Iowa Department of Natural Resources (Iowa DNR) mandated sewer system improvements. Users not located within the city limits shall pay an additional one hundred percent monthly surcharge on the sewer usage charges and the sewer surcharge for Iowa DNR mandated sewer system improvements.

Starting July 1, 2013, thirty-five percent (35%) of the revenue derived from Local Option Sales and Service Tax (LOSST) in the City of Centerville will be used to reduce the \$20.00 surcharge for Iowa DNR mandated sewer system improvements for users within the city limits. An estimated annual reduction shall be determined by the City Clerk based on the estimated LOSST revenue. The reduction shall be \$5.00 per user per month for fiscal year 2017-2018.

*(Ord. 1310 § 1, August 4, 2014; Ord. 1322 § 4, 2017).*

#### **12.04.085 - Late payment penalty.**

Bills not paid when due shall be considered delinquent. A late penalty charge of ten percent shall be added to each delinquent bill. If a bill is sent directly from Centerville City Hall for only wastewater service an additional fee of ten percent shall be added each month.

*(Ord. No. 1295, § 1, 6-21-2010).*

#### **12.04.090 - Rate of debt service charges.**

For base users, the debt service charge shall be sixty-six cents per 294 cubic feet and for over-base users, the debt service charge shall be seventy-six cents per additional 134 cubic feet; and users not located within the city limits shall pay an additional forty percent surcharge.

*(Ord. 1173 § 2(part), 1994; Ord. 1150 § 1(part), 1990; Ord. 1322 § 5, 2017).*

#### **12.04.095 - Minimum charge.**

When combined, the user charge and debt service charge for each contributor shall not be less than seven dollars and fifty cents per month.

*(Ord. 1150 § 1(part), 1990).*

#### **12.04.100 - Base use concentration.**

The base use concentration of pollutants shall be established annually by the superintendent from measurements of the average concentration of pollutants in the preceding year in the influent to the treatment works, after making appropriate adjustment to exclude the effect on such average of the strength and volume of wastes discharged by any over-base users. The current values shall be two hundred forty-five milligrams per liter of BOD and two hundred ninety-two mg/l of suspended solids.

*(Ord. 1110 § 1(part), 1983).*

#### **12.04.110 - Notification of user charge rate.**

At the time of the first billing following fixing of a new user charge rate, and at least annually, the clerk shall include with the regular billing notification of the charge rate. Additionally, each over- base user shall be notified of his new rate whenever it is recomputed by reason of substantial change in the waste discharged by that user.

*(Ord. 1110 § 1(part), 1983).*

#### **12.04.120 - Charges for contributors of unmetered wastes.**

Contributors having a private source of water or any otherwise unmetered intake and use of water shall pay a user charge based upon volume of waste flowing to the sewer system as established by the superintendent from an estimate agreed to by the contributor, or determined by installation of special metering equipment.

*Ord. 1110 § 1(part), 1983).*

#### **12.04.130 - Metered water not entering the sanitary sewer system.**

Metered potable water which does not enter the sanitary sewer system shall be exempt from user charges to the extent that such water is measurable and is actually measured.

*(Ord. 1110 § 1(part), 1983).*

#### **12.04.140 - Application of sewage treatment works user charges.**

All sewer charges shall be deposited by the clerk in such accounts as may be required by the laws of the state of Iowa, or as required by the terms and conditions of any agreements relating to the issuance of debt instruments.

*(Ord. 1173 § 3, 1994).*

#### **12.04.150 - Records.**

The city clerk shall maintain records of cost of operation and maintenance, including replacement, and of revenue from user charges in sufficient detail to document compliance with the provisions of this chapter. The superintendent shall maintain records of volumes of flow and concentration of pollutants utilized by him and the clerk in establishing user charges.

*(Ord. 1110 § 1(part), 1983).*

#### **12.04.160 - Initial period of operation.**

For the initial period of operation of the treatment works subsequent to enactment of this chapter, the concentration of pollutants and the volume of flow to be utilized in determining user charges shall be taken from analyses made in developing the design loading of the works, to the extent available, and otherwise from the industry standards applying to the wastes of the particular contributor. The level of user charges during said period shall be fixed by the clerk and council at no less than one hundred twenty percent of the cost of operation and maintenance of the sewage treatment works of the city in the year preceding enactment of this chapter, but may be set larger should additional revenues be deemed necessary.

*(Ord. 1110 § 1(part), 1983).*

**12.04.170 - Property lien and suspension of service.**

The debt service and user charges shall constitute a lien upon the premises to which charged and that amount may be certified to the county auditor and collected in the same manner as other taxes, if payment is not made when due.

Water or sewage service, or both, to the premises for which rent has not been paid may be suspended until debt service and user charges in arrearage have been paid.

*(Ord. 1110 § 1(part), 1983).*

**12.04.180 - Saving clause.**

If any section, provision or part of this chapter shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this chapter as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

*(Ord. 1110 § 1(part), 1983).*

Sections:

- 12.08.010 - Definitions.
- 12.08.020 - Treatment of wastes required.
- 12.08.030 - Compulsory connection to public sewer.
- 12.08.040 - Private sewage disposal limited.
- 12.08.050 - Prohibited discharges specified.
- 12.08.060 - Interceptors required.
- 12.08.070 - Maintenance of interceptors.
- 12.08.080 - Permit required.
- 12.08.090 - Connection requirements.
- 12.08.100 - Separate building sewers.
- 12.08.110 - Excavations.
- 12.08.120 - Appointment of superintendent.
- 12.08.130 - Service outside the city.
- 12.08.140 - Abatement of violations.

**12.08.010 - Definitions.**

For use in this chapter the following terms are defined

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

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

"Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or ground-water.

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

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

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

"Sewer" means a pipe or conduit for carrying sewage and other waste liquids.

"Sewer system," "sewerage system," "sewage works," "sewage treatment works" or "plant." These terms shall mean all facilities for collecting, pumping, storing, treating and disposing of sewage.

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

All definitions appearing in chapter 12.04, entitled "Sewage Treatment Works Debt Service and User Charge" are made a part of this chapter by reference.

*(Ord. 1110 § 1(part), 1983).*

**12.08.020 - Treatment of wastes required.**

It is unlawful to discharge to any natural outlet within the city, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

*(Ord. 1110 § 1(part), 1983).*

**12.08.030 - Compulsory connection to public sewer.**

The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and the property line of which is located within two hundred feet of a public sanitary sewer as now located, or may, in the future be located in any street, alley, or right-of-way, are required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of this chapter, such compliance to be completed within thirty days after date of official notice from the city to do so; provided, that said public sanitary sewer is of such design as to receive and convey by gravity such sewage, as may be conveyed to it.

*(Ord. 1110 § 1(part), 1983).*

**12.08.040 - Private sewage disposal limited.**

Except as provided elsewhere in this chapter 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.

*(Ord. 1110 § 1(part), 1983).*

**12.08.050 - Prohibited discharges specified.**

Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste to a public sanitary sewer:

- (a) Surface Waters. Any storm water, surface water, groundwater, roof runoff, sub- surface drainage, cooling water or unpolluted industrial process waters;
- (b) High Temperature Waste. Any liquid or vapor having a temperature higher than one hundred fifty degrees F;
- (c) Fat, Oil, Grease. Any water or waste which contains more than one hundred parts per million, by weight, of fat, oil or grease;
- (d) Flammable Materials. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (e) Garbage. Any garbage that has not been properly shredded;
- (f) Solid or Viscous Substance. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing the obstruction of the flow in sewers or other interference with the proper operation of the city sewage system;
- (g) Noxious or Malodorous Gas. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair;

- (h) Toxic or Poisonous Substance. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the sewage system, that would constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage system;
- (i) Incompatible Suspended Solids. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant;
- (j) Corrosive Wastes. Any water or wastes having corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the sewage system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 4.5 and 10.0;
- (k) Heavy Metals. Any wastes containing chromium, copper, nickel, zinc, barium, cadmium, selenium, mercury, or lead in any concentration which will adversely affect the treatment processes at the sewage treatment works, or in any concentration greater than permitted by applicable discharge permits;
- (l) Concentrated Wastes. Any wastes that for a duration of fifteen minutes have a concentration greater than five times that of base use concentration as measured by suspended solids and BOD;
- (m) Materials Which React With Water or Wastes. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes;
- (n) Special Agreements Permitted. No statement in this section shall be construed as preventing any special agreement, arrangement or contract between the council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the council;
- (o) Surface Waters Exception. Special permits for discharging surface waters to a public sanitary sewer may be issued by the council upon recommendation of the city engineer where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

*(Ord. 1110 § 1(part), 1983).*

**12.08.060 - Interceptors required.**

Grease, oil, sludge, sand, and pulverized waste interceptors shall be provided by filling stations, automobile wash racks, garages, grocery stores, shopping centers, delicatessens, and other facilities, when, in the opinion of the superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and State Plumbing Code to be approved by the superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.

The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers that shall be gas-tight and water-tight.

*(Ord. 1110 § 1(part), 1983).*

**12.08.070 - Maintenance of interceptors.**

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

*(Ord. 1110 § 1(part), 1983).*

**12.08.080 - Permit required.**

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

*(Ord. 1110 § 1 (part), 1983).*

**12.08.090 - Connection requirements.**

No connection with the sanitary sewer system shall be made unless construction of said sewer and appurtenances is in compliance with the specifications of the city regarding such work. All connections shall be made under the direct supervision of the superintendent and in accordance with the following:

- (a) **Plumber To Make Connections.** Any installation of a private sewer and its connection to a public sewer shall be made by a competent plumber with experience in laying drain and sewer pipes. He shall be licensed by the city.
- (b) **Permit For Connection.** Any person desiring to make a connection with the sewer system shall first file with the clerk an application therefor, on blanks furnished by the city, setting forth the location and description of the property to be connected with the sewer system and for what purpose the sewer is to be used; no permit will be deemed to authorize anything not stated in this application.

Permits to make connections will be issued only when the plumbing in the house or building to be connected is in accordance with current city building requirements and these rules, and has been inspected and approved by the superintendent, or, in the case of new buildings, after a proper plan for the plumbing has been approved by the superintendent.

Permits shall be granted only upon the condition that the owner or lessee for whose benefit such connection is made, and for each succeeding tenant shall, in consideration of the privilege thereby granted and enjoyed, save the city of Centerville harmless from any loss or damage that may in any way result from, or be occasioned by such connection, and upon the further condition that they will not permit discharge of any substances prohibited by this chapter, and will at all times keep the inlets and openings properly protected and trapped so as to prevent the escape of effluvia or stench from such sewers or drains and will maintain such sewer connections in good condition and in compliance with the construction requirements stated elsewhere herein.

- (c) **Permit and Connection Fees.** A fee of twenty-five dollars shall be paid to the clerk with any application for connection to the sanitary sewer system to cover the cost of issuing the permit and supervising, regulating and inspecting the work, except that for any property abutting the sewer to which the connection is desired and against which there has not been a special assessment levied for the construction of the sewer to which connection is desired, the connection fee shall be seventeen dollars and ninety cents per front foot of the width of the premises. Provided further that if the nearest corner of the premises lies thirty feet or more from the nearest point of connection to the sewer, the connection charge shall be as set forth in the following schedule:

<u>Distance From Point of Connection to Nearest Corner of Premises</u>	<u>Connection Charge</u>
30 feet but less than 45 feet	\$730.00
45 feet but less than 55 feet	480.00
55 feet but less than 65 feet	300.00
65 feet but less than 75 feet	160.00

These charges may be changed from time to time by action of the city council.

- (d) **Inspection.** All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the superintendent. As soon as work from the public sewer to inside the building has been completed, and before any backfilling is done, the superintendent shall be notified and he shall within twenty-four hours after notification inspect and test the work as to workmanship and material. All work must be left uncovered and convenient for examination, and no trenches shall be filled until after the sewer has been so inspected and approved. The plumber shall furnish all necessary tools, labor, and assistance for such of the ordinary tests as the superintendent may desire to make, and if the superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.
- (e) **Connection Deadline.** All approved connection permits shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty days from the approval of the permit.
- (f) **Extension of Time.** When, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond his control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him, an extension of time within which to comply with the provisions herewith may be granted.
- (g) **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.
- (h) **Preparation of Basement or Crawl Space.** No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.
- (i) **Watercourse Crossings.** No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed and where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
- (j) **Sewer Taps—Wyes.** Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the property owner shall at his own expense install a "Y" saddle with mortar in the public sewer at the location specified by the superintendent.
- (k) **Alignment and Grade.** All four inch building sewers shall be laid to a straight line and at a grade of not less than one-fourth inch per foot. A six inch building sewer may be laid at a grade of not less than one-eighth inch per foot. Any deviation in alignment or grade shall be made only with the written approval of the superintendent.
- (l) **Quality of Pipe.** Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the state plumbing code except that the building sewer pipe, from the property line to the public sewer, shall comply with one of the following requirements:
  - (1) Clay sewer pipe—A.S.T.M. C 13-50 (Standard Strength);

- (2) Clay sewer pipe—A.S.T.M. C 200-50T (Extra Strength);
  - (3) Extra heavy cast iron soil pipe;
  - (4) Cast iron water pipe—A.S.A. A21.11.
- (m) Jointing. Fittings, type of joint, and jointing material shall be appropriate for the type of pipe used and shall be subject to the approval of the superintendent, subject to the following specific requirements: Jointing in vitrified clay pipe sanitary sewers shall be of the O-ring or plastic jointing known as ASTM C-425 Types I and II, flexible compression joints; cast iron pipe shall be lead jointed, properly swaged tight, or installed with approved gaskets.
  - (n) Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
  - (o) Property Owner's Responsibility. All costs and expenses incident to the installation, connection and maintenance 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.
  - (p) Prohibited Connections. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater, or septic tanks or cesspool effluents to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

*(Ord. 1110 § 1(part), 1983).*

#### **12.08.100 - Separate building sewers.**

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, court, yard or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered a one building sewer.

*(Ord. 1110 § 1(part), 1983).*

#### **12.08.110 - Excavations.**

All excavations for building installations shall be made in accord with the following:

- (a) Barricades and Lighting. Adequate barricades and warning lights shall be so placed as to protect the public from hazard.
- (b) Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
- (c) Pipe Bed. Immediately prior to installing the pipe, the trench bottom shall be accurately shaped and graded by hand and bell holes shall be excavated so that the pipe will have uniform contact with a longitudinal bearing on undisturbed earth along its entire barrel length. Bell holes shall be excavated by the pipe layer immediately prior to laying the pipe and shall be of such depth that the pipe bell does not come in contact with the bottom of the bell hole. All sewer pipe shall be laid with the bell end up. Where the floor of the trench at the proper grade is of hard or rock material, the floor shall be excavated four inches or more below grade and backfilled with fine gravel or material approved by the superintendent. Where the floor of the trench at the proper grade is of unstable material the same treatment as described above shall be provided.

- (d) Backfill. All sewer pipe shall be provided with adequate bottom and lateral support by thoroughly, carefully and adequately tamping and ramming suitable and proper backfill material beneath, around and to the top of the pipe between the bill holes and sewer joints. All material used for pipe embedment and tamped backfill shall be free of stones, sticks, large clods, lumps of earth, debris, or other similar material. When backfill is made in and across a roadway ditch or other watercourse it shall be protected from surface erosion by adequate means. Backfill shall be made with dirt and tamped by hand to a depth of six inches over the pipe. The remainder of the trench shall be back-filled and tamped with gravel or materials approved by the superintendent. All excess dirt will be removed immediately and before the connection is approved by the superintendent.
- (e) Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, at the expense of the property owner.
- (f) Completion by the City. Should any excavation in any street or alley be left open or unfinished, for a period of twenty-four hours or should the work be improperly done, the superintendent shall have the right to finish or correct such work and the expense shall be charged to the property owner.

*(Ord. 1110 § 1 (part), 1983).*

#### **12.08.120 - Appointment of superintendent.**

At the first regular meeting after each regular municipal election a superintendent of the city sewerage system shall be appointed by the city council, and he shall hold the office for a period of two years and until his successor has been appointed and qualified. He shall exercise the following listed powers and duties:

- (a) Operation and Maintenance. He shall operate and maintain the city sewage system;
- (b) Inspection and Tests. He shall conduct necessary inspections and tests to assure compliance with the provisions of this chapter;
- (c) Records. He shall maintain a complete and accurate record of all sewers, sewer connections and manholes constructed showing the location and grades thereof;
- (d) Authority and Entry Rights.
  - (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, testing, repair and maintenance in accordance with the provisions of this chapter. In the event the city has an easement for sewer facilities on private property, any entry onto said property shall be subject to the terms and the conditions of the easement. The superintendent or his 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 facilities for waste treatment.
  - (2) While the superintendent or duly authorized employees of the city are performing the necessary work on private properties referred to hereinbefore, the owner shall be held harmless for injury or death to the city employees, and the city shall indemnify the owners against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the owner, except as such may be caused by negligence of the owner.

*(Ord. 1110 § 1(part), 1983).*

#### **12.08.130 - Service outside the city.**

The owners of property outside the corporate limits of the city so situated that it may be served by the city sewer may apply to the council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the council. All such use shall be subject to the ordinances and rules and regulations of the city.

*(Ord. 1110 § 1(part), 1983).*

**12.08.140 - Abatement of violations.**

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

Sections:

12.12.010 - Purpose.

12.12.020 - Stormwater drainage utility established.

12.12.030 - Use of fund.

12.12.040 - Governing board.

**12.12.010 - Purpose.**

The purpose of this chapter is to establish a stormwater drainage utility and provide a means of funding the construction, operation and maintenance of stormwater management facilities including, but not limited to, detention and retention basins, stormwater sewers, inlets, ditches and drains, and cleaning of streets. The council finds that the construction, operation and maintenance of the city's storm and surface water drainage system should be funded through charging users of property which may connect or discharge directly, or indirectly, into the storm and surface water drainage system of properties receiving the indirect benefit of drainage diverted into the city's system.

*(Ord. 1286 § 2(part), 2008).*

**12.12.020 - Stormwater drainage utility established.**

It is found and determined to be necessary and conducive to the protection of the public health, safety, welfare and convenience that a stormwater drainage utility is created for all of the city of Centerville, Iowa and for the purpose authorized by Section 384.84(1) Code of Iowa; that is to establish and collect rates for a stormwater drainage system. The billings rates, which shall become effective with the effective date of the ordinance codified in this chapter, will be the same for residential and commercial, a fee of three dollars a month.

*(Ord. 1286 § 2(part), 2008).*

**12.12.030 - Use of fund.**

The money paid and collected pursuant to this chapter shall be held by the city in a special fund to be expended only for the purpose of constructing, operating, managing, repairing and maintaining all kinds of conduits, drains, stormwater detention devices, flow impediments, ponds, ditches, sloughs, filter strips, rip-raps, erosion control devices and any other things and activities useful to the proper control management, collection, drainage and disposition of stormwater in the city of Centerville, Iowa.

*(Ord. 1286 § 2(part), 2008).*

**12.12.040 - Governing board.**

The governing board of the stormwater drainage utility is the city council of the city of Centerville, Iowa. The stormwater drainage utility shall be under the direction, management and control of the street superintendent, who shall function as its director. In that capacity, the director shall supervise the day-to-day operation of the stormwater drainage utility, shall enforce this chapter and the provisions of all ordinance and regulations adopted pursuant to this chapter and shall carry out the policy directives of the city council acting in its role as governing body of the stormwater drainage utility.

*(Ord. 1286 § 2(part), 2008).*

*\* Editor's Note: The following statement outlines the procedures which were followed in the acquisition of the Centerville Municipal Waterworks.*

On May 10, 1948, the city council passed a resolution calling a special election for the submission thereof of a proposition for establishing a municipal waterworks by acquiring the then existing privately owned waterworks of the Centerville Water Service Company. Further, a proposition placing the management and control of the municipal waterworks in the hands of a board of trustees was also to be submitted.

On June 8, 1948, the city council proceeded to canvass the returns of the aforesaid election which was legally held and conducted on June 7, 1948 and embodied their findings in a resolution which declared each of the aforesaid propositions duly carried.

Thereafter, on June 25, 1948, a contract was executed providing for the acquisition of the waterworks plant and system by the city in exchange for waterworks revenue bonds of the city.

On July 9, 1948, the city council set July 21, 1948, as the time when proceedings were to be instituted and action taken for the issuance of four hundred thirty thousand dollars waterworks revenue bonds of the city.

On July 21, 1948, a resolution was passed which authorized the issuance and delivery of interest bearing revenue bonds in the aggregate amount of four hundred thirty thousand dollars payable from the net earnings of the municipal waterworks.

Chapters:

- Chapter 14.04 - Fire Limits
- Chapter 14.08 - Fire Prevention Code
- Chapter 14.12 - Liquefied Petroleum Gas
- Chapter 14.16 - Theaters

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Chapter 14.04 - Fire Limits

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Sections

- 14.04.010 - Fire limits established.
- 14.04.020 - Permit required.
- 14.04.030 - Fireproof walls—Roofs and cornices.
- 14.04.040 - Repairing buildings within fire limits.
- 14.04.050 - Repairing roofs.
- 14.04.060 - Moving buildings within fire limits.
- 14.04.070 - Thickness of walls.
- 14.04.080 - Wall defined—Extent.
- 14.04.090 - Additions to buildings.
- 14.04.100 - Fences and billboards.
- 14.04.110 - Temporary buildings.
- 14.04.120 - Prohibited structures—Removal.
- 14.04.130 - Certificate—Recording.
- 14.04.140 - Penalty for violation.

**14.04.010 - Fire limits established.**

The fire limits of the city of Centerville are established as follows:

All that part of the city lying between East and West Washington Street on the north and West Maple Street on the south and lying between Haynes Avenue on the east and North Tenth Street on the west.

Unless permission is granted by the fire chief and the mayor, compliance with the provisions of this chapter is mandatory in order to erect any building or structure within the following limits:

- (a) Blocks one, two, three and four, range six of the original town of Centerville, except lot one, block one and lots one and four, block two and lots one and four, block three all in range six of the original town of Centerville; and
- (b) Lots one, two, three and four Braidwood's addition to the city of Centerville; and Lots one, two, three, four, six and seven of auditor's subdivision of the northeast quarter of the southeast quarter of section thirty-six, township sixty-
- (c) nine, range eighteen in the city of Centerville; and
- (d) Blocks one, two, three, four, five and six of Shield's addition to the city; and A block bounded on the north by West Maple Street, on the east by South
- (e) Twelfth Street on the south by Water Street, on the west by South Tenth Street
- (f) in the city; and

- (g) Blocks one, two, three and four, range one of the original town of Centerville; and
- (h) Block five, range five of the original town of Centerville; and Block five, range four of the original town of Centerville.

*(Ord. 1231 § 1, 2000: Ord. 1016 § 1, 1974: Ord. 832 (part), 1966: Ord. 664 (part): Ord. 659 (part): 1942 Rev. Ord. §112).*

#### **14.04.020 - Permit required.**

No wall, structure, building or part thereof shall hereafter be built, enlarged or altered within the limits of city of Centerville, until a plat of the proposed work, together with a statement of the materials to be used, both of which shall be in writing, shall have been submitted to the mayor of the city, who shall, if in accordance with the provisions herein contained, issue a permit in writing for the proposed construction. Structures hereafter erected without such permit or not in conformity with this chapter shall be removed.

*(1942 Rev. Ords. § 113).*

#### **14.04.030 - Fireproof walls—Roofs and cornices.**

Unless a variance is granted by the city council, every building or structure hereafter erected or enlarged within the fire limits shall be enclosed on all sides with walls constructed wholly of stone, brick or concrete, and shall have the roof top and cornices covered with fireproof materials such as are approved by the National Board of Fire Underwriters. In all roofs where the span from wall to wall exceeds twenty-six feet, the trusses shall be constructed of steel.

*(Ord. 1229 § 1, 2000).*

#### **14.04.040 - Repairing buildings within fire limits.**

Any existing building or structure within the fire limits which may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half its true value exclusive of foundation shall not be repaired or rebuilt except when said building when rebuilt and completed shall comply in all respects to the provisions of this chapter.

*(1942 Rev, Ords. § 115).*

#### **14.04.050 - Repairing roofs.**

All materials used in repairing roofs shall be in compliance with the provisions of this chapter except that shingled roofs now in existence within the fire limits may be repaired by the use of like shingles.

*(1942 Rev. Ords. § 116).*

#### **14.04.060 - Moving buildings within fire limits.**

Any building or fixture within the fire limits shall not be moved within the fire limits unless the completed structure when moved shall comply with the provisions of this chapter.

*(1942 Rev, Ords, § 117).*

#### **14.04.070 - Thickness of walls.**

All exterior walls of buildings or structures hereafter erected or increased in size as provided herein within the fire limits shall be of sufficient thickness to support the load to be carried, but in no case shall a brick, stone, concrete or hollow block wall be less than nine inches thick.

*(1942 Rev. Ords. § 118).*

#### **14.04.080 - Wall defined—Extent.**

The term "wall" or "walls" whenever used in this chapter shall mean the whole structure of the wall from the interior of the building to the exterior. A brick or stone veneered wall, or wooden frame wall covered with stucco, plaster, iron or other material shall not be deemed in compliance with this chapter. All walls of buildings or structures provided in this chapter shall be continuous from foundation to eighteen inches above the roof line except that walls abutting alleys shall not be required to be carried above the roof line.

*(1942 Rev. Ords. § 119).*

#### **14.04.090 - Additions to buildings.**

No addition shall be made to any building, nor shall any building be increased in size within the fire limits unless such addition or increase is in compliance with the provisions of this chapter.

*(1942 Rev. Ords. § 120).*

#### **14.04.100 - Fences and billboards.**

The framework of fences and billboards consisting of parts and cross members erected within the fire limits may be constructed of wood. All other fixtures or parts of the fences or billboards shall be constructed of metal. No existing fences or billboard, composed in whole or in part of wood, shall be repaired or increased in size unless in conformity with the provisions of this chapter.

*(1942 Rev. Ords. § 121).*

#### **14.04.110 - Temporary buildings.**

This chapter shall not apply to temporary one-story buildings for the use of contractors and builders which may be erected not closer than six feet to any other building.

*(1942 Rev. Ords. § 122).*

#### **14.04.120 - Prohibited structures—Removal.**

Any building or structure hereafter erected, or any building or structure now existing, which shall be enlarged, altered or increased in size, repaired or moved in violation of the provisions of this chapter shall, upon the order of the city council, be removed from the fire limits and the costs thereof recovered against the owner or owners in an action in the name of the city in any court of proper jurisdiction.

*(1942 Rev. Ords. § 123).*

#### **14.04.130 - Certificate—Recording.**

This chapter, together with the plat of that portion of the city comprised within the above described fire limits, shall be certified by the city clerk to the county recorder for recording as provided in Sections 5724 to 5727 of the Code of Iowa.

*(1942 Rev. Ords. § 125).*

#### **14.04.140 - Penalty for violation.**

Any person, firm or corporation violating any of the provisions of this chapter or who shall violate or fail to comply with any order or regulations made thereunder or who shall build in violation of any detailed statement of specification or plan submitted and approved thereunder or any permit issued, shall for each and every violation be fined not exceeding one hundred dollars and costs of prosecution, or may be imprisoned in the city or county jail for a term not exceeding thirty days, and the above penalty so applying shall not be held to prevent the forced removal of prohibited structures as provided in this chapter.

*(Ord. 945 § 1, 1970; 1942 Rev. Ords. § 124).*

Sections:

- 14.08.010 - Adoption of fire prevention code.
- 14.08.020 - Enforcement.
- 14.08.030 - Municipality defined.
- 14.08.040 - Flammable liquids storage.
- 14.08.050 - Modifications.
- 14.08.060 - Appeals.
- 14.08.070 - Penalty for violation of fire prevention code.
- 14.08.080 - Stoves and pipes.
- 14.08.090 - Chimney flues.
- 14.08.100 - Ashes.
- 14.08.110 - Fires in streets.
- 14.08.120 - Haystacks, etc.—Lights.
- 14.08.130 - Lumberyards.
- 14.08.140 - Firing chimneys.
- 14.08.150 - Chimneys repaired.
- 14.08.160 - Fires on paved streets.
- 14.08.170 - Penalty for violation of sections 14.08.080—14.08.160.
- 14.08.180 - Inspection of premises by fire department—Penalty.
- 14.08.190 - Combustible material—Deposit limit.
- 14.08.200 - Ash containers.
- 14.08.210 - Oily waste and rags.
- 14.08.220 - Fires near buildings.
- 14.08.230 - Burning of rubbish—Special permit.
- 14.08.240 - Building fires on sidewalks, macadam and paved streets.
- 14.08.250 - Interference with firemen.
- 14.08.260 - Interference with hydrants.
- 14.08.270 - False alarms.
- 14.08.280 - Inspection by fire department.
- 14.08.290 - Penalty for violation of Sections 14.08.190—14.08.280.

**14.08.010 - Adoption of fire prevention code.**

Pursuant to published notice and public hearing, there is hereby adopted that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1965 as amended edition thereof and the whole thereof, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the effective date of this chapter, the provisions thereof shall be controlling within the limits of this city.

An official copy of the Fire Prevention Code as adopted, and a certified copy of this chapter, are on file in the office of the city clerk. A copy of the Fire Prevention Code as adopted, and a copy of this chapter, have been furnished the state law library, the municipal library, all newspapers, of general circulation published in this city, and all commercial radio stations situated in this city.

*(Ord. 690 § 2; as amended by Ord. 870 § 1; July 22, 1968).*

**14.08.020 - Enforcement.**

The Fire Prevention Code shall be enforced by the chief of the fire department.

*(Ord. 690 § 3; October 3, 1955).*

**14.08.030 - Municipality defined.**

Wherever the word "municipality" is used in the Fire Prevention Code, it means the city of Centerville.

*(Ord. 690 § 4; October 3, 1955).*

#### **14.08.040 - Flammable liquids storage.**

The limits referred to in Section 804a of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in Section 1104 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows:

- (a) The storage of flammable liquids in outside above-ground tanks and the bulk storage of liquefied petroleum gas is prohibited within the territory established as fire limits by Chapter 14.04, of this code, unless special authorization is obtained as provided in Section 14.08.050 of this chapter.
- (b) The storage of flammable liquids in outside above-ground tanks and the bulk storage of liquefied petroleum gas is prohibited within the area designated as residential districts by Title 17.

*(Ord. 690 § 5; October 3, 1955).*

#### **14.08.050 - Modifications.**

The chief of the fire department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when they are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department. One signed copy of the decision of the chief of the fire department shall be furnished the applicant, and one signed copy shall be filed in the office of the city clerk.

*(Ord. 690 § 6; October 3, 1955).*

#### **14.08.060 - Appeals.**

Whenever the chief of the fire department disapproves an application or refuses to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted the applicant may appeal from the decision of the chief of the fire department to the city council within thirty days from the date of the decision of the appeal.

*(Ord. 690 § 7; October 3, 1955).*

#### **14.08.070 - Penalty for violation of fire prevention code.**

Any person who shall violate any of the provisions of the Fire Prevention Code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.

*(Ord. 690 § 8; October 3, 1955).*

**14.08.080 - Stoves and pipes.**

It shall be the duty of persons using a tight stove or stoves, in any house, store, shop or building within this city, to have a metal plate or a platform of stone, brick, sheet-iron, zinc, or earth under the stove or stoves; and all stovepipes, at their intersection with any floor, partition, roof, or side of a house through which they pass, shall be made to pass through a crook or tin ventilator; or if they pass through a window, they shall be enclosed with tin or other metal; and all chimneys shall extend at least two and one-half feet beyond the roof or side of a house through which they pass, and, if a stovepipe passes through the side of a house, it shall be capped with a crosspipe not less than eighteen inches in length; and no person shall be permitted to place a stovepipe through any building so as to project into the street.

*(1942 Rev. Ords. § 126).*

**14.08.090 - Chimney flues.**

All chimney flues shall be built of well-burned, whole brick, the walls not less than four inches thick, and the inside surface well covered with a coat of plaster. All buildings erected in the fire limits shall be plastered and tiled. Where the flues shall pass through the ridge of the roof, they shall project not less than three feet above the ridge of the roof, and where such flues shall pass through the slope of the roof, they shall not project less than four feet from the roof of the building in which the same are built, measuring from the top of the chimney to the nearest point of roof.

*(1942 Rev. Ords. § 127).*

**14.08.100 - Ashes.**

No person shall deposit any ashes in any wooden building, or allow any ashes to stand in wooden vessels, except boxes placed to receive same on sidewalks by permission of the mayor, and if ashes are thrown out they shall not be put within ten feet of any building, house, fence, woodpile, or any wooden structure except as above provided.

*(1942 Rev. Ords. § 128).*

**14.08.110 - Fires in streets.**

No person shall, without permission from the mayor, marshal or city council, burn any shavings or other material in any street, alley or public grounds, on any lot or private grounds within twenty feet of any building, woodpile, or wooden structure within the city, except those whose business necessarily requires outdoor fires. If in the opinion of the city marshal, the fire endangers any building such fires will not be allowed and shall be immediately extinguished as soon as the purpose is effected for which it was built, nor shall it be lawful for any person to boil oil or varnish within twenty feet of any building.

*(1942 Rev. Ords. § 129).*

**14.08.120 - Haystacks, etc.—Lights.**

No person shall put or keep any wheat, rye, barley, oats, hay, straw, or fodder, in sheaf, stack, or pile, within sixty feet of any building wherein a fire may be kept (except that it may be in a stable, barn or warehouse) nor keep the same in any dwelling house or building wherein fire is used for any purpose; nor shall any occupant or owner of any stable within the limits of the city, or any person in their employ, be allowed to use therein a lighted candle or any other light except the same be secured within a tin or glass lantern.

*(1942 Rev. Ords. § 130).*

**14.08.130 - Lumberyards.**

No person shall keep or establish, or continue a lumberyard, for the deposit or sale of lumber within the fire limits of the city of Centerville, except by special permission of the city council on application in writing signed by the owner of two-thirds of the property of the block in which said lumberyard is located, provided, this section shall not apply to persons who now have lumberyards within the fire limits, Further, no person, persons, company or corporation shall keep or store to exceed five barrels of said oils or substances, within one hundred fifty feet of any building within this city.

*(1942 Rev. Ords. § 131).*

#### **14.08.140 - Firing chimneys.**

No person shall set fire to their chimneys for the purpose of cleaning the same, except in the daytime; nor then, unless it is raining, or there is snow on the roof of the house.

*(1942 Rev. Ords. § 132).*

#### **14.08.150 - Chimneys repaired.**

In any case where plaster or mortar is worn out of any chimney so that the same is in an unsafe condition, or so as to allow smoke to escape between the bricks, the same shall be repaired at once upon notice by the city marshal, served upon the owner of such building, and if the same is not repaired to the satisfaction of the city marshal within forty-eight hours after the serving of the notice, the city marshal shall have the same repaired and the cost of same recovered in any court having jurisdiction.

*(1942 Rev. Ords. § 133).*

#### **14.08.160 - Fires on paved streets.**

No fires of any nature shall be lighted or maintained on any of the paved streets or alleys of the city.

*(1942 Rev. Ords. § 134).*

#### **14.08.170 - Penalty for violation of sections 14.08.080—14.08.160.**

It shall be the duty of the city marshal strictly to enforce the observance of the provisions of Sections 14.08.080—14.08.160, and any person refusing or neglecting to comply with any of the provisions of these sections, shall be guilty of a misdemeanor and subject to a fine of not less than one dollar, nor more than one hundred dollars, or may be imprisoned in the city or county jail for a term not exceeding thirty days. All buildings or premises erected or used contrary to the above requirements are declared to be nuisances, and as such may be abated.

*(Ord. 946 § 1, 1970; 1942 Rev. Ords. § 136).*

#### **14.08.180 - Inspection of premises by fire department—Penalty.**

It shall be the duty of the chief of the fire department to inspect or cause to be inspected by fire department officers or members as often as may be necessary, but not less than twice a year, all buildings used for public assembly or open to the public, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of any title of the city code affecting the fire hazard. Whenever any officer or member shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any other highly inflammable materials especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants, in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty-four hours to the mayor, who shall within ten days review such order and file his decision thereon and, unless the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant.

Any owner or occupant failing to comply with such order within ten days after the appeal shall have been determined, or if no appeal is taken then within ten days after the service of the order, shall be liable to a penalty as hereinafter stated.

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises, Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the person a true copy of the order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

Any person or persons, firm or corporation violating any of the provisions of this section, shall, upon conviction, forfeit and pay a fine of not more than twenty-five dollars for each offense, and not more than twenty-five dollars for every day thereafter so long as the violation exists, and a fine of not more than one hundred dollars for subsequent violations.

*(1942 Rev. Ords. § 137, 138).*

#### **14.08.190 - Combustible material—Deposit limit.**

No person shall allow to remain longer than thirty-six hours, or overnight in any alley or on any sidewalk or premises, within thirty feet of any building, empty boxes, barrels, rubbish, trash, wastepaper, excelsior or other like combustible materials.

*(1942 Rev. Ords. § 628).*

#### **14.08.200 - Ash containers.**

No person or persons shall be allowed to place ashes within any building in any box, barrel or other wooden container or upon any wooden container or floor.

*(1942 Rev. Ords. § 629).*

#### **14.08.210 - Oily waste and rags.**

No person shall keep or permit to be kept on the premises any oily waste or oily rags, unless at all times when not actually in use each oily waste and oily rag be kept in a metal can with self-closing cover and riveted joints, standing on metal legs which raise the bottom of the container at least five inches above the floor.

*(1942 Rev. Ords. § 630).*

#### **14.08.220 - Fires near buildings.**

No person shall build or replenish any fire, except within doors, within twenty feet from any building.

*(1942 Rev. Ords § 631).*

#### **14.08.230 - Burning of rubbish—Special permit.**

No person, firm or corporation shall build or cause to be built any fire, or burn, or cause to be burned, any paper or rubbish of any kind or nature or other combustible material upon any of the paved streets or paved alleys or upon any unpaved streets or alleys, or upon any vacant ground adjacent to any street or alley within the fire limits as set out by Section 14.04.010.

It shall be a defense to prosecution under this section if a written permit for the burning of such paper, rubbish or other combustible material shall have first been secured from the fire chief of the city of Centerville.

*(1942 Rev. Ords. § 632).*

**14.08.240 - Building fires on sidewalks, macadam and paved streets.**

No person shall build or replenish any fire on any sidewalk, macadam or paved street or alley.

*(1942 Rev. Ords. § 633).*

**14.08.250 - Interference with firemen.**

No person shall willfully hinder or interfere with any fireman in the performance of his duty while attending, going to, or returning from any fire, nor fail or refuse to assist at any fire or in taking apparatus to any fire when requested so to do by any peace officer of the fire department.

*(1942 Rev. Ords. § 634).*

**14.08.260 - Interference with hydrants.**

No person shall interfere with, molest, or attempt to use in any way any hydrant erected for fire protection except such person to be an officer of the city or an officer of the fire department, or a person acting under the direction of an officer of the city or an officer of the fire department, or under the direction of the Centerville water company, nor shall any person use or attempt to use any such hydrant for any purpose except a public purpose and only in accordance with the ordinance in force granting a franchise to the Centerville water company.

*(1942 Rev. Ords. § 635).*

**14.08.270 - False alarms.**

No person shall in any manner give or cause to be given any false alarm of fire.

*(1942 Rev. Ords. § 636).*

**14.08.280 - Inspection by fire department.**

All owners or occupants of buildings are required to permit the chief of the fire department or a member of the department designated by the chief to inspect their buildings to see if the above is complied with, and it is hereby made the duty of the chief of the fire department to make such inspection or cause the inspection to be made whenever and wherever he may suspect a violation of the foregoing chapter.

*(1942 Rev. Ords. § 637).*

**14.08.290 - Penalty for violation of Sections 14.08.190—14.08.280.**

Any person or persons found guilty of violation of Sections 14.08.190—14.08.280 shall be fined not less than five dollars nor more than twenty-five dollars for each offense, or may be imprisoned in the city or county jail for a term not exceeding thirty days. Each twenty-four hours of maintenance of prohibited conditions shall constitute a separate offense.

*(Ord. 947 § 1, 1970; 1942 Rev. Ords. § 638).*

Sections:

14.12.010 - Liquefied petroleum gas defined.

14.12.020 - Permit.

14.12.030 - Storage and handling.

14.12.040 - Penalty for violation.

**14.12.010 - Liquefied petroleum gas defined.**

The term "liquefied petroleum gas" shall mean any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or isobutane) and butylenes.

*(Ord. 729 § 1; August 18, 1958).*

**14.12.020 - Permit.**

A permit shall be obtained from the chief of the Centerville fire department for all installation of liquefied petroleum gas.

*(Ord. 729 § 2; August 18, 1958).*

**14.12.030 - Storage and handling.**

The installation, storage and handling of liquefied petroleum gas shall be in accordance with the laws of Iowa and with the rules and regulations of the Iowa Department of Public Safety promulgated under authority of Chapter 101 of the Iowa Code Annotated.

*(Ord. 729 § 3; August 18, 1958).*

**14.12.040 - Penalty for violation.**

Anyone who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days. The imposition of one penalty for any violation shall not excuse or permit it to continue and when not otherwise specified each ten day period that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.

*(Ord. 729 § 4; August 18, 1958).*

## FOOTNOTE(S):

<sup>(4)</sup> *Flammable liquids and liquefied petroleum gases—See ICA Chapter 101.*

Sections:

14.16.010 - Fire apparatus—Exits.

14.16.020 - Fire axes and extinguishers.

14.16.030 - Exits and doors.

14.16.040 - Obstruction in aisles.

14.16.050 - Smoking prohibited.

14.16.060 - Inspection by fire department.

14.16.070 - Penalty for violation.

**14.16.010 - Fire apparatus—Exits.**

The owners, proprietors or lessees of any theater or public place of amusement within the city of Centerville, shall provide and install such fire service and apparatus for the prevention and extinguishing of fires as the chief of the fire department may deem necessary. They shall also provide exits for such theaters and public places of amusement as the chief of the fire department may, from time to time deem necessary.

*(1942 Rev. Ords. § 139).*

**14.16.020 - Fire axes and extinguishers.**

Every owner, proprietor or lessee of any theater or public place of amusement, shall keep within such theater or public place of amusement so owned or leased by him, within easy reach of the stage floor, on each side of the proscenium or curtain openings, and at such other places on the stage within such theater or public place of amusement, one or more sharp hatchets or axes to be used in cutting ropes or cables in case of fire and two or more hand chemical extinguishers as may be required by the chief of the fire department of said city.

*(1942 Rev. Ords. § 140).*

**14.16.030 - Exits and doors.**

All doors in every such theater or other place of public amusement shall open outwardly, and must be kept unfastened and unobstructed during every performance. All exits in all such theaters or public places of amusement shall have such fastenings as may be readily opened from the inside without keys, and shall be of a uniform style and approved by the chief of the fire department of the city. All exits shall be plainly indicated in plain letters not less than four inches in height, placed over every doorway or passage leading to the outside of the building, which exits must at all times be kept free from curtains, portiers, and other like obstructions, and must be designated by a red light and every such theater or other place of amusement shall have an exit of not less than four feet in width, from the stage into the street or alley. There shall be a clear, unobstructed passageway from the stage and from all dressing rooms of such theater.

*(1942 Rev. Ords. § 141).*

**14.16.040 - Obstruction in aisles.**

No owner, proprietor, or lessee of any theater or public place of amusement shall keep or permit any chairs, benches, settees, or other obstructions of any description in the aisles, passageways or exits of such theater or public place of amusement, and shall not permit any person to stand in or occupy any part of any aisle, passageway or exit in such theater or public place of amusement, and shall not permit showcases, booths, and other obstructions leading from the lobbies into and from such theaters or public places of amusement.

*(1942 Rev. Ords. § 142).*

**14.16.050 - Smoking prohibited.**

No person shall smoke or have in his possession any lighted cigar, cigarette, pipe or stogy in any such theater or public place of amusement during any performance or public meeting therein; provided, however, that this section shall not apply when a smoking room is connected with any such theater or public place of amusement and such smoking is done in such smoking room, and provided further that this section shall not be construed to prohibit the use of a cigar, cigarette, pipe or stogy, when used in an act during any performance.

*(1942 Rev. Ords. § 143).*

**14.16.060 - Inspection by fire department.**

The chief of the fire department of the city of Centerville, and his respective assistants shall, at all times, have the right to enter any theater or other place of amusement and all parts thereof, at any reasonable time and especially when occupied by the public, in order to judge of the discharge of their respective duties. It shall be unlawful for any person to refuse admission to such officer or officers, or to throw obstacles in the way of the duty of such officer or officers.

*(1942 Rev. Ords. § 144).*

**14.16.070 - Penalty for violation.**

Any person who shall fail or neglect to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars, nor more than one hundred dollars and cost of suit, or may be imprisoned in the city or county jail for a term of not exceeding thirty days, and each day's violation shall be deemed a separate and distinct offence.

*(Ord. 948 § 1, 1970; 1942 Rev. Ords. § 145).*

Chapters:

- Chapter 15.02 - Adoption of International Codes
- Chapter 15.18 - Dilapidated Buildings
- Chapter 15.20 - Billboards
- Chapter 15.28 - House Moving
- Chapter 15.32 - Amortization Period for Public Improvements
- Chapter 15.36 - Floodplain Management

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Chapter 15.02 - Adoption of International Codes

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Sections:

- 15.02.010 - Adoption of International Codes.

**15.02.010 - Adoption of International Codes.**

The following international codes published by the International Code Council and all subsequent provisions, modifications or supplements thereto are adopted as if fully set forth verbatim herein:

- (a) International Electrical Code—Administrative Provisions regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of electrical systems and providing for the issuance of permits and collection of fees;
- (b) International Plumbing Code regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of plumbing systems and providing for the issuance of permits and collection of fees;
- (c) International Fire Code regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits for hazardous uses or operations;
- (d) International Private Sewage Disposal Code regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of sewage systems and providing for the issuance of permits and collection of fees;
- (e) International Mechanical Code regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of mechanical systems and providing for the issuance of permits and collection of fees;
- (f) International Fuel Gas Code for the control of building and structures relating to the storage of fuel gas;
- (g) International Energy Conservation Code regulating the use of design, construction, quality of materials, erection, installation, addition to, use or maintenance of buildings, mechanical, lighting and power systems and providing for the issuance of permits and collection of fees;
- (h) International Residential Code regulating the use of design, construction, quality of materials, erection, installation, addition to, use or maintenance of one and two family dwellings and providing for the issuance of permits and collection of fees;
- (i) International Building Code for the control of buildings and structures;

(j) International Property Maintenance Code for the control of buildings and structures.

Any violation of a provision in any of the above-listed international codes is a municipal infraction.

*(Ord. 1242 § 2, 2002; Ord. 2013-1300 § 14, April 1, 2013).*

Sections:

- 15.18.010 - Duty of owners.
- 15.18.030 - Definition of unsafe.
- 15.18.040 - Notice to owner.
- 15.18.050 - Hearing.
- 15.18.060 - Posting of signs.
- 15.18.070 - Restrictions on sale or transfer.
- 15.18.080 - Right to demolish.
- 15.18.090 - Costs.

**15.18.010 - Duty of owners.**

The owners of all buildings located in the city of Centerville are required to keep themselves informed of the conditions of all buildings owned by them and to take the necessary and appropriate action to make certain that no building becomes dilapidated or unsafe under the terms of this chapter.

*(Ord. 1240 § 2, 2001).*

**15.18.030 - Definition of unsafe.**

All buildings or structures that are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter, the Code of Iowa, the city building code, or any other ordinance, are, for the purpose of this chapter, unsafe and dangerous buildings. All such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Sections 15.18.040, 15.18.050, 15.18.060, 15.18.070 of this code and as authorized by Section 364.12(3) of the Code of Iowa.

"Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

- (a) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (b) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of twenty pounds per square foot;
- (c) Whenever any portion thereof has warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
- (d) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to collapse partially or completely;
- (e) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
- (f) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration

of its nonsupporting members, or of its enclosing or outside walls or coverings;

- (g) Whenever the roof of any building has become so dilapidated or deteriorated that it does not protect the interior of the building or structure from damage or decay;
- (h) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, or as to enable persons to resort thereto for the purpose of committing unlawful acts;
- (i) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction, inadequate light, air, or sanitation facilities, or otherwise, is determined by a health officer to be unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease;
- (j) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the state fire marshal, city fire chief, or the city building official to be a fire hazard;
- (k) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (l) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;
- (m) 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 one year so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

*(Ord. 1240 § 4, 2001; Ord. 2013-1300 §§ 4b and 15a, April 1, 2013).*

#### **15.18.040 - Notice to owner.**

The building official shall examine, or cause to be examined, every building or structure or portion thereof reported as dilapidated, dangerous or damaged and, if such is found to be a dilapidated or unsafe building as defined in this chapter, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety days from date of notice, unless otherwise stipulated by the building official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the building official.

This written notice shall be served upon the owner by certified mail, with return receipt requested. If the letter is returned as refused or undeliverable, the notice shall be considered to have been given, and this section is satisfied. Where there is no other record of the owner, the notice may be made by publication one time in any newspaper published in Centerville, Iowa, with a copy sent by ordinary mail addressed to the last address used by the Appanoose County treasurer for the owner of the real estate and any other address known to the building official. The designated period within which the owner or person in charge is required to comply with the order of the building official shall begin as of the date the owner receives such notice or on the date of the publication, whichever is earlier. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed, or demolished. The owner shall make such request in writing and mailed by ordinary mail, or delivered personally, to the city clerk at least three days before the deadline set in the notice if less than fifteen days was set and at least ten days before the deadline if over twenty-one days was set.

*(Ord. 1240 § 5, 2001; Ord. 2013-1300 §4b, April 1, 2013).*

#### **15.18.050 - Hearing.**

If the owner requests a hearing before the city council the owner shall be notified by ordinary mail of the date, time and place of the meeting where the city council shall hear the owner and consider the owner's statements and exhibits, if any, and any information provided by the building official. The hearing may be held at a special meeting of the city council or at a regular meeting. After the hearing the city council may determine whether or not the building is dilapidated, dangerous or damaged as provided for in this chapter and if so may order the building official to take the necessary actions to remedy the building which may include the right to demolish the structure and clean up the lot. In the event that the city council authorizes the building official to take action and remedy the problem the owner shall be so notified and shall have twenty days in which to take an appeal to the Iowa District Court for Appanoose County. In the event that the owner does not appeal within that twenty days then it shall be presumed, and the city shall be entitled to rely upon such presumption, that the owner agrees with the remedy proposed by the city.

As an alternative, or as an additional remedy, the city may proceed under Chapter 1.24 of this code.

*(Ord. 1240 § 6, 2001; Ord. 2013-1300 §§ 4b and 15b, April 1, 2013).*

#### **15.18.060 - Posting of signs.**

The building official may cause to be posted at each entrance to such dilapidated or unsafe building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Centerville." Such notice or a similar notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purposes of making the required repairs or of demolishing the building.

*(Ord. 1240 § 7, 2001; Ord. 2013-1300 § 4b, April 1, 2013).*

#### **15.18.070 - Restrictions on sale or transfer.**

No dwelling unit or structure may be sold or conveyed by any means, including by deed, contract, long term lease, or any other means which results in a change of equitable title from the present owner to a third party unless the owner shall have first furnished the grantee, transferee, or lessee a true copy of any notice received from the city pursuant to the terms of Section 15.18.040. The violation of this section is a municipal infraction. Failure to comply with this section shall also make the original owner, together with the new owner, jointly and severally responsible for the compliance with all the terms of this chapter. The city is authorized to file a notice with the Appanoose County recorder stating that the city building inspector has declared the dwelling unit or structure located on the real estate as a dilapidated or unsafe building under this chapter. Such notice shall be signed and acknowledged by the building official or some other person authorized by the city and contain the legal description of the real estate involved.

*(Ord. 1240 § 8, 2001; Ord. 2013-1300 §§ 4b and 7, April 1, 2013).*

#### **15.18.080 - 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 provisions of this chapter and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

*(Ord. 1240 § 9, 2001; Ord. 2013-1300 § 4b, April 1, 2013).*

#### **15.18.090 - Costs.**

Costs incurred under Sections 15.18.080 shall be paid out of the city treasury. Such costs shall be charged to

the owner of the premises involved and levied against the land on which the building or structure is located, and shall be collected in the manner provided in Section 364.12(3)(h) of the Code of Iowa.

*(Ord. 1240 § 10, 2001; Ord. 2013-1300 § 15e and f, April 1, 2013).*

Sections:

- 15.20.010 - Plans submitted and approved.
- 15.20.020 - License.
- 15.20.030 - Prohibited construction or maintenance.
- 15.20.040 - Residence districts.
- 15.20.050 - Owner's name.
- 15.20.060 - Scope.
- 15.20.070 - Exception.
- 15.20.080 - Nonconforming—Removal.

**15.20.010 - Plans submitted and approved.**

Any person, firm or corporation desiring to construct a billboard in Centerville, must first prepare a plan for the construction thereof and designate the location thereof and submit the same to the city council and secure the approval of the council both as to plans and location.

*(1942 Rev. Ords. § 234).*

**15.20.020 - License.**

Upon receiving the approval of the city council of such plans and location, the person or persons applying therefor shall then receive a permit from the mayor for the construction thereof upon the payment of the sum of twenty-five dollars to the mayor which the sum shall be in payment for a one year's license to erect and maintain the billboards in the city of Centerville, provided, further, that no permit for the construction of the billboards shall be issued by the mayor to any person, firm or corporation until they have procured a billposter's license and paid the license fee and tax as provided by the municipal code of the city of Centerville.

*(1942 Rev. Ords. § 235).*

**15.20.030 - Prohibited construction or maintenance.**

It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:

- (a) Obstruct the free use of the streets, alleys or sidewalks;
- (b) Be dangerous to the public by falling or by blowing down;
- (c) Be unable to stand a pressure of at least thirty pounds per square foot of advertising space;
- (d) Exceed one thousand square feet in area;
- (e) Obstruct the view of railroad crossings or street crossings;
- (f) Be other than fireproof construction;
- (g) Increase the danger of loss by fire, or to increase the rate of fire insurance;
- (h) Be less than three feet above the level of the ground on which it is located;
- (i) Have the face of the panel exceed sixteen feet in height;
- (j) Approach nearer than two feet to any building, unless built against the building.

*(1942 Rev. Ords. § 236).*

**15.20.040 - Residence districts.**

It shall be unlawful to construct or maintain any billboard in any block in which one-half of the buildings on both sides of the street are used exclusively for residence purposes without first obtaining the consent in writing of the owners, or duly authorized agents of the owners, owning the property within one hundred and fifty feet of such

billboard. Such written consent shall be filed with the mayor before a license shall be granted for such location. "Block," as used in this section, means that part of a street which lies between the two nearest intersecting streets, one on either side thereof.

*(1942 Rev. Ords. § 237).*

**15.20.050 - Owner's name.**

The name of the person, firm or corporation owning or controlling each billboard shall be placed and maintained on such billboard or signboard so as to be easily read.

*(1942 Rev. Ords. § 238).*

**15.20.060 - Scope.**

The provisions of this chapter shall apply to billboards hereafter built, rebuilt, reconstructed, or not in use, but shall not require the rebuilding of billboards now in use under due authority from the city council.

*(1942 Rev. Ords. § 239).*

**15.20.070 - Exception.**

The provisions of this chapter shall not apply to billboards or signboards attached to the surface of a permanent building and designed to give publicity to any business carried on in such building or to billboards used to advertise the sale or lease of the property upon which they shall be erected, provided they do not exceed thirty-six square feet in area.

*(1942 Rev. Ords. § 240).*

**15.20.080 - Nonconforming—Removal.**

Any billboard not constructed in full compliance with the provisions of this chapter shall be removed by the owner thereof whenever ordered to do so by the city council. Upon the failure of the owner of such billboard to remove the same within ten days of the date that written notice of such order is served upon him, then the city may remove the same and charge the cost and expense thereof to the owner and collect the same by suit, if necessary.

*(1942 Rev. Ords. § 241).*

Sections:

15.28.010 - Permit required.

15.28.020 - Application for permit—Bond.

15.28.030 - Route of removal—Time.

15.28.040 - Obstruction of streets.

15.28.050 - Time limit—Penalty.

15.28.060 - Street commissioner to act on obstruction.

**15.28.010 - Permit required.**

No building shall be moved into, along or over any of the streets or alleys of the city of Centerville, without a permit having first been obtained therefor from the mayor of the city.

*(1942 Rev. Ords. § 606).*

**15.28.020 - Application for permit—Bond.**

Before issuing any permit for the moving of any building on, along or over any street or alley, the mayor shall require the owner of such building, or his agent, to file in the mayor's office a written application for such permit, which shall describe such building, and state the location from whence it is to be moved, the streets and alleys over and along which the same is to be moved, and the location to which it is proposed to move the building, and shall also require a bond to be executed to the city of Centerville, with good and sufficient sureties, in the sum of not less than two hundred dollars, as the mayor may deem proper, and not to exceed five hundred dollars, conditioned for the payment of any damage for which the city may be liable in consequence of the use of any street or alley, avenue, highway or public place, for the removal of such building, and the payment of any penalty that may be incurred by the owner or his agent, for violating the provisions of this chapter.

*(1942 Rev. Ords. § 607).*

**15.28.030 - Route of removal—Time.**

Upon filing with the mayor an application and bond as provided in the foregoing section, is in his opinion the route proposed in the application shall be, taking into consideration the convenience of the public, and the interference with electric street railway trolley wires, telegraph, telephone, and electric light wires, police and fire alarm wires, the best and most feasible one, he may issue a permit for the removal of such building in accordance with such application, limiting therein the time which the streets or any of them may be occupied for the removal of such building.

*(1942 Rev. Ords. § 608).*

**15.28.040 - Obstruction of streets.**

Persons after having moved any building into or upon any street or alley shall use all due diligence in removing the building to the destination specified in the permit, and such persons shall not unnecessarily obstruct the passage of any conveyance or vehicle while engaged in moving the building.

*(1942 Rev. Ords. § 609).*

**15.28.050 - Time limit—Penalty.**

The owner of any building, who shall allow any building for the removal of which a permit shall have been obtained, to remain upon or occupy any street, alley or sidewalk, after the expiration of the time as limited in the permit, shall be deemed guilty of maintaining a nuisance, and shall be subject to a penalty of ten dollars per day for each day such building shall remain upon the street, alley or sidewalk after the expiration of the time limited in such

permit. Provided, that a certificate signed by a majority of the committee on streets and alleys, that a reasonable cause exists for the owner failing to remove the building from the street, alley, or sidewalk within the time limited as aforesaid, shall be a good and sufficient defense in any action commenced for the recovery of the penalty provided in this section.

*(1942 Rev. Ords. § 610).*

**15.28.060 - Street commissioner to act on obstruction.**

Whenever the owner of any building shall willfully or negligently permit such building while in transit to remain upon any street, alley or sidewalk, the street commissioner shall have the authority and is hereby authorized to remove the same to any point or place in the city where the same shall not obstruct travel or inconvenience the public. And he shall keep an account of the expenses of such removal, and such building shall be liable to the city for such expense, and the same to be collected in any court having jurisdiction.

*(1942 Rev. Ords. § 611).*

Sections:

15.32.010 - Projects eligible for ten-year period.

15.32.020 - Projects eligible for seven-year and three-year periods.

15.32.030 - Exceptions provided for by amendment.

**15.32.010 - Projects eligible for ten-year period.**

The period of amortization for public improvement projects for opening, establishing or grading streets, the construction of Portland cement concrete or asphalt concrete street improvements, storm sewers, sanitary sewers, water mains, pedestrian underpasses and overpasses, sewage pumping stations, disposal or treatment plants, drainage conduits, channels and levees, street lighting, parking facilities, and appurtenant facilities, is established as ten years, to be calculated commencing from the date of adoption by the council of said city of the resolution accepting the completed public improvements.

*(Ord. 1072 § 1, 1978).*

**15.32.020 - Projects eligible for seven-year and three-year periods.**

The period of amortization, to be computed in the same manner as established in Section 15.32.010, is established as seven years for sidewalks and three years for the repair of street grading, street surfacing with oil, gravel, oil and gravel or chloride, or for the removal of diseased or dead trees.

*(Ord. 1072 § 2, 1978).*

**15.32.030 - Exceptions provided for by amendment.**

In any instance where the council determines that the useful life of a public improvement should be for a different time period than as established in Sections 15.32.010 and 15.32.020, the council may so provide for such period by amendment hereto, prescribing the appropriate amortization period as may be applicable to these specific public improvements.

*(Ord. 1072 § 3, 1978).*

Sections:

- 15.36.010 - Legislative authority.
- 15.36.020 - Findings of fact.
- 15.36.030 - Purpose.
- 15.36.040 - Definitions.
- 15.36.050 - Applicability.
- 15.36.060 - Rules for interpretation of flood hazard boundaries.
- 15.36.070 - Compliance required.
- 15.36.080 - Abrogation and greater restrictions.
- 15.36.090 - Interpretation of provisions.
- 15.36.100 - Liability disclaimer.
- 15.36.110 - Severability.
- 15.36.120 - Administrator—Duties.
- 15.36.130 - Floodplain development permit.
- 15.36.140 - Subdivision review.
- 15.36.150 - Standards for floodplain development—Generally.
- 15.36.160 - Development requirements.
- 15.36.170 - Structures—Requirements.
- 15.36.180 - Subdivisions—Requirements.
- 15.36.190 - Variance.
- 15.36.200 - Nonconforming uses.
- 15.36.210 - Penalties for Violation.
- 15.36.220 - Amendments.

**15.36.010 - Legislative authority.**

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.

*(Ord. 1130 § 1(A), 1987; Ord. 1328 § 1, 2018).*

**15.36.020 - Findings of fact.**

- (a) The flood hazard areas of Centerville 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:
  - (1) 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
  - (2) The cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

*(Ord. 1130 § 1(B), 1987; Ord. 1328 § 1, 2018).*

**15.36.030 - Purpose.**

It is the purpose of this chapter to protect and preserve the rights, privileges and property of Centerville 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 15.36.020(b) 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; and
- (d) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

*(Ord. 1130 § 1(C), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.040 - Definitions.**

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

"Appurtenant structure" means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Base flood" means a flood having one (1) percent chance of being equaled or exceeded in any given year. (See One hundred-year flood).

"Base flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

"Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "Lowest floor."

"Development" means 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, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

"Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "Existing structure".

"Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

"Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Factory-built home" means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter factory-built homes include mobile homes, manufactured homes, and

modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

"Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

"Flood" means 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.

"Flood elevation" means 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.

"Flood insurance rate map (FIRM)" means 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.

"Flood insurance study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations,

"Floodplain" means any land area susceptible to being inundated by water as a result of a flood.

"Floodplain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

"Floodproofing" means 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.

"Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

"Floodway fringe" means those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means 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.

"Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.36.170(c)(1);
- (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage;
- (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the one hundred year flood level; and
- (4) The enclosed area is not a basement as defined in this section. In cases where the lowest enclosed area satisfies criteria in subdivisions (a) through (d) of this definition, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

"Minor projects" means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

"New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

"New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

"One-hundred (100) year flood" means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred years.

"Recreational vehicle" means a vehicle which is: (1) built on a single chassis; (2) four hundred square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- (a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- (b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (c) Basement sealing;
- (d) Repairing or replacing damaged or broken window panes; or
- (e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

"Special flood hazard area" means 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.

"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.

"Structure" means anything constructed or erected on the ground or attached to the ground including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

"Substantial damage" means 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.

"Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

- (a) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure"; or
- (b) Any addition which increases the original floor area of a building by twenty five (25) percent or more. All additions constructed on or after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty five (25) percent.

"Variance" means a grant of relief by a community from the terms of the floodplain management regulations.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

*(Ord. 1168 § 2, 1993; Ord. 1130 § 5, 1987; Ord. 1328 § 1, 2018).*

#### **15.36.050 - Applicability.**

The provisions of this chapter shall apply to all areas having special flood hazards within the jurisdiction of the City of Centerville. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map (FIRM) for Appanoose and Incorporated Areas, City of Centerville, as amended, which is adopted and made a part of this chapter.

*(Ord. 1130 § 2(A), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.060 - Rules for interpretation of flood hazard boundaries.**

The boundaries of the special flood hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Administrator shall

make the necessary interpretation. The zoning board of adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City of Centerville in the enforcement or administration of this chapter.

*(Ord. 1130 § 2(B), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.070 - Compliance required.**

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

*(Ord. 1130 § 2(C), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.080 - Abrogation and greater restrictions.**

It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other chapters inconsistent with this chapter are repealed to the extent of the inconsistency only.

*(Ord. 1130 § 2(D), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.090 - Interpretation of provisions.**

In their interpretation and application, the provisions of this chapter 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.

*(Ord. 1130 § 2(E), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.100 - Liability disclaimer.**

The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Centerville or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

*(Ord. 1130 § 2(F), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.110 – Severability.**

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

*(Ord. 1328 § 1, 2018).*

#### **15.36.120 - Administrator—Duties.**

- (a) The zoning administrator is appointed to implement and administer the provisions of this chapter 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 floodplain development permit applications to assure that the provisions of this chapter will be satisfied;
  - (2) Review floodplain development applications to assure that all necessary permits have been obtained

from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction;

- (3) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) 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 North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed;
- (5) Notify adjacent communities/counties and the Iowa 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; and
- (6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

*(Ord. 1130 § 4(A), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.130 - Floodplain development permit.**

- (a) Permit required. A floodplain development permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- (b) Application for permit. Application shall be made on forms furnished by the Administrator and shall include the following:
  - (1) Description of the work to be covered by the permit for which application is to be made;
  - (2) Description of the land on which the proposed work is to be done (i.e., lot, block, tract, 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 North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed;
  - (6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements; and
  - (7) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this ordinance.
- (c) Procedure for acting on permit. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter 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 zoning board of adjustment.
- (d) Construction and use to be as provided in application and plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. 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 chapter, prior to the use or occupancy of any structure.

*(Ord. 1130 § 4(B), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.140 - Subdivision review.**

The Administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this chapter and shall advise the city council of potential conflicts. Floodplain Development in connection with a subdivision (including installation of public utilities) shall require a Floodplain Development Permit as provided in Section 15.36.160 - Development requirements.. For proposals greater than fifty (50) lots, the subdivider shall be responsible for providing flood elevation data.

*(Ord. 1130 § 4(C), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.150 - Floodplain 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 elevations and floodway data have 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 Iowa Department of Natural Resources with sufficient technical information to make such determination.

*(Ord. 1130 § 3(part), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.160 - Development requirements.**

All development within the special flood hazard areas shall:

- (1) Be consistent with the need to minimize flood damage;
- (2) Use construction methods and practices that will minimize flood damage;
- (3) Use construction materials and utility equipment that are resistant to flood damage; and
- (4) Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

*(Ord. 1130 § 3(A), 1987; Ord. 1328 § 1, 2018).*

#### **15.36.170 - Structures—Requirements.**

- (a) 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.
- (b) 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 1988) to which any structures are floodproofed shall be maintained by the Administrator.

(c) All new and substantially improved structures:

- (1) Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be 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:
  - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - B. The bottom of all openings shall be no higher than one foot above grade; and
  - C. 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.
- (2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (3) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) Factory-built homes:

- (1) 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.
- (2) 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.

(e) Utility and Sanitary Systems:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

- (f) 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.

- (g) 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, the Department of Natural Resources shall approve structural flood control works.
- (h) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.
- (i) 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 chapter. 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.
- (j) Accessory Structures to Residential Uses. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
  - (1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials;
  - (2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation;
  - (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
  - (4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement;
  - (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation;
  - (6) The structure's walls shall include openings that satisfy the provisions of Section 15.36.170(c)(1) of this chapter; and
  - (7) 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.
- (k) Recreational Vehicles. Recreational vehicles are exempt from the requirements of Section III E of this chapter 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;
  - (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; and
  - (3) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 15.36.170(d)(2) of this chapter regarding anchoring and elevation of factory-built homes.
- (l) 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.

*(Ord. 1168 § 1, 1993; Ord. 1130 § 3(B), 1987; Ord. 1328 § 1, 2018).*

### **15.36.180 - Subdivisions—Requirements.**

Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this section.

*(Ord. 1130 § 3(D), 1987; Ord. 1328 § 1, 2018).*

### **15.36.190 - Variance.**

- (a) The zoning board of adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.
  - (1) Variances shall only be granted upon: (A) a showing of good and sufficient cause, (B) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (C) 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 chapter, the applicant shall be notified in writing over the signature of the Administrator that: (A) 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 (B) such construction increases risks to life and property.
- (b) Factors upon which the decision of the City Council shall be based. In passing upon applications for variances, the City Council shall consider all relevant factors specified in other sections of this chapter 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 of Centerville;
  - (6) The requirements of the facility for a floodplain location;
  - (7) The availability of alternative locations not subject to flooding for the proposed use;
  - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
  - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site;
  - (12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges; and
  - (13) Such other factors which are relevant to the purpose of this chapter.

- (c) Conditions Attached to Variances. Upon consideration of the factors listed above, the zoning board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. 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 Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter; or
  - (5) Floodproofing measures.

*(Ord. 1328 § 1, 2018).*

#### **15.36.200 - Nonconforming uses.**

- (a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
- (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
  - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

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 chapter. 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.

*(Ord. 1328 § 1, 2018).*

#### **15.36.210 - Penalties for violation.**

Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days. Nothing herein contained prevents the City of Centerville from taking such other lawful action as is necessary to prevent or remedy violation.

*(Ord. 1328 § 1, 2018).*

#### **15.36.220 – Amendments.**

The regulations and standards set forth in this chapter 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 Iowa Department of Natural Resources.

*(Ord. 1328 § 1, 2018).*

Chapters:

- Chapter 16.01 - Title, Purpose and Definitions
- Chapter 16.02 - Enforcement
- Chapter 16.03 - Board of Review
- Chapter 16.04 - Placarding
- Chapter 16.05 - Rental Permits
- Chapter 16.06 - Minimum Facilities of Residential Dwellings
- Chapter 16.07 - Minimum Structure Standards
- Chapter 16.08 - Maintenance by Owners and Operators
- Chapter 16.09 - Maintenance by Occupants

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Chapter 16.01 - Title, Purpose and Definitions

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Sections:

- 16.01.010 - Title.
- 16.01.020 - Purpose.
- 16.01.030 - Scope.
- 16.01.040 - Definitions.

**16.01.010 - Title.**

This chapter shall be known and designated as the Centerville Housing Code, hereinafter referred to as the housing code.

*(Ord. 1184 § 1(part), 1995).*

**16.01.020 - Purpose.**

It is declared that the purpose of the Centerville housing code is to ensure that housing facilities and conditions are of the quality necessary to protect and promote the health, safety and welfare of not only those persons utilizing the housing, but the general public as well. It is further declared that the purpose of this chapter is to determine the responsibilities of owners, operators, occupants and the city, necessary to maintain and administer the standards of the housing code.

*(Ord. 1184 § 1(part), 1995).*

**16.01.030 - Scope.**

The provisions of this chapter shall apply to all dwellings, within the jurisdiction of the city of Centerville, used or intended to be used for human occupancy.

*(Ord. 1184 § 1(part), 1995).*

**16.01.040 - Definitions.**

For the purposes of this chapter, the terms defined in this section shall have the following meanings:

Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

"Acceptable" or "approved" means in substantial agreement with the provisions of this chapter.

"Accessory structure" means a detached structure which is not used, nor intended to be used, for living or sleeping by human occupants.

"Adjoining grade" means the elevation of the ground which extends three feet from the perimeter of the dwelling.

"Appurtenance" means that which is directly or indirectly connected or accessory to a thing.

"Attic" means any story situated wholly or partly within the roof and so designed, arranged or built to be used for business, storage or habitation.

"Authorized agent" means a natural person, eighteen years of age or older, who is customarily present in an office in Centerville, Iowa for the purpose of transacting business, or who actually resides in Centerville, Iowa, and who shall be designated by the owner of rental residential property to receive notice of violation pursuant to the housing code and to receive court process on behalf of such owner in connection with the enforcement of ordinances relating to such rental property. An owner, who, is a natural person and who meets the address requirement of this definition may designate himself/herself an agent.

"Basement" means a portion or story of a building, below the first or main floor which may or may not be considered habitable space.

"Bath" means a bathtub or shower stall connected with both hot and cold water lines.

"Cellar" means a space below the first or main floor, used or intended to be used for storage, a location for heating equipment, etc., and shall not be considered habitable space.

"Central heating system" means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

"City building official" means the legally designated representative of the city of Centerville, Iowa.

"Communal" means used or shared by, or intended to be used or shared by, the occupants of two or more rooming units or two or more dwelling units.

"Condemned" means the declaration by the city building official that a dwelling or dwelling unit is unfit for use or service and is, by whatever reason, beyond reasonable repair.

"Condominium" means a dwelling unit which is in compliance or conformance with the requirements of Chapter 499B of the 1993 Code of Iowa, as amended.

"Cooperative" means a dwelling unit which is in compliance or conformance with the requirements of Chapter 499A of the 1993 Code of Iowa, as amended.

"County health officer" means the legally designated representative of the Appanoose County board of health.

"Court" means an open unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front yard or rear yard is an outer court.

"Debris" means an accumulation of vehicles, appliances, equipment or machinery (or parts thereof), paper products, scrap lumber, building materials, junk, garbage, refuse, rubbish, tree branches, yard waste or other substances.

"Dining room" means a habitable room used or intended to be used for the purpose of eating, but not for cooking or the preparation of meals.

"Duplex" means any habitable structure containing two single dwelling units. The classification shall be

determined by the existence of two separate dwelling units, as defined in this section, and shall not be based upon the identity of the occupants.

"Dwelling" means any building, structure or mobile-home, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

"Dwelling unit" means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used for living, sleeping, cooking and eating of meals.

"Egress" means an arrangement of exit routes to provide a means of exit from buildings and/or premises.

"Exit" means a continuous and unobstructed means of egress to a publicway and shall include intervening doors, doorways, corridors, exterior-exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, walkways, sidewalks and yards.

"Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the city building official.

"Family" means one person or two or more persons related by blood, marriage, adoption or placement by a governmental or social service agency, occupying a dwelling unit as one housekeeping organization. A family may also be two, but not more than two persons not related by blood, marriage or adoption.

"Garbage" means animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food and shall also mean combustible waste material. The term also includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather and other combustible materials.

"Habitable room" means a room, or enclosed floor space within a dwelling unit or rooming unit used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, communicating corridors, closets, storage spaces, stairways, and recreation rooms in basements.

"Infestation" means the presence, within or around a dwelling, of any insects, rodents or other pests, in such quantities as would be considered unsanitary.

"Kitchen" means a habitable room used or intended to be used for cooking or the preparation of meals.

"Kitchenette" means a food preparation area.

"Kitchen sink" means a basin for washing utensils used for cooking, eating and drinking, located in a kitchen and connected to both hot and cold water lines and a drain with a gas trap.

"Lavatory" means a hand washing basin which is connected to both hot and cold water lines and a drain with a gas trap, which is separate and distinct from a kitchen sink.

"Living room" means a habitable room within a dwelling unit which is used, or intended to be used, primarily for general living purposes.

"Mobilehome" means any vehicle without motor 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 to permit the vehicle to be used as a place for human habitation by one or more persons.

"Multiple dwelling" means any dwelling containing three or more dwelling units.

"Occupant" means any person, including owner or operator, living in, sleeping in, and/or cooking in, or having actual possession of, a dwelling unit or a rooming unit.

"Owner" means any person who has legal or equitable title to a dwelling, dwelling unit or rooming unit. "Owner" also means any person who has custody and/or control of any dwelling, dwelling unit or rooming unit as guardian or conservator.

"Person" means any individual, firm, corporation, association, partnership, trust or estate.

"Placard" means a display document showing that the unit for which it is issued has been determined to be unfit for human habitation.

"Plumbing" means and includes any or all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage units, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, water heating devices, catch basins, drains, vents and any other similar supplied fixtures together with all connections to water, sewer or gas services.

"Premises" means a lot, plot or parcel of land including a building or buildings and/or accessory structure(s) thereon.

"Privacy" means the existence of conditions which will permit a person or persons to carry out an activity commenced without interruption or interference by unwanted persons.

"Publicway" means any area appropriated to the free passage of the general public. "Recreation room" means a room used for general recreation purposes and not used, nor intended to be used, for sleeping. This room shall be in addition to the minimum space and facility requirements for a dwelling unit or rooming unit.

"Refuse" means waste materials (except human waste) including garbage, rubbish, ashes and dead animals.

"Refuse containers" means a container with a lid that is constructed of durable materials impervious to animals or rodents, and is capable of being serviced without creating unsanitary conditions.

"Rental permit" means a document, issued periodically, which grants the owner or operator the option of letting a unit for rental purposes.

"Roomer" means an occupant of a rooming house or rooming unit and also means an occupant of a dwelling who is not a member of the family occupying the dwelling.

"Rooming house" means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to three or more roomers. Occupants of the units specifically designated as dwelling units within a rooming house shall not be included in the roomer count.

"Rooming unit" means any habitable room or group of rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used, primarily for living and sleeping. A rooming unit shall have a bath and toilet facilities available for exclusive use by the occupant(s) or for communal use and may have kitchen and dining facilities available for use by the occupant(s) therein.

"Rubbish" means inorganic waste material consisting of combustible and/or noncombustible materials.

"Single-family dwelling" means a structure containing one dwelling unit.

"Supplied" means paid for, furnished by, provided by, or under the control of the owner or operator.

"Temporary housing" means any tent, trailer, motorhome or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty days.

"Toilet" means a water closet, with a bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with a flushing rim or flushing rims.

*(Ord. 1184 § 1(part), 1995).*

Sections:

16.02.010 - Authority.

16.02.020 - Access and inspections.

16.02.040 - Emergency orders.

**16.02.010 - Authority.**

The city building official is authorized to administer and enforce the provisions of the housing code and to make inspections to determine the condition of all dwellings, dwelling units, rooming units, structures and premises located within the city of Centerville, Iowa, in order to safeguard the health, safety and welfare of the occupants in dwellings and the general public under the provisions of the housing code.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.02.020 - Access and inspections.**

The city building official shall have the right to enter any dwelling unit at reasonable times in order to make inspections:

- (a) At the time of the issuance of a rental permit; or
- (b) Upon request of either the owner, authorized agent, operator or occupant.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.02.040 - Emergency orders.**

Whenever the city building official finds that a condition exists which requires immediate action to protect the health or safety of the occupants and/or the general public, the city building official may without notice or hearing, issue an order reciting the existence of such a condition and requiring that action be taken such as the city building official may deem necessary to abate the condition. If necessary, the city building official may order that the premises be vacated forthwith and not be reoccupied until there has been compliance with the order to make repairs. Notwithstanding other provisions of the housing code, such order shall be effective immediately, or in the time and manner prescribed by the order itself.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

Sections:

16.03.010 - Board of review.

16.03.020 - Appeals.

16.03.030 - Board of review procedure.

**16.03.010 - Board of review.**

In order to hear appeals provided for hereunder, there is established a board of review consisting of five members none of whom shall be employees of the city. One member shall be a landlord. The mayor shall designate a secretary to the board. The board shall be appointed by the mayor with the approval of the city council. Upon the effective date of this section, one member shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. Thereafter each replacement member shall serve for five years.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.03.020 - Appeals.**

Any person affected by any action taken by the city building official, but not limited to the following notices, or any persons wishing to submit any petition, but not limited to the following petitions, may appeal such action to the board of review. If the board of review sustains or modifies the remedial action required by the city building official, it shall be deemed to be an order and the owner, authorized agent, operator or occupant, as the case may be, shall comply with all provisions of such order within the period of time determined by the board of review.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.03.030 - Board of review procedure.**

- (a) Applications for hearings shall be filed with the city clerk within ten days from the date of any notice given by the city building official.
- (b) The city clerk, upon receipt of an appeal request, shall set a time and place for the hearing. The applicant shall be advised, in writing by certified mail, of such time and place, at least seven days prior to the date of the hearing.
- (c) At such a hearing, the applicant shall have an opportunity to be heard and to show cause as to why such notice or order should be modified, extended, revoked or why a variance should be granted.
- (d) The board of review, by a majority vote, may sustain, modify, extend or revoke a notice, or grant or deny a variance.
- (e) The board of review may grant extensions of time to make repairs.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

Sections:

16.04.010 - Placarding procedures.

16.04.020 - Vacate placarded dwelling.

16.04.030 - Prerequisites to occupy placarded dwelling.

16.04.040 - Removal of placard prohibited.

**16.04.010 - Placarding procedures.**

Any dwelling, dwelling unit or rooming unit which is found to be so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public shall be determined to be unfit for human habitation and shall be so designated and placarded by the city building official.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.04.020 - Vacate placarded dwelling.**

- (a) Any dwelling, dwelling unit, rooming unit, or any portion thereof, placarded as being unfit for human habitation by the city building official shall be vacated immediately or as ordered by the city building official.
- (b) When the dwelling or dwelling unit has been vacated, it shall be secured by the city building official to prevent entry by unauthorized persons, animals or vermin.
- (c) No placarded dwelling or dwelling unit shall be used for storage or any other purpose without express written permission of the city building official.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.04.030 - Prerequisites to occupy placarded dwelling.**

No dwelling, dwelling unit, rooming unit or portion thereof, which has been placarded shall be used for human habitation until written approval is secured from and such placard is removed by the city building official. The city building official shall remove such placard whenever the defects upon which the placarding action was based has been eliminated.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.04.040 - Removal of placard prohibited.**

No person shall deface or remove a placard from any dwelling, dwelling unit or rooming unit which has been deemed unfit for human habitation and placarded as such, unless authorized by the city building official.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

Sections:

16.05.010 - Permit required.

16.05.020 - Authorized agent.

16.05.030 - Application and issuance of permit.

16.05.040 - Term.

16.05.050 - Revocation.

16.05.060 - Denial of permit.

16.05.070 - Rental permit license.

**16.05.010 - Permit required.**

It shall be a violation for any person, owner, authorized agent or operator not holding a valid rental permit to let to another for rent or occupancy any dwelling, dwelling unit, duplex, multiple rooming unit or house used for residential purposes.

*(Ord. 1184 § 1(part), 1995).*

**16.05.020 - Authorized agent.**

Any person owning rental residential property in the city of Centerville, Iowa shall provide in writing, the name, local business address, and telephone number, of an authorized agent. The name, local business address and telephone number of such authorized agent shall be provided at the time of filing application for rental permit or within thirty days from the effective date of the ordinance codified in this title, whichever shall first occur. A person who becomes a titleholder or contract purchaser of rental residential property shall provide the information required in this section within thirty days from the date of the transfer or date of the contract. The term "local business address" as used in this section shall refer to an address within Appanoose County, Iowa.

*(Ord. 1184 § 1(part), 1995).*

**16.05.030 - Application and issuance of permit.**

The owner, authorized agent or operator shall file an application for a rental permit with the city clerk. A separate permit shall be required for each structure and each separate dwelling unit within the structure. When the owner, authorized agent or operator has complied with all provisions of the housing code, the city clerk shall issue a rental permit upon payment of a fee. The amount of said fee shall be established by resolution of the city council of Centerville, Iowa.

*(Ord. 1309 § 1, July 7, 2014)*

**16.05.040 - Term.**

Rental permits shall be valid for a one year period from the date of issuance. The permit shall be transferable from one owner or operator to another at any time prior to its expiration, termination or revocation. The owner or operator shall notify the city clerk of any change of interest or ownership in the property within thirty days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. The rental permit shall state the date of issuance, the address of the structure to which it is applicable, the name and address of the owner, operator or authorized agent to which it is applicable, the number of occupants allowable and its expiration date. All dwelling units and rooming units being let for rent and occupancy without a valid permit or application for the same on file with the city and fees paid may be ordered to be vacated.

*(Ord. 1309 § 2, July 7, 2014)*

**16.05.050 - Revocation.**

Upon petition by the city building official that a violation of the housing code has occurred, the board of review shall consider the revocation of a rental permit and shall set a date, time and place of hearing thereon. The hearing shall be conducted and the owner or authorized agent shall be notified of the date, place and time of hearing in accordance with the provisions of Section 16.03.030 of the housing code.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.05.060 - Denial of permit.**

Any person whose application for a rental permit has been denied, may request and shall be granted a hearing on the matter before the board of review in accordance with the provisions of Section 16.03.030 of the housing code.

*(Ord. 1184 § 1(part), 1995).*

**16.05.070 - Rental permit license.**

It shall be a violation for any person, owner, authorized agent or operator not holding a valid rental permit license to let to another for rent or occupancy any dwelling, dwelling unit, duplex, multiple rooming unit or house used for residential purposes. The fee amount for the rental permit license shall be established by resolution of the city council of Centerville, Iowa.

*(Ord. 1309 § 3, July 7, 2014).*

Sections:

16.06.010 - Equipment.

16.06.020 - Kitchens.

16.06.030 - Adequate space.

16.06.040 - Toilet and bath.

16.06.050 - Water heating facilities.

16.06.060 - Water and sewer connections.

16.06.070 - Exits.

16.06.080 - Natural light.

16.06.090 - Pollution.

16.06.100 - Ventilation.

16.06.110 - Heating.

16.06.120 - Electrical requirements.

16.06.130 - Minimum space, use and location requirements.

16.06.140 - Early warning protection system.

**16.06.010 - Equipment.**

Every piece of equipment or required utility shall be constructed and/or installed so that it will function safely.

*(Ord. 1184 § 1(part), 1995).*

**16.06.020 - Kitchens.**

Every dwelling unit shall have a kitchen room or kitchenette containing a kitchen sink and an adequate space for the storage and preparation of food.

*(Ord. 1184 § 1(part), 1995).*

**16.06.030 - Adequate space.**

Every dwelling unit shall contain space capable of properly accommodating a refrigerator and a stove or range and an access terminal to utilities necessary to properly operate a refrigerator and stove or range.

*(Ord. 1184 § 1(part), 1995).*

**16.06.040 - Toilet and bath.**

Every dwelling unit shall contain a toilet in a separate room and a bath and a lavatory basin within or adjacent to the room containing the toilet. Every toilet and every bath shall be contained within a room or within separate rooms which afford privacy for a person within such rooms.

*(Ord. 1184 § 1(part), 1995).*

**16.06.050 - Water heating facilities.**

Every kitchen sink, bath and lavatory basin required in accordance with the housing code shall be properly connected with supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every sink and lavatory basin required under the provisions of the housing code at a temperature of not less than one hundred twenty degrees Fahrenheit (forty-eight degrees Centigrade). Such supplied water heating facilities shall be capable of meeting the requirements of this section even when the required space heating facilities are not in operation.

*(Ord. 1184 § 1(part), 1995).*

**16.06.060 - Water and sewer connections.**

Every kitchen sink, toilet, lavatory basin and bath shall be properly connected to an approved water and sewer system.

*(Ord. 1184 § 1(part), 1995).*

**16.06.070 - Exits.**

All exits shall conform to and be in compliance with the fire code of the state of Iowa.

*(Ord. 1184 § 1(part), 1995).*

**16.06.080 - Natural light.**

Every habitable room except a kitchen shall have at least one window or skylight or proper ventilation.

*(Ord. 1184 § 1(part), 1995).*

**16.06.090 - Pollution.**

Every dwelling unit and rooming unit shall be free from air pollution from carbon monoxide, sewer gas, fuel gas, dust and other harmful air pollutants.

*(Ord. 1184 § 1(part), 1995).*

**16.06.100 - Ventilation.**

- (a) Every habitable room or bathroom shall have an openable window with screens.
- (b) In lieu of openable windows for natural ventilation, adequate ventilation may be provided by a system of mechanical ventilation.

*(Ord. 1184 § 1(part), 1995).*

**16.06.110 - Heating.**

- (a) Every dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least sixty-eight degrees Fahrenheit and shall be capable of maintaining in all locations a minimum temperature of sixty-five degrees Fahrenheit at a distance of three feet above the floor level at all times. Such heating facilities shall be so designed and equipped that heat, as specified in this section, is available for all dwelling units and rooming units.
- (b) Every central heating unit, space heater, water heater shall be located and installed in such a manner as to afford reasonable protection against obstruction of egress facilities or egress routes in the event of uncontrolled fire in the structure.
- (c) No fuel burning furnace shall be located within a sleeping room or bathroom unless provided with adequate ducting for air supply from the exterior, and the combustion chamber for such heating unit shall be sealed from the room in an airtight manner. Fuel burning water heaters are prohibited in bathrooms and sleeping rooms.

*(Ord. 1184 § 1(part), 1995).*

**16.06.120 - Electrical requirements.**

- (a) Every habitable room shall contain at least one separate wall type electrical double convenience outlet. Every such outlet and fixture shall be properly installed.
- (b) Every habitable room, toilet room bathroom, laundry room, furnace room, basement and cellar shall contain at least one supplied ceiling or wall type electric light fixture or switched outlet. Every such outlet and fixture shall be properly installed and maintained.
- (c) Temporary wiring or extension cords shall not be used as permanent wiring.

*(Ord. 1184 § 1(part), 1995).*

**16.06.130 - Minimum space, use and location requirements.**

- (a) Every dwelling unit shall contain at least one hundred fifty square feet of floor space for the first occupant thereof and at least one hundred additional square feet of floor space for every additional occupant thereof.
- (b) For the purpose of determining the maximum permissible occupancy, the floor area of that part of a room where the ceiling height is less than five feet shall not be considered when computing the total floor area of the room.

*(Ord. 1184 § 1(part), 1995).*

**16.06.140 - Early warning protection system.**

All dwelling units and rooming houses shall be provided with smoke detectors. All detectors shall be located according to manufacturers' directions. Care shall be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When activated, the detector shall provide an alarm for the dwelling unit or rooming unit.

*(Ord. 1184 § 1(part), 1995).*

Sections:

16.07.010 - Structural soundness.

16.07.020 - Direct access.

16.07.030 - Lighting of public halls and stairways.

16.07.040 - Tiedowns.

**16.07.010 - Structural soundness.**

The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

- (a) Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage.
- (b) The roof structure shall be firm and the roof shall be weathertight.
- (c) The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding or other serious damage.
- (d) The condition and equipment of interior and exterior stairways, halls, porches, and walkways shall be such as not to present a danger of tripping or falling.

*(Ord. 1184 § 1(part), 1995).*

**16.07.020 - Direct access.**

Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit (except that access to rooming units may be through a living room or kitchen of a unit occupied by the owner-operator of the structure). No dwelling, dwelling unit or rooming unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room.

*(Ord. 1184 § 1(part), 1995).*

**16.07.030 - Lighting of public halls and stairways.**

- (a) Public passageways and stairways in dwellings accommodating two to four dwelling units or rooming units shall be provided with a convenient wall mounted light switch(es) which activates an adequate lighting system.
- (b) Provide public passageways and stairways in buildings accommodating dwelling units or rooming units with adequate artificial lighting systems except that such artificial lighting may be omitted from sunrise to sunset where an adequate natural lighting system is provided.

*(Ord. 1184 § 1(part), 1995).*

**16.07.040 - Tiedowns.**

In the case of a mobilehome, the home shall be securely anchored by a tiedown device.

*(Ord. 1184 § 1(part), 1995).*

Sections:

- 16.08.010 - Supports.
- 16.08.020 - Exteriors.
- 16.08.030 - Doors.
- 16.08.040 - Windows.
- 16.08.050 - Cleanliness.
- 16.08.060 - Roof drainage.
- 16.08.070 - Yard drainage.
- 16.08.080 - Chimneys.
- 16.08.090 - Protection of wood surfaces.
- 16.08.100 - Egress.
- 16.08.110 - Screen and storm windows.
- 16.08.120 - Electrical system.
- 16.08.130 - Plumbing.
- 16.08.140 - Bathrooms and kitchens.
- 16.08.150 - Condition.
- 16.08.160 - Disconnections.
- 16.08.170 - Kitchen equipment.
- 16.08.180 - Bathroom facilities.
- 16.08.190 - Fire Protection.
- 16.08.200 - Water storage facilities.
- 16.08.210 - Wall openings.
- 16.08.220 - Extermination.
- 16.08.230 - Habitable condition.
- 16.08.240 - Public areas.
- 16.08.250 - Exterior maintenance.
- 16.08.260 - Garbage disposal.
- 16.08.270 - Maximum occupancy.
- 16.08.280 - Cooking.

**16.08.010 - Supports.**

Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, guardrail, porch, sidewalk and appurtenance thereto shall be maintained in safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.

*(Ord. 1184 § 1(part), 1995).*

**16.08.020 - Exteriors.**

Every foundation, floor, exterior wall, exterior door, window and roof shall be maintained in reasonable condition and kept in a good state of repair.

*(Ord. 1184 § 1(part), 1995).*

**16.08.030 - Doors.**

Every door, door hinge, door latch and door lock shall be maintained in good and functional condition and every door, when closed, shall fit reasonably well within its frame.

*(Ord. 1184 § 1(part), 1995).*

**16.08.040 - Windows.**

Every window, existing storm window, window latch, window lock and other aperture covering, including its hardware, shall be maintained in good condition and shall fit reasonably well within its frame.

*(Ord. 1184 § 1(part), 1995).*

**16.08.050 - Cleanliness.**

Every interior partition, wall, floor, ceiling, and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition.

*(Ord. 1184 § 1(part), 1995).*

**16.08.060 - Roof drainage.**

All eaves, troughs, downspouts, and other roof drainage equipment on the premises shall be maintained in a good state of repair and so installed as to direct rainwater away from the structure.

*(Ord. 1184 § 1(part), 1995).*

**16.08.070 - Yard drainage.**

Every premises shall be graded and drained so no stagnant water will accumulate or stand thereon. Every premises shall be continuously maintained by suitable landscaping with grass, trees, shrubs or other planted ground cover designated to reduce and control dust.

*(Ord. 1184 § 1(part), 1995).*

**16.08.080 - Chimneys.**

Every chimney and every supplied smokepipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair, including an approved chimney cap.

*(Ord. 1184 § 1(part), 1995).*

**16.08.090 - Protection of wood surfaces.**

All exterior wood surfaces of a dwelling and its accessory structures, fences, porches and similar appurtenances shall be reasonably protected from the elements and decay.

*(Ord. 1184 § 1(part), 1995).*

**16.08.100 - Egress.**

Every means of egress shall be maintained in good condition and shall be free of obstruction at all times. If the means of egress is a fire escape, it shall be maintained in a good state of repair.

*(Ord. 1184 § 1(part), 1995).*

**16.08.110 - Screen and storm windows.**

The owner or operator of the premises shall be responsible for hanging all screens and storm windows except where there is a written agreement between the owner and the occupant to the contrary.

*(Ord. 1184 § 1(part), 1995).*

**16.08.120 - Electrical system.**

The electrical system of every dwelling or accessory structure shall not by reason of overloading, dilapidation,

lack of insulation, improper fusing or for any other cause, expose the occupants to hazards of electrical shock or fire; and every electrical outlet, switch and fixture shall be maintained in good and safe working condition.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.130 - Plumbing.**

Every supplied plumbing fixture and water and waste pipe shall be maintained in a good and sanitary working condition.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.140 - Bathrooms and kitchens.**

Every toilet room floor surface, bathroom floor surface and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean, dry and sanitary condition.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.150 - Condition.**

Every facility, utility and piece of equipment required by the housing code and/or present in the unit and/or designated for the exclusive use by the occupants of the unit at the time that either the rental agreement is signed or possession is given, shall function safely and shall be maintained in proper working condition.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.160 - Disconnections.**

No supplied utility shall be removed, shut off, or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruptions as may be necessary while actual repairs, replacements or alterations are being made.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.170 - Kitchen equipment.**

As per agreement with the owner, supplied refrigerators, stoves and ranges shall be maintained in good and safe working condition.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.180 - Bathroom facilities.**

All toilets, baths and lavatory basins shall be maintained in good and sanitary working condition at all times.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.190 - Fire Protection.**

Early warning fire protection systems shall be maintained in good working condition at all times.

*(Ord. 1184 § 1(part), 1995).*

#### **16.08.200 - Water storage facilities.**

All wells, cisterns and similar water storage facilities shall be safely covered. If abandoned, all wells and cisterns are to be plugged and filled in accordance with [Chapter 49](#), Code of Iowa.

*(Ord. 1184 § 1(part), 1995).*

**16.08.210 - Wall openings.**

All pipe passage, chutes, chase ways and similar openings through walls or floors shall be adequately enclosed or sealed to prevent the spread of fire or passage of vermin.

*(Ord. 1184 § 1(part), 1995).*

**16.08.220 - Extermination.**

When infestation exists in a vacant dwelling unit or the rooming unit of any dwelling, or in the shared or public parts of any dwelling, extermination thereof shall be the responsibility of the owner.

*(Ord. 1184 § 1(part), 1995).*

**16.08.230 - Habitable condition.**

No owner shall permit occupancy of any vacant dwelling unit or rooming unit unless it is clean, sanitary and fit for human occupancy.

*(Ord. 1184 § 1(part), 1995).*

**16.08.240 - Public areas.**

Every owner or operator of a dwelling containing two or more dwelling units or more than one rooming unit shall be responsible for maintaining, in a safe and sanitary condition, the shared public areas of the dwelling and premises thereof, unless there is a written agreement between the owner and occupant to the contrary.

*(Ord. 1184 § 1(part), 1995).*

**16.08.250 - Exterior maintenance.**

The outside of the dwelling shall be kept in a good state of repair and free from debris and refuse.

*(Ord. 1184 § 1(part), 1995).*

**16.08.260 - Garbage disposal.**

Unless otherwise agreed by the owner and occupant, every owner of a dwelling shall supply adequate facilities and means for the disposal of garbage which are approved by the city building official and are in compliance with the housing code.

*(Ord. 1184 § 1(part), 1995; Ord. 2013-1300 § 4b, April 1, 2013).*

**16.08.270 - Maximum occupancy.**

No owner or operator shall allow the occupancy of a dwelling, dwelling unit or rooming unit to exceed the number of persons listed on the rental agreement.

*(Ord. 1184 § 1(part), 1995).*

**16.08.280 - Cooking.**

No owner or operator shall allow the use of cooking equipment within any rooming unit.

*(Ord. 1184 § 1(part), 1995).*

Sections:

16.09.010 - Cleanliness.

16.09.020 - Improper storage.

16.09.030 - Plumbing fixtures.

16.09.040 - Extermination of pests.

16.09.050 - Storage and disposal of garbage.

16.09.060 - Heating facilities.

16.09.070 - Electrical wiring.

16.09.080 - Supplied facilities.

16.09.090 - Preparation of meals.

**16.09.010 - Cleanliness.**

Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe and sanitary condition that part of the dwelling, dwelling unit, rooming unit or premises thereof which the occupant occupies and controls; every floor and floor covering shall be kept reasonably clean and sanitary; and every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.

*(Ord. 1184 § 1(part), 1995).*

**16.09.020 - Improper storage.**

No dwelling or the premises thereof shall be used for the improper storage or handling of refuse; and no dwelling or the premises thereof shall be used for the storage or handling of dangerous or hazardous materials.

*(Ord. 1184 § 1(part), 1995).*

**16.09.030 - Plumbing fixtures.**

The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

*(Ord. 1184 § 1(part), 1995).*

**16.09.040 - Extermination of pests.**

Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents or other pest therein or on the premises; every occupant of a dwelling containing more than one dwelling unit or rooming unit shall be responsible for such extermination within the unit occupied by any such occupant whenever the unit is the only one infested.

*(Ord. 1184 § 1(part), 1995).*

**16.09.050 - Storage and disposal of garbage.**

Every occupant of a dwelling shall dispose of rubbish, garbage and any other organic waste in a clean and sanitary manner.

*(Ord. 1184 § 1(part), 1995).*

**16.09.060 - Heating facilities.**

Every occupant of a dwelling unit or rooming unit shall be responsible for the exercise of reasonable care,

proper use, and proper operation of heating facilities.

*(Ord. 1184 § 1(part), 1995).*

**16.09.070 - Electrical wiring.**

No temporary wiring or extension cords shall be used except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms or similar apertures and structural elements or are attached thereto.

*(Ord. 1184 § 1(part), 1995).*

**16.09.080 - Supplied facilities.**

Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

*(Ord. 1184 § 1(part), 1995).*

**16.09.090 - Preparation of meals.**

No occupant of a rooming unit shall prepare meals in a rooming unit unless an approved kitchen is contained within the rooming unit.

*(Ord. 1184 § 1(part), 1995).*

Chapters:

- Chapter 17.02 - General Provisions
- Chapter 17.04 - Definitions
- Chapter 17.06 - Use Types
- Chapter 17.08 - Zoning District Regulations
- Chapter 17.10 - Special and Overlay Districts
- Chapter 17.12 - Mixed Use District
- Chapter 17.14 - Planned Unit Development Overlay District
- Chapter 17.16 - Reserved
- Chapter 17.18 - Business Corridors Overlay District
- Chapter 17.20 - Conditional Planned Use Overlay District
- Chapter 17.22 - Supplemental Use Regulations
- Chapter 17.24 - Supplemental Site Development Regulations
- Chapter 17.26 - Landscaping and Screening Standards
- Chapter 17.28 - Off-Street Parking
- Chapter 17.30 - Sign Regulations
- Chapter 17.32 - Nonconforming Uses
- Chapter 17.34 - Administration and Procedures

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Chapter 17.02 - General Provisions

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Sections:

- 17.02.010 - Title.
- 17.02.020 - Jurisdiction.
- 17.02.030 - Purpose.
- 17.02.040 - Consistency with comprehensive plan.
- 17.02.050 - Conflicting provisions.
- 17.02.060 - Relief from other provisions.

**17.02.010 - Title.**

The ordinance codified in this title shall be known as the zoning ordinance of the city of Centerville.

*(Ord. 1332 § 1, May 20, 2019)*

**17.02.020 - Jurisdiction.**

The provisions of this chapter shall be applicable to all property within the corporate limits of the city and its extra-territorial jurisdiction, as provided by [Chapter 414](#), Code of Iowa.

*(Ord. 1332 § 1, May 20, 2019)*

**17.02.030 - Purpose.**

The purposes of this title are to:

- (a) Serve the public health, safety, and general welfare of the city and its jurisdiction.
- (b) Classify property in a manner that reflects its suitability for specific uses.

- (c) Provide for sound, attractive development within the city and its jurisdiction.
- (d) Encourage compatibility of adjacent land uses.
- (e) Protect environmentally sensitive areas.
- (f) Further the objectives of the comprehensive plan of the city.

*(Ord. 1332 § 1, May 20, 2019)*

**17.02.040 - Consistency with comprehensive plan.**

The city intends that this title and any amendments to it shall be consistent with the city's comprehensive plan. It is the city's intent to amend this title whenever such action is deemed necessary to keep regulatory provisions in conformance with the comprehensive plan.

*(Ord. 1332 § 1, May 20, 2019)*

**17.02.050 - Conflicting provisions.**

This title shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of this title conflicts with any other provision of this title, any other ordinance of the city, or any applicable state or federal law, the more restrictive provision shall apply.

*(Ord. 1332 § 1, May 20, 2019)*

**17.02.060 - Relief from other provisions.**

Nothing in this title shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, state, or federal ordinance or statute.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.04.010 - Purpose.

17.04.020 - General construction of language.

17.04.030 - Definitions.

**17.04.010 - Purpose.**

This chapter shall be known as the "definitions." The purpose of this chapter is to promote consistency and precision in the interpretation of this title. The meaning and construction of words as set forth shall apply throughout this title, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

*(Ord. 1332 § 1, May 20, 2019)*

**17.04.020 - General construction of language.**

The following general rules of construction apply to the text of this title.

- (a) Headings. Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of this title.
- (b) Illustration. In the case of any real or apparent conflict between the text of this title and any illustration explaining the text, the text shall apply.
- (c) Shall and May. "Shall" is always mandatory. "May" is discretionary.
- (d) Tenses and Numbers. Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - (1) "And" indicates that all connected items or provisions apply.
  - (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
- (f) "Either" or "and" indicates that the connected items or provisions shall apply singly but not in combination.
- (g) Referenced Agencies. Unless otherwise indicated, all public officials, bodies, and agencies referred to in this title are those of the city.

*(Ord. 1332 § 1, May 20, 2019)*

**17.04.030 - Definitions.**

For the purposes of this title, certain terms and words are defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

"Abutting" means having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.

"Accessory structure" means a structure which is incidental to and customarily associated with a specific principal use or building on the same site.

"Accessory use" means a use which is incidental to and customarily associated with a specific principal use on the same site.

"Addition" means any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

"Agent of owner" means any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

"Alley" shall have the meaning set forth in Section 18.01.040.

"Alteration" means any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.

"Apartment" means a single family dwelling unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.

"Attached" means having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

"Base zoning district" means a district established by this title which prescribes basic regulations governing land use and site development standards. No more than one base zoning district shall apply to any individually platted lot or parcel unless the lot or parcel is part of a planned unit development.

"Basement" means a level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.

"Block" shall have the meaning set forth in Section 18.01.040.

"Block face" means the property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Centerville.

"Buffer yard" means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

"Building" means a structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.

"Building coverage" means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

"Building envelope" means the three-dimensional space within which a structure is permitted to be on a lot after all zoning and other applicable municipal requirements have been met.

"Building official" means the city official, designated by the city administrator, who is responsible for the enforcement of the applicable building code and conditional uses.

"Building permit" means a document that must be issued by the building official prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure regulated by this title or by the applicable building codes of the city. Issuance of a building permit follows review of plans by the building official to determine that the proposed use of building or land complies with the provisions of this title.

"Business" means activities that include the exchange or manufacture of goods or services on a site.

"Business center" means a building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

"Certificate of occupancy" means an official certificate issued by the building official or his/her designee prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this title.

"Change of use" means the replacement of an existing use by a new use.

"City" means the city of Centerville, Iowa.

"City council" means the city council of Centerville, Iowa.

"Commencement of construction" means the initial incorporation of labor and materials within the foundation of a building or structure.

"Commercial district" means the urban corridor district, limited commercial district, community commercial district, downtown commercial district, general commercial district, and highway commercial district.

"Commission" shall have the meaning set forth in Section 18.01.040.

"Common area" means an area held, designed, and designated for common or cooperative use within a development.

"Common development" means a development proposed and planned as one unified project not separated by a public street or alley.

"Common open space" means land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

"Compatibility" means the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

"Comprehensive plan" means the duly adopted comprehensive development plan of the city.

"Conditional use permit" means a use with operating and/or physical characteristics different from uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional use permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the zoning board of adjustment. Conditional use permits are considered identical to special exception uses as authorized by the Code of Iowa.

"Condominium" means an ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.

"Conservation development" means a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

"Conservation (or cluster) subdivision" means wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided: (1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and (2) the remaining land area is used for common space.

"County" means Appanoose County, Iowa.

"Courtyard" means an open, unoccupied space, bounded on two or more sides by the walls of the building.

"Conventional subdivision" means a subdivision which literally meets all nominal standards of this title and Title 16 for lot dimensions, setbacks, street frontage, and other site development regulations.

"Creative subdivision" means a subdivision which, while complying with Title 18, diverges from nominal compliance with site development regulations in the land development ordinance. Creative subdivisions imply a higher level of preplanning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of creative subdivisions include conservation subdivisions and traditional neighborhood districts.

"Density" means the amount of development per specific unit of a site.

"Drive-in services" means uses which involve the sale of products or provision of services to occupants in vehicles.

"Detached" means fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.

"Driveway" means a permanently paved (except as provided in [Section 17.28.080](#)), surfaced area providing vehicular access between a street and an off-street parking or loading area.

"Dwelling" shall have the meaning set forth in [Section 16.01.040](#).

"Easement" means a privilege or right of use granted on, above, under, or across a particular tract of for a specific purpose by one owner to another owner, public or private agency, or utility.

"Enclosed" means a roofed or covered space fully surrounded by walls.

"Extra-territorial jurisdiction" means the area within a two-mile radius of the Centerville city limits.

"Factory-built home" means a factory-built structure designed for long-term residential use. For the purposes of this chapter, factory-built housing consists of three types: modular homes, mobile homes, and manufactured homes.

"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". (2015 Code of Iowa, [Sec. 103A.3\[8\]](#))

"Family" means one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within a single family dwelling unit, no more than four of whom may be unrelated. The following persons shall be considered related for the purpose of this title:

1. Persons related by blood, marriage, or adoption;
2. Persons residing with a family for the purpose of adoption;
3. Not more than eight persons under nineteen years of age, residing in a foster house licensed or approved by the state;
4. Not more than eight persons nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state;
5. Person(s) living with a family at the direction of a court.

"Fascia" means a parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.

"Federal" means pertaining to the government of the United States of America.

"Floor area ratio" means the quotient of gross floor area of all buildings on a site divided by gross site area of the site.

"Frontage" means the length of a property line of any one premises abutting and parallel to a public street, private way, or court from which access is permitted.

"Grade" means the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

1. For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street;
2. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street;
3. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

"Gross floor area" means the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

"Hard-surface" means a hard surface consisting of concrete, asphalt, asphaltic concrete, bricks sealcoat, gravel or crushed stone.

"Height" means the vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

"Home based business/home occupation" means an accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the single family dwelling unit or residential structure and does not change the residential character of its site.

"Housing unit" means a building that contains one or more single family dwelling units.

"Impervious coverage" means the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

"Landscaped area" means the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

1. Landscaped area, Perimeter. "Perimeter landscaped area" means any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

2. Landscaped area, Interior. "Interior landscaped area" means any landscaped area within a site exclusive of required perimeter landscaping.

"Lane" means an approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

1. Serves twelve or fewer housing units or platted lots;
2. Does not function as a local street because of its alignment, design, or location;
3. Is completely internal to a development; or
4. Does not exceed six hundred feet in length.

"Loading area" means an off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

"Lot" shall have the meaning set forth in Section 18.01.040. For purpose of this title, the definition of "lot" may include:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

Each individual lot is subject to the provisions of a particular base zoning district and shall have a minimum frontage of twenty feet, except as provided in an approved planned unit development and/or creative subdivision.

1. Lot, Common development. "Common development lot" means two or more contiguous lots developed as part of a single development; these lots may be considered a single lot for purposes of this title.
2. Lot, Corner. "Corner lot" means a lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than one hundred thirty-five degrees;
3. Lot, Double frontage. "Double frontage lot" means a lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this title. (Also known as a "through lot");
4. Lot, Interior. "Interior lot" means a lot other than a corner lot.
5. Lot, Through. "Through lot" means a double frontage lot.

"Lot area" means the total horizontal area within the lot lines of a lot.

"Lot depth" means the mean horizontal distance measured between the front and rear lot lines.

"Lot line" means a property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.

1. Lot line, Front. "Front lot line" means the lot line separating a lot and a public or private street right-of-way or easement.
  - a. For an interior lot, the lot line separating the lot from the right-of-way or easement;
2. For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the building official, or as may be noted on the final plat;
3. For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the building official at the time of application for the original building permit for the lot, or as may be noted on the final plat;
4. Lot line, Rear. "Rear lot line" means the lot line which is opposite and most distant from the front line.
5. Lot line, Side. "Side lot line" means any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

"Lot width" means the horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

"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. (2015 Code of Iowa, [Sec. 103A.51\[4\]](#))

"Mixed use building" means a building or dwelling that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual base zoning district in which the building or structure is to be located.

"Mixed use development" means a single development which incorporates complementary land use types into a single development.

"Mobile home" means a structure, transportable in one or more sections, which exceeds eight feet in width and thirty-two feet in length, and which is built on a permanent chassis and designed to be used as a single family dwelling unit with or without a permanent foundation when connected to one or more utilities. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. (2015 Code of Iowa, [Sec. 103A.51\[8\]](#))

"Mobile home park" means a unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile homes, manufactured homes, modular homes or a combination of any of these homes. "Mobile home parks" include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include factory-built home sales lots on which unoccupied factory-built homes are parked for the purposes of display, inspection, sale, or storage.

"Mobile home subdivision" means a development subdivided, planned, and improved for the placement of factory-built home units on lots for uses by the individual owners of such lots. "Mobile home subdivisions" may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include factory-built home sales lots on which unoccupied factory-built homes are parked for the purpose of display, inspection, sale, or storage.

"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, and must display a seal issued by the state building code commissioner. (2015 Code of Iowa, [Sec. 103A.51\[9\]](#))

"Nonconforming structure" means a structure with a nonconforming use.

"Nonconforming use" means a use that was lawful prior to the adoption, revision, or amendment of this title but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this title.

"Nuisance" shall have the meaning set forth in Section 8.46.010.

"Open space" means area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials. "Outdoor storage" means the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.

"Overlay district" means a district established by this title to prescribe special regulations to be applied to a site only in combination with a base district.

"Owner" means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

"Parking facility" means an area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this title. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking, and is regulated by provisions in Section 17.06.070 through Section 17.06.090 and Table 17.08B. Vehicle storage is also governed by provisions of Chapter 17.28.

"Parking spaces" means an area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall." Each parking space must have a means of access to a public street. Tandem parking stalls in single-family residential (detached), single-family residential (attached), and townhome residential uses shall be considered to have a means of access to a public street.

"Paved" means permanently surfaced with poured concrete, concrete pavers, asphalt, asphaltic concrete, bricks or sealcoat.

"Permitted use" means a land use type allowed as a matter of right in a zoning district, subject only to special requirements of this title.

"Planned unit development" means a development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

"Porch, unenclosed" means a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

"Premises" means a lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

"Principal use" means the main use of land or structures as distinguished from an accessory use.

"Private garage" means a building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

"Property line." See "Lot line."

"Recreational vehicle" means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.

"Regulation" means a specific requirement set forth by this title which must be followed.

"Remote parking" means a supply of off-street parking at a location not on the site of a given development.

"Screening" means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this title.

"Setback" means the distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

"Sign" means a symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

"Single family dwelling unit" means one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the single family dwelling unit for the exclusive use of a single family, as defined in this section, maintaining a household.

"Site" means the parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this title.

"Site plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the city in order that an informed decision can be made on the associated request.

"State" means the State of Iowa.

"Story" means the portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.

"Street" shall have the meaning set forth in Section 18.01.040.

1. Street, Collector. "Collector street" shall have the meaning set forth in Section 18.01.040.
2. Street, Intersecting. "Intersecting street" means a street other than a principal street.
3. Street, Minor. "Minor street" shall have the meaning set forth in Section 18.01.040.
4. Street, Major. "Major street" shall have the meaning set forth in Section 18.01.040.
5. Street, Principal. "Principal street" means the street to which the majority of lots on a blockface are oriented.

"Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include but are not limited to buildings, walls, fences, gates, towers, factory-built homes, signs, utility poles, flagpoles, yard lights and storage tanks. For the purposes of this title, streets, sidewalks, alleys, hard-surfaced parking areas and underground utilities are excluded from the definition of the term "structure."

"Structure line" means the outer boundary of a building established by the location of its exterior walls.

"Townhouse" means a single family dwelling unit having a common wall with or abutting one or more adjacent single family dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other single family dwelling unit.

"Townhouse structure" means a building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

"Use" means the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

"Utilities" means installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, stormwater, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

"Yard" means that portion of a lot which lies between a lot line and the corresponding building setback line or the required landscape area. The Yard shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this title.

1. Yard, Front. "Front yard" means the space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:
  - a. The yard along the blockface to which a greater number of structures are oriented; or
  - b. The yard along a street that has the smaller horizontal dimension.
2. Yard, Rear. "Rear yard" means the space extending the full width of a lot, lying between the rear lot line and the rear setback line.
3. Yard, Required. "Required yard" means the yard required by this title.
4. Yard, Side. "Side yard" means the space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.
5. Yard, Street. "Street yard" means a yard along a street.
6. Yard, Street side. "Street side yard" means, on a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

"Zoning administrator" means the building official, who is responsible for the interpretation, administration, and enforcement of this title.

"Zoning board of adjustment" means a body, established by the city expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this title.

"Zoning district" means a designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this title.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.06.010 - Purpose.

17.06.020 - Determinations.

17.06.030 - Agricultural use types.

17.06.040 - Residential use types.

17.06.050 - Civic use types.

17.06.060 - Office use types.

17.06.070 - Commercial use types.

17.06.080 - Parking use types.

17.06.090 - Industrial use types.

17.06.100 - Transportation use types.

17.06.110 - Miscellaneous use types.

**17.06.010 - Purpose.**

This chapter shall be known as the "use types." The purpose of this chapter is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. This chapter also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

*(Ord. 1332 § 1, May 20, 2019)*

**17.06.020 - Determinations.**

(a) Classification of Uses. In the event of any question as to the appropriate use types of any existing or proposed use or activity, the zoning administrator of the city shall have the authority to determine the appropriate use type. A determination of the zoning administrator may be appealed to the zoning board of adjustment. In making such determinations, the zoning administrator and zoning board of adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

(b) Records. The zoning administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

*(Ord. 1332 § 1, May 20, 2019)*

**17.06.030 - Agricultural use types.**

Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

Animal Production. The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

Commercial Feedlots. The use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarters which are not used for crop production or where grazing of natural vegetation is not the major feed source. Livestock and poultry shall include any animal or fowl which are used primarily for use as food or food products for human consumption, or for laboratory or testing purposes. A commercial feedlot does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

Crop Production. The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

Horticulture. The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

Livestock Sales. The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.06.040 - Residential use types.**

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care, forced residence, or therapeutic settings.

Downtown Residential. The use of upper levels above street level of a building within the central business district of the city for single- or multiple-family residential uses.

Duplex Residential. The use of a legally-described lot for two single family dwelling units, each occupied by one family within a single building, excluding mobile home or manufactured homes, but including modular housing units.

Group Residential. The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.

Manufactured Home Residential. Use of a lot for a manufactured home.

Mobile Home Park. Use of a site under single ownership for one or more factory-built homes. Generally, the land on which factory-built homes are placed in a mobile home park is leased from the owner of the facility.

Mobile Home Subdivision. Division of a tract of land into lots that meet all the requirements of the city's subdivision ordinance for the location of factory-built homes. Generally, a lot within a mobile home subdivision is owned by the owner of the factory-built home placed upon such lot.

Multiple-Family Residential. The use of a site for three or more single family dwelling units within one building not otherwise defined as townhouse units.

Retirement Residential. A building or group of buildings that provide residential facilities for more than four residents of at least sixty-two years of age/age-based social security eligible, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

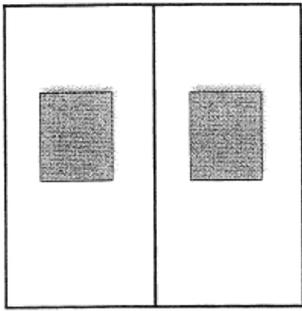
Single-Family Residential. The use of a site for one single family dwelling unit. Mobile homes and manufactured homes are not a single-family residential use type. See below categories for such units.

1. Single-Family Residential (Detached). A single-family residential use in which one single family dwelling unit is located on a single lot, with no physical or structural connection to any other single family dwelling unit. All single-family detached dwellings shall meet the following standards:

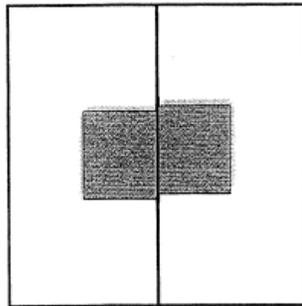
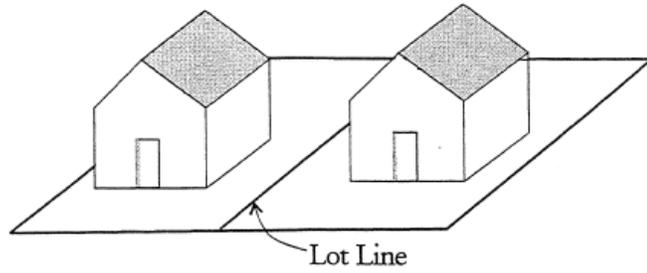
- a. The dwelling shall have at least eight hundred square feet of floor area;
  - b. The minimum horizontal dimension of the main body of the dwelling shall not be less than twenty feet;
  - c. The dwelling shall have a non-reflective roof material;
  - d. The dwelling shall have permanent utility connections installed in accordance with the regulations of the city;
  - e. The dwelling shall be installed upon a permanent foundation that is constructed and built in accordance with the regulations of the city.
2. Single-Family Residential (Attached). A single-family residential use in which one single family dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent single family dwelling unit on another single lot.

Townhouse Residential. The use of a site for three or more attached single family dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

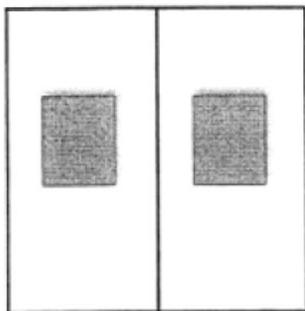
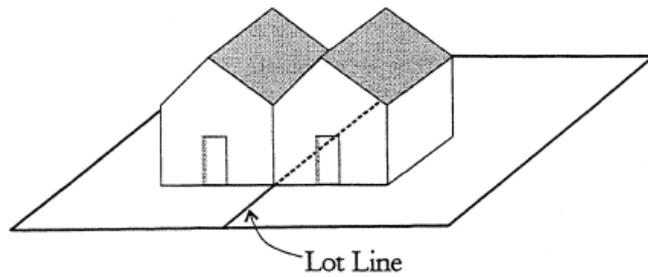
Two-Family Residential. The use of a site for two single family dwelling units, each occupied by one family, each in a separate building, excluding a mobile home or manufactured home.



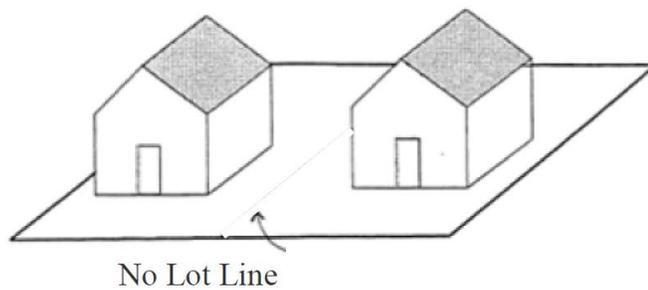
**Single-Family Detached**

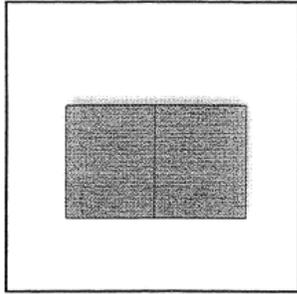


**Single-Family Attached**

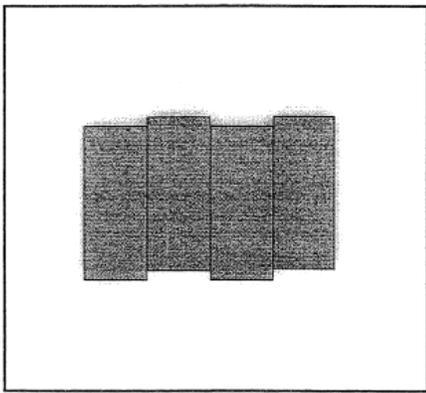
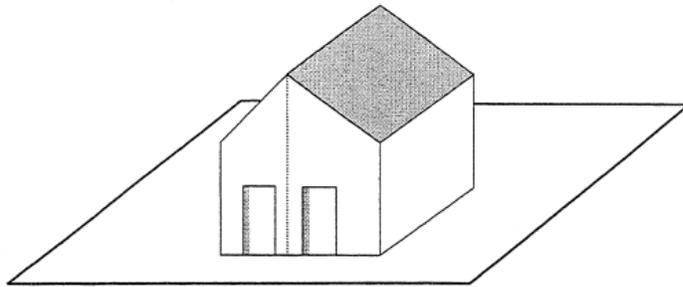


**Two-Family**

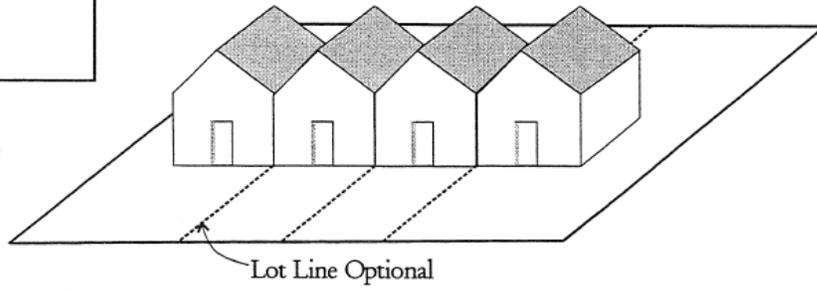




**Duplex**



**Townhouse**



*(Ord. 1332 § 1, May 20, 2019)*

### 17.06.050 - Civic use types.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with social importance.

- (a) Administration. Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
- (b) Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- (c) Clubs. Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.
  - (1) Recreational Clubs." Clubs which provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.
  - (2) "Social Clubs." Clubs which provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.
- (d) College and University Facilities. An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- (e) Convalescent Services. A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.
- (f) Cultural Services. A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- (g) Day Care Services (Limited). This use type includes all classifications of day care facilities regulated by the state that operate providing care for not more than six children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
- (h) Day Care Services (General). This use type includes all classifications of day care facilities regulated by the state that operate providing care for more than six children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
- (i) Detention Facilities. A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.
- (j) Elder Group Home. A dwelling that is the residence of a person who is providing room, board, and personal care to three through five elders who are not related to the person providing the service within the third degree of consanguinity or affinity.
- (k) Emergency Residential Services. A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.
- (l) Family Home. A community-based residential home or a child foster care facility to provide room and board,

personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel as permitted by and as limited by [Section 414.22](#), Code of Iowa.

- (m) **Group Care Facility.** A government-licensed or approved facility which provides for resident care and short or long-term, continuous multi-day occupancy of more than eight but no more than thirty unrelated persons, not including resident staff. Group care facilities include facilities which provide services in accordance with individual needs for the:
  - (1) Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
  - (2) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or developmental disabilities;
  - (3) Rehabilitation from the effects of drug or alcohol abuse;
  - (4) Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs; and
  - (5) Others who require direct adult supervision.
- (n) **Group Home.** A facility licensed by the state in which at least three but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption, reside while receiving therapy, training, living assistance, or counseling for the purpose of adaptation to living with or rehabilitation from a physical or mental disability as defined by the relevant provisions of the Code of Iowa or by the Fair Housing Amendments Act of 1988.
- (o) **Guidance Services.** A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.
- (p) **Health Care.** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.
- (q) **Hospital.** A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
- (r) **Maintenance Facilities.** A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- (s) **Park and Recreation Services.** Publicly-owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces.
- (t) **Postal Facilities.** Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.
- (u) **Primary Educational Facilities.** A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the state.
- (v) **Public Assembly.** Facilities owned and operated by a public agency or a charitable nonprofit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

- (w) Religious Assembly. A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.
- (x) Safety Services. Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.
- (y) Secondary Educational Facilities. A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the state.
- (z) Utilities. Any above-ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.06.060 - Office use types.**

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

- (a) Corporate Offices. Use of a site for administrative, processing, or research offices, which generally does not provide service to clientele from Centerville and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region around Centerville, as well as from the community itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.
- (b) General Offices. Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.
- (c) Financial Services. Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on-site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (Automatic Teller Machine) which is not accompanied on-site by an office of its primary financial institution is considered within the personal services use type.
- (d) Medical Offices. Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the state.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.06.070 - Commercial use types.**

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

- (a) Agricultural Sales and Service. Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.
- (b) Automotive and Equipment Services. Establishments or places of business primarily engaged in sale and/or

service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

- (1) Automotive Rental and Sales. Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
  - (2) Auto Services. Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
  - (3) Body Repair. Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
  - (4) Equipment Rental and Sales. Sale or rental of trucks, tractors, construction equipment, agricultural implements, factory-built homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and factory-built home sales establishments.
  - (5) Equipment Repair Services. Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
- (c) Bed and Breakfast. A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential buildings that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always (i) either (A) owned and operated by the resident owner or (B) single-family, duplex, two-family, townhouse, downtown residential building rented through an online or third-party guest reservation service (e.g. airbnb or vrob), (ii) include no more than eight units, and (iii) accommodate each guest or visitor for less than a one-month period.
- (d) Business Support Services. Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.
- (e) Business or Trade Schools. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- (f) Campground. Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
- (g) Cocktail Lounge. A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

- (h) Commercial Recreation. Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, or private skating facilities.
- (i) Communications Services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, internet service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as miscellaneous use types.
- (j) Construction Sales and Services. Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under automotive and equipment services. Typical uses include building materials sales, or tool and equipment rental or sales.
- (k) Consumer Services. Establishments which provide services, primarily to individuals and households, but excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- (l) Convenience Storage. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- (m) Crematorium. A location within an enclosed building containing properly installed, certified apparatus intended for use in the act of cremation of the remains of deceased persons.
- (n) Food Sales. Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. However, the sales of non-food items may account for no more than the lesser of twenty-five percent of the sales area or ten thousand square feet of the food sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
  - (1) Convenience Food Sales. Establishments occupying facilities of less than ten thousand square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.
  - (2) Limited Food Sales. Establishments occupying facilities of less than ten thousand square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.
  - (3) General Food Sales. Establishments selling a wide variety of food commodities and related items, using facilities larger than ten thousand but less than forty thousand square feet. Typical uses include grocery stores and locker plants.
  - (4) Supermarkets. Establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities larger than forty thousand square feet. Typical uses include large grocery stores.
- (o) Funeral Services. Establishments engaged in undertaking services such as preparing the human dead for burial, arranging and managing funerals except cremation. Typical uses include funeral homes or mortuaries.
- (p) Kennels. Boarding and care services for dogs, cats and similar small mammals or birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.

- (q) Laundry Services. Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
- (r) Liquor Sales. Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- (s) Lodging. Lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed and breakfasts. Typical uses include hotels, apartment hotels, and motels.
- (t) Personal Improvement Services. Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.
- (u) Personal Services. Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the state under the provisions of [Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157, or 158](#) of the Code of Iowa when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.
- (v) Pet Services. Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- (w) Research Services. Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- (x) Restaurants. A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than fifty percent of the establishment's gross income.
  - (1) Restaurant (Drive-in or Fast Food). An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
  - (2) Restaurant (General). An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to drive-in or fast food restaurants. Typical uses include cafes, coffee shops, and restaurants.
- (y) Restricted (or Adult) Businesses. Any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes in a manner that offends contemporary standards in the community of Centerville, depicts or describes sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet these criteria. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize sexual content; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters.
- (z) Retail Services. Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical

uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

Retail services include:

- (1) Limited Retail Services. Establishments providing retail services, occupying facilities of three thousand square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Centerville and its surrounding vicinity.
  - (2) Medium Retail Services. Establishments providing retail services, occupying facilities between three thousand one and ten thousand square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Centerville and its surrounding vicinity.
  - (3) Large Retail Services. Establishments providing retail services, occupying facilities between ten thousand one and forty thousand square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Centerville and its surrounding vicinity.
  - (4) Mass Retail Services. Establishments providing retail services, occupying facilities over forty thousand square feet in a single establishment or multi-tenant facility. Typical establishments provide for general purpose retailing oriented to Centerville and the surrounding region.
- (aa) Stables and/or Riding Academies. The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.
  - (bb) Surplus Sales. Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.
  - (cc) Trade Services. Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.
  - (dd) Vehicle Storage (Short-Term). Short-term storage of operating or non-operating vehicles for a period of no more than twenty-one days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage beyond twenty-one days constitutes an industrial use type.
  - (ee) Veterinary Services. Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals.
    - (1) Veterinary services (small). Establishments providing veterinary services for dogs, cats and similar small mammals or birds.
    - (2) Veterinary services (large). Establishments providing veterinary services for small and large animals.

*(Ord. 1332 § 1, May 20, 2019)*

**17.06.080 - Parking use types.**

- (a) Off-Street Parking. Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.
- (b) Parking Structure. The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

*(Ord. 1332 § 1, May 20, 2019)*

**17.06.090 - Industrial use types.**

- (a) Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.
- (b) Construction Yards. Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.
- (c) Custom Manufacturing. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within a building, involving:
  - (1) The use of hand tools; or
  - (2) The use of domestic mechanical equipment not exceeding two horsepower; or
  - (3) A single kiln not exceeding eight KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

- (d) Light Industry. Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.
- (e) General Industry. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
- (f) Heavy Industry. Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
- (g) Recycling Collection. Any site which is used in whole or part for the receiving or collection of any post-consumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- (h) Recycling Processing. Any site which is used for the processing of any post-consumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

- (i) Resource Extraction. A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.
- (j) Salvage Services. Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.
- (k) Vehicle Storage (Long-Term). Long-term storage of operating or non-operating vehicles for a period exceeding twenty-one days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage of twenty-one days or less constitutes a commercial use type.
- (l) Warehousing (Enclosed). Uses including storage, distribution, and handling of goods and materials within buildings. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.
- (m) Warehousing (Open). Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

*(Ord. 1332 § 1, May 20, 2019)*

**17.06.100 - Transportation use types.**

- (a) Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.
- (b) Aviation Facilities. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
- (c) Railroad Facility. Railroad yards, equipment servicing facilities, and terminal facilities.
- (d) Transportation Terminal. Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.
- (e) Truck Terminal. A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

*(Ord. 1332 § 1, May 20, 2019)*

**17.06.110 - Miscellaneous use types.**

- (a) Alternative Energy Production Devices. The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials, excluding WECS. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.
- (b) Amateur Radio Tower. A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC-licensed amateur radio operators.
- (c) Communications Tower. A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.
- (d) Construction Batch Plant. A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

- (e) Landfill (Non-putrescible Solid Waste Disposal). The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.
- (f) Landfill (Putrescible and Non-putrescible Solid Waste Disposal). The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the state. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.
- (g) Wind Energy Conservation System (WECS). Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

- 17.08.010 - Purpose.
- 17.08.020 - Establishment of districts.
- 17.08.030 - Application of districts.
- 17.08.040 - Hierarchy.
- 17.08.050 - Development regulations.
- 17.08.060 - Zoning map.
- 17.08.070 - Interpretation of district boundaries.
- 17.08.080 - Vacation of streets and alleys.
- 17.08.090 - Annexation of territory.
- 17.08.100 - Required conformance.
- 17.08.110 - Required frontage.
- 17.08.120 - Certain utilities in the downtown commercial district.

**17.08.010 - Purpose.**

This chapter presents the zoning district regulations. Zoning districts are established to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

*(Ord. 1332 § 1, May 20, 2019)*

**17.08.020 - Establishment of districts.**

The following base districts and overlay districts are established. Table 17.08A displays the purposes of these districts.

<b>Base Zoning Districts</b>	<b>District Names</b>
AG	Agricultural district
RR	Rural residential district
R-1	Single-family residential district
R-2	Urban family residential district
R-3	Multiple-family residential district
R-4	Mobile home residential district
UC	Urban corridor district
LC	Limited commercial/office district
CC	Community commercial district

GC	General commercial district
BP	Business park district
LI	Limited industrial district
GI	General industrial district
<b>Overlay Districts</b>	<b>District Names</b>
MU	Mixed use district
PUD	Planned unit development district
Reserved	Reserved
BC	Business corridors overlay district
CP	Conditional planned use overlay district

*(Ord. 1332 § 1, May 20, 2019)*

**17.08.030 - Application of districts.**

- (a) A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.
- (b) Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The mixed use district may stand alone as a base district.

*(Ord. 1332 § 1, May 20, 2019)*

**17.08.040 - Hierarchy.**

References in this title to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 17.08.020, and shall represent a progression from the AG agricultural district as the least intensive to the GI general industrial district as the most intensive. The overlay districts shall not be included in this reference.

*(Ord. 1332 § 1, May 20, 2019)*

**17.08.050 - Development regulations.**

- (a) For each zoning district: purposes are set forth in Table 17.08A; uses permitted are set forth in Table 17.08B; development regulations are set forth in Table 17.08B and site development regulations are presented in Table 17.08C.
- (b) Supplemental regulations may affect specific land uses or development regulations in each zoning district. The applicable supplemental regulations are noted in Table 17.08B.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.08.060 - Zoning map.**

- (a) Adoption of Zoning Map. Boundaries of zoning districts established by this chapter shall be shown on the zoning map maintained by the city clerk. This map shall bear the signature of the mayor attested by the city clerk under the certification that this is the official zoning map referred to by this title. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this title. The zoning map shall be on file with the city clerk and shall be readily accessible to the public at Centerville City Hall.
- (b) Changes to the Zoning Map. The city council may from time to time adopt a new official zoning map which shall supersede the prior official zoning map, in the event that the official zoning map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.08.070 - Interpretation of district boundaries.**

The following rules shall apply in determining the boundaries of any zoning district shown on the zoning map.

- (a) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- (b) Where district boundaries are indicated as within street or alley, railroad, streams or creeks, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- (c) Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the zoning map.
- (d) Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
- (e) Where district boundaries are indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines, such lines shall be considered the district boundaries.
- (f) Boundaries not capable of being determined as set forth in subsections (a) through (e) of this section shall be as dimensioned on the official zoning map or if not dimensioned shall be determined by the scale shown on the map.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.08.080 - Vacation of streets and alleys.**

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.08.090 - Annexation of territory.**

All unimproved or agricultural territory which may be annexed to the city shall be considered as lying in the AG agricultural district until such classification shall be changed as provided by this title. Any improved property that is annexed into the city shall be zoned according to the zoning district that most nearly describes either its present use or the use proposed by Centerville's comprehensive plan. This zoning shall be established by the Commission

and the city council at the time of annexation.

*(Ord. 1332 § 1, May 20, 2019)*

**17.08.100 - Required conformance.**

Except as specified in this chapter, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this title for the district in which the building or land is located.

*(Ord. 1332 § 1, May 20, 2019)*

**17.08.110 - Required frontage.**

Except as provided in Chapter 17.24, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty feet wide to a street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet wide may be provided for two or more such single-family dwellings or for one or more two-family or multiple-family dwellings.

*(Ord. 1332 § 1, May 20, 2019)*

**17.08.120 - Certain utilities in the downtown commercial district.**

- (a) Within the downtown commercial district all cables, wires, fibers and conduits in connection with any utility system shall be placed underground, except wires necessary to connect consumers with the underground system and except where they can be located in private structures.
- (b) Outside the downtown commercial district, cables, wires, fibers and conduits in connection with any utility system may be placed either underground or on poles aboveground, except when undergrounding is required pursuant to the city's subdivision or site plan requirements as expressed in this code. No such poles shall be installed or erected, and no license or permit for such shall be issued, until the city engineer has approved the proposed location of such poles.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.08A

Purposes of Zoning Districts

Symbol	Title	Purpose
AG	Agricultural/urban reserve	The district provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the Centerville extra-territorial jurisdiction. In addition, land included in the urban reserve in the comprehensive plan should be retained in the AG district to prevent premature or inappropriate development.
RR	Rural residential	This district provides for the rural residential use of land, accommodating very low and low density residential environments. The district's regulations assure that density is developed consistent with: land use polices of the Centerville comprehensive plan regarding rural subdivisions; levels of infrastructure; and environmentally sensitive development practices. The district also accommodates developments that merge urban living with rural life.
R-1	Single-family residential	This district is intended to provide for residential development, characterized by single-family dwellings on large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Urban family residential	This district is intended to provide for medium density residential development, characterized by single-family dwellings on moderately-sized lots along with low density multi-family dwellings such as duplexes and townhouses. It provides regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitions between single-family residential and multiple-family residential areas. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	Multiple-family residential	This district is intended to provide locations primarily for multiple-family dwellings, with supporting and appropriate community facilities. It also permits some nonresidential uses such as offices through a special permit procedure to permit a mixing of uses that have relatively similar operating and development effects.

*Table 17.08A*  
*Purposes of Zoning Districts (Cont.)*

Symbol	Title	Purpose
R-4	Mobile home residential	This district recognizes that factory-built home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for factory-built home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.
UC	Urban corridor	This district recognizes the mixed use character of major urban corridors, such as Maple Street and 18th Street. These corridors sometimes accommodate a combination of residential, commercial, and office uses. Design standards maintain their character as important urban streets.
LC	Limited commercial/ office	This district reserves appropriately located area for office development and a limited variety of low-impact commercial facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
CC	Community commercial	This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the LC district. CC districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial subcenters.
DC	Downtown commercial	This district is intended to provide appropriate development regulations for downtown Centerville. Mixed uses are encouraged within the DC district. The grouping of uses is designed to strengthen the town center's role as a center for trade, service, and civic life.
GC	General commercial	This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.
BP	Business park	This district is designed to promote the development of planned business parks that accommodate corporate offices, research facilities, and structures which can combine office, distribution, and limited industrial uses. These facilities serve a more regional audience, but may provide services to local residents. They are characterized by extensive landscaping, abundant parking facilities, and good visual and pedestrian relationships among buildings.
LI	Limited industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality

*Table 17.08A  
Purposes of Zoning Districts (Cont.)*

<b>Symbol</b>	<b>Title</b>	<b>Purpose</b>
		industrial development, while assuring that facilities are served with adequate parking and loading facilities.
GI	General industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.08B

Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	BP	LI	GI	Additional Regulations
<b>Agricultural Uses</b>															
Horticulture	P	P	C	C	C	C		C	P		C				17.22.020 (A) and (D)
Crop production	P	P	C										P	P	17.22.020(D)
Animal production	P	C	C												17.22.020(B)
Commercial feedlots															17.22.020(C)
Livestock sales														C	
<b>Residential Uses</b>															
Single-family residential (Detached)	P	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P	P, L(1)	C, L(1)							17.22.030(A)
Single-family residential (Attached)	C			P	P	P	P	C							17.22.030(B)
Duplex residential				P	P		P	C							
Two-family residential				P	P		P	C							17.22.030(D)
Townhouse residential				P	P		P	P	C	P					17.22.030(C)
Retirement residential	C			P	P		P	P	C	P	C				
Multiple-family residential					P		C	P	C	P	C				
Downtown residential										P					17.22.030(E)
Group residential	C				P			C	C	C					17.22.030(E) and (F)
Manufactured home residential	C, L(2)					P, L(2)									
Mobile home park						P, L(2)									17.22.030(G)
Mobile home subdivision						P, L(2)									17.22.030(H)
<b>Civic Uses</b>															
Administration				C	C	C	P	P	P	P	P	P	P	P	
Cemetery	P	C				C									

Clubs (recreational)	C	C	C	C	P	C	P	P	C	C	P	C	P	P	17.22.040(A)
Clubs (social)	C			C	P	C	P	P	P	P	P	P	P	P	17.22.040(A)
College and university facilities	C			C	P	C	P	P	C	P	P	P	P	C	
Convalescent services	C	C		C	P	C	P	P	P	C					
Cultural services	C	C	C	C	P	P	P	P	P	P	P	P	P		
Day care services (limited)	P	P	P	P	P	P	P	P	P	P	C	C	C	C	17.22.040(B)
Day care services (general)	C	C	C	C	P	C	P	P	P	P	P	P	C	C	17.22.040(B)
Detention facilities	C													C	
Elder group home	P			C	P	P	P								
Emergency residential services	P			C	P	P	P	P	P	P					
Family home	P			C	P	P	P	P							
Group care facility					P		P	P	P	P	P				17.22.040(D)
Group home	C			C	P		P	P	P	P	P				17.22.040(D)
Guidance services				C	P		P	P	P	P	P	P			
Health care					C		P	P	P	P	P	P			
Hospital					C		C	C	C	C	P	P	C	C	
Maintenance facilities	C	C					C	C	C	C	P		P	P	
Park and recreation services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal facilities							C	P	P	P	P	P	P	P	
Primary educational facilities	C	C	C	P	P	P	P	P	P	P	C				17.22.040(C)
Religious assembly	P	P	P	P	P	P	P	P	P	P	P		C		17.22.040(E)
Safety services	P			C	P	P	P	P	P	P	P	P	P	P	
Secondary educational facilities	C	C	C	C	P	C	P	C	C	C	C				17.22.040(C)
Utilities	C			C	C	C	C	C	C	C	C		C	C	
<b>Office Uses</b>															

Corporate offices					C		P	P	P	P	P	P	P	P	
General offices					C		P	P	P	P	P	P	P	P	
Financial services					C		P	P	P	P	P	P	P	P	
Medical offices					C		P	P	P	P	P	P	P	C	
<b>Commercial Uses</b>															
Agricultural sales and services							C		C	C	P		P	P	
Automotive rental and sales							P		C	P	P		C		17.22.050(C)
Automotive services							C	C	P	P	P		P	P	17.22.050(A), (B)
Body repair							C		C	C	P		P	P	17.22.050(A)
Equipment rental and sales							C			C	P		P	P	17.22.050(C)
Equipment repair services											P		P	P	17.22.050(A)
Bed and breakfast	C			C	P		P	P	P	P	P				17.22.050(D)
Business support services							P	P	P	P	P	P	P	P	
Business and trade schools									P	P	P	P	P	P	
Campground									C		C				17.22.050(E)
Cocktail lounge							C		C	C	P	C	P	P	17.22.050(F)
Commercial recreation (indoor)							C	C	P	P	P	P	P	P	17.22.050(F)
Commercial recreation (outdoor)											P		P	P	
Communications services							P	C	P	P	P	P	P	P	
Construction sales and service							C		C	C	P		P	P	
Consumer services							P	P	P	P	P	P	P		
Convenience storage									C		C		P	P	17.22.050(G)
Crematorium							C	C	C	C	C		C	C	
Food sales (convenience)							P	C	P	P	P	P	P	P	
Food sales (limited)							P	P	P	P	P	P	P	P	

Food sales (general)							C	C	P	P	P				
Food sales (supermarkets)									P	P	C				
Funeral services					C		P	P	P	P	P	P	P	P	
Kennels	C										C		P	P	
Laundry services							C		C	C	P		P	P	
Liquor sales							C		P	P	P		C		
Lodging							P		P	P	P	P	C		
Personal improvement services							P	P	P	P	P	P	P	P	
Personal services							P	P	P	P	P	P	P	P	
Pet services	C						P	P	P	P	P	P	P		
Research services							P	P	P	P	P	P	P	P	
Restaurants (drive-in)							P		C	C	P		C	C	17.22.050(H)
Restaurants (general)							P	P	P	P	P	P	C	C	17.22.050(H)
Restricted (or adult) Businesses															
Retail services (limited)							P	P	P	P	P	C			
Retail services (medium)							P	P	P	P	P				
Retail services (large)							P			C	P				
Retail services (mass)							P				P				
Stables	C	C											P	P	
Surplus sales							C			C	P		P	P	
Trade services							C		C	P	P	P	P	P	
Vehicle storage (short-term)							C				P		P	P	
Veterinary services (small)	C						P	C	P	C	P		P	P	
Veterinary services (large)	C						C	C	C	C	P		P	P	

<b>Parking Uses</b>															
Off-street parking							C		C	P	P	C	P	P	
Parking structure							C		C	P	C	C	P	P	
<b>Industrial Uses</b>															
Construction yards													P	P	17.22.070
Custom manufacturing							P		C	P	P	P	P	P	17.22.070
Light industry												C	P	P	17.22.070
General industry													P	P	17.22.070
Heavy industry														C	17.22.070
Recycling collection							C				P		P	P	17.22.070
Recycling processing														P	17.22.070
Resource extraction														C	17.22.060(A), 17.22.070
Salvage services														C	17.22.060(B), 17.22.070
Vehicle storage (long-term)														P	17.22.070
Warehousing (enclosed)										C	C	P	P	P	17.22.070
Warehousing (open)													C	P	17.22.070

<b>Transportation Uses</b>															
Aviation facilities													C	P	
Railroad facilities											C		P	P	
Transportation terminal							C		P	P	P		P	P	
Truck terminal											C		C	P	17.22.070
<b>Miscellaneous Uses</b>															
Alternative energy production devices	C				C	C	C	C	C	C	C	P	P	P	
Amateur radio tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Communications tower	C			C	C	C	C	C	C	C	C	P	P	P	17.22.080(A)
Construction batch plant											C		P	P	
Landfill (non-putrescible)														C	17.22.080(B)
Landfill (putrescible)															
WECS	C	C	C	C	C	C	C	C	C	C	C	C	P	P	17.22.070(C)

L(1) = Single-family detached dwellings provided that:

All single-family detached dwellings for which a building permit has been issued (date of enactment), shall comply with the following minimum design standards

1. The dwelling shall have a minimum width facing the street of twenty-four feet.
2. The minimum horizontal dimension of the main body of the single family dwelling unit shall not be less than twenty feet.
3. A minimum of fifteen percent of the facade of the building facing the street shall consist of windows, doors and other building openings.
4. Any foundation skirting material of the dwelling shall have the appearance of masonry or poured concrete typical of site-built homes. Installation of the skirting must be installed within thirty days following the installation of the home, or the first day of May if the ground is frozen at the time the home is placed.

L(2) = Applies to all factory-built homes (Refer to [Section 17.04.030](#) for definitions). Any foundation skirting material shall have the appearance of masonry or poured concrete typical of site-built homes. Installation of the skirting must be installed within thirty days following the installation of the home, or the first day of May if the ground is frozen at the time the home is placed.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.08C

Summary of Site Development Regulations

Regulator	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	BP	LI	GI	Additional Regulations
<b>Minimum lot area (square feet)</b>															
One-family	2 acres	2 acres	10,000	7,500	7,500	See Chapter 17.22(G).	7,500	7,200	10,000						
Duplex, townhouses Multi-family Other permitted uses	No Rqmt		10,000	12,000 12,000	8,750 12,000 12,000		7,200 12,000 8,000	8,400 12,000 6,000	12,000 5,000	No Rqmt No Rqmt	12,000 6,000	12,000	5000	5000	
<b>Minimum lot width (feet)</b>										None	50	80	50	50	
One-family Duplex Townhouses Multi-family Other permitted uses	200	100	70	70 80 25	60 70 20 80 80	75	60 60 20 80 80	60 70 20 80 60	80 50	50 50	50				
<b>Site area per housing unit (square feet) by type of residential</b>															
Single-family Two-family, duplex Townhouse Multi-family	10 acres	2 acres	10,000	8,500 5,000 4,000 NA	7,500 4,200 2,500 2,000		6,000 3,600 2,500 2,000	7,200 4,200 2,500 2,000	2,000	2,000 600	NA				
<b>Minimum yards (feet)</b>															
Front yard	50	40	35	30	30	See 17.22.030(G).	Note 3	25	25	0	25	35	25	25	
Street side yard	50	30	25	15	15	See 17.22.030(G).	15	15	15	0	15	25	25	25	
Interior side yard (Note 2) 1 to 1.5 stories 2-3 stories More than 3 stories Nonresidential uses	50 50 NA 50	15 20 NA 40	7 10 NA 40	7 10 NA 40	7 10 13 30	See 17.22.030(G).	7 10 13	7 10 10	0 0 0	7 10 10	7 10 10	10	25	25	
Rear yard	50	40	30	30	30	See 17.22.030(G).	25	25	25 Note 4	0	25 Note 4	35	25 Note 4	25 Note 4	
Maximum height (feet)	no limit	35	35	35	45	35	45	45	50	50	50	40	75	no limit	
Maximum building coverage	NA	20%	35%	45%	55%	40%	50%	50%	60%	100%	70%	60%	70%	70%	
Maximum impervious coverage	NA	30%	50%	60%	70%	60%	70%	80%	80%	100%	90%	80%	90%	90%	

Regulator	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	BP	LI	GI	Additional Regulations
Floor area ratio	NA	NA	NA	NA	NA	NA	1.0	0.50	1.0	no limit	1.0	2.0	1.0	no limit	
Maximum amount of total parking located in street yard															
Residential							NA	NA	NA	NA	NA				
Other uses							35%	50%	NA	35%	NA	50%	no limit	no limit	

Notes to [Table 17.08C](#):

1. See [Section 17.22.030](#) for supplemental regulations governing single-family attached and townhouse residential use types.
  2. One foot of height may be added to each additional one feet provided in front, rear, and side yard setbacks beyond the required minimum.
  3. Normal minimum setback is twenty-five feet. Front yard setback may be reduced to fifteen feet if:
    - a. No parking is placed within the street yard;
    - b. The entire street yard area is landscaped, with the exception of driveways to parking areas or pedestrian accesses to the principal building on the site.
  4. Required rear yard may be reduced one foot for every one foot of front yard provided in excess of the minimum requirement. No rear yard may be less than ten feet.
- \* Uses in the R-4, LC, CC, GC, HC, BP, LI, and GI districts are subject to landscape and screening provisions contained in [Chapter 17.26](#).

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.10.010 - General purpose.

**17.10.010 - General purpose.**

- (a) Special districts provide for base districts that allow multiple land uses and flexible development, with the requirement that a specific plan for the area be submitted by applicants. Overlay districts are used in combination with base districts to modify or expand base district regulations. Overlay districts are adapted to special needs of different parts of the city.
- (b) The overlay districts are designed to achieve the following objectives:
  - (1) To recognize special conditions in specific parts of the city which require specific regulation.
  - (2) To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.12.010 - Purpose.

17.12.020 - Permitted uses.

17.12.030 - Site development regulations.

17.12.040 - Adoption of district.

17.12.050 - Amendments.

**17.12.010 - Purpose.**

The mixed use district is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU district may also be used to pre-designate parts of the city which are appropriate for a mixture of residential, commercial, office, and accessory uses. The district permits mixing residential areas with workplaces and services. Development in the MU district must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments.

*(Ord. 1332 § 1, May 20, 2019)*

**17.12.020 - Permitted uses.**

Each ordinance establishing a mixed use district establishes the use types permitted within its boundaries.

*(Ord. 1332 § 1, May 20, 2019)*

**17.12.030 - Site development regulations.**

- (a) The minimum area of any mixed use district is one acre.
- (b) Prior to the issuance of any building permits or other authorization, all projects in the mixed use district shall receive approval by the city council, following a recommendation by the Commission. This approval may be granted for a specific plan for the development of a mixed use district in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
- (c) Applications for approval must contain at a minimum the following information:
- (d) A detailed site map, including:
  - (1) A boundary survey;
  - (2) Site dimensions;
  - (3) Contour lines at no greater than two-foot intervals;
  - (4) Adjacent public rights-of-way, transportation routes, and pedestrian or bicycle systems;
  - (5) Description of adjacent land uses;
  - (6) Utility service to the site and easements through the site;
  - (7) Description of other site features, including drainage, soils, or other considerations that may affect development.
- (e) A development plan, including:

- (1) A site layout, including the location of proposed buildings, parking, open space, and other facilities;
  - (2) Location, capacity, and conceptual design of parking facilities;
  - (3) Description of the use of individual buildings, including floor plans and elevations;
  - (4) Description of all use types to be included in the project or area, and maximum floor area devoted to each general use;
  - (5) Maximum height of buildings;
  - (6) Schematic location and design of open space on the site, including a landscaping plan;
  - (7) Vehicular and pedestrian circulation plan, including relationship to external transportation systems;
  - (8) Schematic building elevations and sections if required to describe the project;
  - (9) Grading plans;
  - (10) Proposed sewer and utility improvements;
  - (11) Location, sizes, and types of all proposed signage.
- (f) Specific proposed development regulations for the project, including:
- (1) The specific use types permitted within the proposed district;
  - (2) Maximum floor area ratios;
  - (3) Front, side, and rear yard setbacks;
  - (4) Maximum height;
  - (5) Maximum building and impervious coverage;
  - (6) Design standards applicable to the project.
- (g) A traffic impact analysis, if required by the city.

*(Ord. 1332 § 1, May 20, 2019)*

**17.12.040 - Adoption of district.**

- (a) The Commission and city council shall review and evaluate each mixed use district application. The city may impose reasonable conditions, as deemed necessary to ensure that a mixed use development shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- (b) The Commission, after proper notice, shall hold a public hearing and act upon each application.
- (c) The Commission may recommend amendments to mixed use district applications.
- (d) The recommendation of the Commission shall be transmitted to the city council for final action.
- (e) The city council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a mixed use district. Proper notice shall mean the same notice established for any other zoning amendment.

- (f) An ordinance adopting a mixed use district shall require a favorable simple majority of the city council for approval.
- (g) Upon approval by the city council, the development plan shall become a part of the ordinance creating or amending the mixed use district. All approved plans shall be filed with the city clerk.

*(Ord. 1332 § 1, May 20, 2019)*

**17.12.050 - Amendments.**

The zoning administrator is authorized at the zoning administrator's discretion to approve amendments to an approved development plan, provided that:

- (a) A written request is filed with the zoning administrator, along with information specifying the exact nature of the proposed amendment.
- (b) The amendment is consistent with the provisions of this chapter.
- (c) The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design.
- (d) Any amendment not conforming to these provisions shall be submitted to the Commission and city council for action.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.14.010 - Purpose.

17.14.020 - Permitted uses.

17.14.030 - Site development regulations.

17.14.040 - Access to public streets.

17.14.050 - Application process.

17.14.060 - Adoption of district.

17.14.070 - Amendment procedure.

17.14.080 - Building permits.

17.14.090 - Termination of planned unit development overlay district.

**17.14.010 - Purpose.**

The planned unit development overlay district is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The planned unit development overlay district may be used in combination with any base district specified in this title. The planned unit development overlay district, which is adopted by the city council with the recommendation of the Commission, assures specific development standards for each designated project.

*(Ord. 1332 § 1, May 20, 2019)*

**17.14.020 - Permitted uses.**

Uses permitted in a planned unit development overlay district are those permitted in the underlying base district. A planned unit development overlay district also may be combined with a mixed use district to allow a combination of use types not anticipated by conventional base districts.

*(Ord. 1332 § 1, May 20, 2019)*

**17.14.030 - Site development regulations.**

Site development regulations are developed individually for each planned unit development district, but must comply with the minimum and maximum standards established for the base district, with the following exceptions:

- (a) Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
- (b) Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or sixty percent.
- (c) Setback requirements may be varied according to the specific planned unit development plan.

*(Ord. 1332 § 1, May 20, 2019)*

**17.14.040 - Access to public streets.**

Each planned unit development overlay district must abut a public street for at least one hundred feet and gain access from that street.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.14.050 - Application process.**

Application Requirements. The application for a planned unit development district must contain at a minimum the following information:

- (a) A detailed site map, including:
  - (1) A boundary survey;
  - (2) Site dimensions;
  - (3) Contour lines at no greater than two-foot intervals;
  - (4) Adjacent public rights-of-way, transportation routes, and pedestrian or bicycle systems;
  - (5) Description of adjacent land uses;
  - (6) Utility service to the site and easements through the site;
  - (7) Description of other site features, including drainage, soils, or other considerations that may affect development.
  
- (b) A development plan, including:
  - (1) A land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements;
  - (2) A site layout, including the location of proposed buildings, parking, open space, and other facilities;
  - (3) Location, capacity, and conceptual design of parking facilities;
  - (4) Description of the use of individual buildings, including floor plans and elevations;
  - (5) Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design;
  - (6) A site development and landscaping plan, showing building locations, or building envelopes; other structures; public or common open spaces; community facilities; significant visual features; and typical landscape plans;
  - (7) Vehicular and pedestrian circulation plan, including relationship to external transportation systems;
  - (8) Schematic building elevations and sections if required to describe the project;
  - (9) Grading plans;
  - (10) Proposed sewer and utility improvements;
  - (11) Location, sizes, and types of all proposed signage.
  
- (c) A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.14.060 - Adoption of district.**

- (a) The Commission and city council shall review and evaluate each planned unit development application. The city may impose reasonable conditions, as deemed necessary to ensure that a planned unit development overlay district shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- (b) The Commission, after proper notice, shall hold a public hearing and act upon each application.
- (c) The Commission may recommend amendments to planned unit development overlay district applications.
- (d) The recommendation of the Commission shall be transmitted to the city council for final action.
- (e) The city council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a planned unit development overlay district. Proper notice shall mean the same notice established for any other zoning amendment.
- (f) An ordinance adopting a planned unit development overlay zoning district shall require a favorable simple majority of the city council for approval.
- (g) Upon approval by the city council, the development plan shall become a part of the ordinance creating or amending the planned unit development overlay district. All approved plans shall be filed with the city clerk.

*(Ord. 1332 § 1, May 20, 2019)*

**17.14.070 - Amendment procedure.**

Major amendments to the development plan contained within an application must be approved according to the same procedure set forth in Section 17.20.050.

*(Ord. 1332 § 1, May 20, 2019)*

**17.14.080 - Building permits.**

The city shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a planned unit development overlay district unless it is in compliance with the approved development plan or any approved amendments.

*(Ord. 1332 § 1, May 20, 2019)*

**17.14.090 - Termination of planned unit development overlay district.**

If no substantial development has taken place in a planned unit development district for three years following approval of the district, the planning board shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

*(Ord. 1332 § 1, May 20, 2019)*



Sections:

17.18.010 - Purpose.

17.18.020 - Application.

17.18.030 - Permitted uses.

17.18.040 - Development standards.

17.18.050 - Project evaluation.

17.18.060 - Evaluation standards.

17.18.070 - Development and building permits within the business corridors overlay district.

**17.18.010 - Purpose.**

The business corridors overlay district recognizes the importance of the Maple Street and 18th Street corridors as major commercial links between the principal entrances to the city and the downtown commercial district. The city has developed a plan for the enhancement of the corridors, designed to improve their visual quality and functional performance as a business environment. The business corridors overlay district provides a performance-based system, combining requirements and incentives to assure that subsequent development complements these public enhancement efforts.

*(Ord. 1332 § 1, May 20, 2019)*

**17.18.020 - Application.**

The business corridors overlay district applies to the Maple Street and 18th Street corridors within the city limits. The exact boundaries of this overlay district are indicated on the city's official zoning map.

*(Ord. 1332 § 1, May 20, 2019)*

**17.18.030 - Permitted uses.**

Uses permitted in the business corridors overlay district are those permitted in the base districts of properties within its boundaries.

*(Ord. 1332 § 1, May 20, 2019)*

**17.18.040 - Development standards.**

Each use within the business corridors overlay district shall comply with the development standards of its respective base district unless otherwise provided for by this section.

*(Ord. 1332 § 1, May 20, 2019)*

**17.18.050 - Project evaluation.**

- (a) All projects proposed for development in the business corridors overlay district shall be required to achieve a minimum point score, based on the standards set forth below, prior to receiving approval for development or construction. Projects shall be evaluated by the zoning administrator, who shall maintain a written record of the evaluation. In order to receive approval, projects shall receive a minimum of fifty points.
- (b) Administrative evaluations by the zoning administrator which result in the denial of a project approval may be appealed to the zoning board of adjustment.

*(Ord. 1332 § 1, May 20, 2019)*

**17.18.060 - Evaluation standards.**

(a) Business Corridors Overlay District Landscaped Areas.

- (1) Base Standard. All projects must provide adequate public right-of-way to provide a typical nine-foot landscaped setback between the back of the curb on Maple Street or 18th Street and the nearest edge of the sidewalk. Projects are not required to provide additional landscaping behind the business corridors overlay district setbacks.
- (2) Performance Points. Projects earn one point for each foot of landscaping provided on the site behind the business corridors overlay district sidewalks.
- (3) Parking Lot Landscaping.
- (4) Base Standard. All parking lots accommodating twenty or more cars shall provide interior landscaping equal to five percent of the paved area of the parking lot.
- (5) Performance Points. Projects earn points based on the following table:

<i>Points</i>	<i>Action</i>
0	Project meets minimum standards
5	Project provides 1.25 times the base standard for interior landscaping.
10	Project provides 1.50 times the base standard for interior landscaping.
15	Project provides 2.00 times the base standard for interior landscaping.

(b) Access from Maple Street and 18th Street.

- (6) Base Standard. Access between an intersecting street and the alignment of a midblock alley is limited to one curb cut with a maximum width of thirty feet, unless a written waiver is granted by the city engineer.
- (7) Performance Points. Projects earn ten points if access is provided only by the midblock alley or from an intersecting street or adjacent alley.
- (8) Signage.
- (9) Base Standard. Projects must meet the sign requirement set forth in Chapter 17.30.
- (10) Performance Points. Projects earn points based on the following table:

<i>Points</i>	<i>Action</i>
0	Total sign area = eighty percent to one hundred percent of permitted sign area.
5	Total sign area = seventy percent to eighty percent of permitted sign area.
10	Total sign area = sixty percent to seventy percent of permitted sign area.
15	Total sign area = fifty percent to sixty percent of permitted sign area.

20	Total sign area = less than fifty percent of permitted sign area.

- (c) Projects which provide all signage as monument or ground signs earn an additional ten points. All such signs must be located outside of vision clearance zones.
- (d) Parking in Street Yard Facing Maple Street or 18th Street.
  - (1) Base Standard. A maximum of eighty percent of the project's parking may be located in the Maple Street or 18th Street street yard.
  - (2) Performance Points. Projects earn points based on the following table:

<i>Points</i>	<i>Action</i>
0	Between seventy percent and <b>eighty</b> percent of the project's parking is in the Maple Street or 18th Street street yard.
5	Between sixty percent and <b>seventy</b> percent of the project's parking is in the Maple Street or 18th Street street yard.
10	Between <b>fifty percent and sixty percent</b> of the project's parking is in the Maple Street or 18th Street street yard.
15	Between <b>forty percent and fifty percent</b> of the project's parking is in the Maple Street or 18th Street street yard.
20	Less than <b>forty</b> percent of the project's parking is in the Maple Street or 18th Street street yard.

- (e) Impervious Coverage.
  - (1) Base Standard. Impervious coverage shall not exceed seventy percent for any development.
  - (2) Performance Points. Projects earn points based on the following table:

<i>Points</i>	<i>Action</i>
0	Impervious coverage = seventy percent to eighty percent.
5	Impervious coverage = sixty-five percent to seventy-five percent.
10	Impervious coverage = sixty percent to seventy percent.
15	Impervious coverage = fifty percent to sixty percent.
20	Impervious coverage is less than fifty percent.

(f) Building Articulation.

(3) Base Standard. No requirement.

(4) Performance Points. Projects earn points based on the following table:

<i>Points</i>	<i>Action</i>
5	Building provides a minimum offset of five feet for every one hundred feet of length of the facade parallel to Maple Street or 18th Street.
10	Building provides a minimum offset of five feet for every seventy-five feet of length of the facade parallel to Maple Street or 18th Street.
15	Building provides a minimum offset of five feet for every fifty feet of length of the facade parallel to Maple Street or 18th Street.

*(Ord. 1332 § 1, May 20, 2019)*

**17.18.070 - Development and building permits within the business corridors overlay district.**

Developments may be approved in the business corridors overlay district according to the following process:

- (a) The applicant shall meet with the zoning administrator for the purpose of submitting a pre-application plan.
- (b) The applicant shall apply for project evaluation on a form provided by the zoning administrator. The application shall include information required under the site plan approval process and other information necessary to permit complete evaluation of the project.
- (c) The zoning administrator shall complete a written evaluation of the project based on the standards established in this section. The review shall determine the number of performance points awarded to the project. If the project earns the required number of points, the zoning administrator shall issue a certificate of approval for the project. All subsequent building and development permits shall be issued in conformance with the approved development plan.
- (d) A denial of the project based on failure to earn the required number of points shall be transmitted to the

applicant in writing. The applicant may either modify the project or appeal the decision of the zoning administrator to the zoning board of adjustment.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.20.010 - Purpose.

17.20.020 - Permitted uses.

17.20.030 - Site development regulations.

17.20.040 - Adoption of district.

17.20.050 - Amendments.

17.20.060 - Termination of district.

**17.20.010 - Purpose.**

The conditional planned use overlay district applies to situations in which a use that is not ordinarily permitted within a base zoning district is permitted subject to strict development controls which assure its compatibility with surrounding uses. The district shall only apply to situations where the proposed use is not permitted either by right or by conditional use permit. The conditional planned use overlay district permits the possible location of a use without resorting to an application for a more intense zoning district which may be harmful to or affect the character of an established neighborhood.

*(Ord. 1332 § 1, May 20, 2019)*

**17.20.020 - Permitted uses.**

Each ordinance establishing a conditional planned use overlay district establishes the specific use permitted within its boundaries.

*(Ord. 1332 § 1, May 20, 2019)*

**17.20.030 - Site development regulations.**

- (a) Application Requirements. Applications for approval of a conditional planned use overlay district must contain at a minimum the following information:
- (1) A detailed site map, including:
    - (A) A boundary survey;
    - (B) Site dimensions;
    - (C) Contour lines at no greater than two-foot intervals;
    - (D) Adjacent public rights-of-way, transportation routes, and pedestrian or bicycle systems;
    - (E) A land use map illustrating uses within a three hundred-foot radius of the proposed site;
    - (F) Utility service to the site and easements through the site;
    - (G) Description of other site features, including drainage, soils, or other considerations that may affect development.
  - (2) A development plan, including:
    - (A) A site layout, including the location of proposed buildings, parking, open space, and other facilities;

- (B) Location, capacity, and conceptual design of parking facilities;
  - (C) Description of the use of individual buildings, including floor plans and elevations;
  - (D) Description of all use types to be included in the project or area, and maximum floor area devoted to each general use;
  - (E) Maximum height of buildings;
  - (F) Specific location and design of open space on the site, including a landscaping plan;
  - (G) Vehicular and pedestrian circulation plan, including parking lots, access ways, and on-site circulation;
  - (H) Grading and site drainage plans;
  - (I) Proposed sewer and utility improvements;
  - (J) Location, sizes, and types of all proposed signage.
- (3) Specific proposed development regulations for the project, including:
- (A) The specific uses proposed for the conditional planned use overlay district;
  - (B) Maximum floor area ratios;
  - (C) Front, side, and rear yard setbacks;
  - (D) Maximum height;
  - (E) Maximum building and impervious coverage;
  - (F) Design standards applicable to the project.
- (4) A traffic impact analysis, if required by the city.
- (b) Development Standards. A project within a conditional planned use overlay district must meet the following minimum standards and criteria. Compliance with these standards must be detailed in a written statement approved by the city council as part of the approval of the district.
- (1) The project shall have no discernable operating effects that create any incompatibility with the normal functioning of the underlying zoning district. Incompatible operating effects include site or building lighting, unusual hours of operation, noise, odors, hazardous materials, particulate matter, discharges into the sewer system, site drainage and runoff, or other features which can adversely affect properties in an area.
  - (2) The project must meet or exceed all development standards for the base zoning district.
  - (3) The project shall exceed the overall landscape area required by the base district by at least fifteen percent.
  - (4) The project shall provide buffering according to the standards set forth by Section 17.26.050 through Section 17.26.080. The amount of buffering established on the proposed site shall be as follows:
    - (A) An office use type established within a residential base district shall provide a minimum buffer of twenty feet around the perimeter of the site;

- (B) A commercial use type established within a residential base district shall provide a minimum buffer of twenty-five feet around the perimeter of the site;
  - (C) An industrial use type established within a residential base district shall provide a minimum buffer of fifty feet around the perimeter of the site.
- (5) No building built within a conditional planned use overlay district shall be more than ten percent larger than the mean building footprint of primary structures within a three hundred-foot radius of the proposed site.
  - (6) Any building in a conditional planned use overlay district shall utilize exterior materials that are in common use by buildings within a three hundred-foot radius of the proposed site.
  - (7) All parking lots shall be generally sheltered from view from the street or from surrounded properties.
  - (8) The Commission and city council may impose any other development condition which it feels appropriate to assure the compatibility of the proposed use with those in the surrounding area.

*(Ord. 1332 § 1, May 20, 2019)*

**17.20.040 - Adoption of district.**

- (a) The Commission and city council shall review and evaluate each conditional planned use overlay district application. The city may impose reasonable conditions, as deemed necessary to ensure that a conditional planned use overlay district development shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- (b) The Commission, after proper notice, shall hold a public hearing and act upon each application.
- (c) The Commission may recommend amendments to conditional planned use overlay district applications.
- (d) The recommendation of the Commission shall be transmitted to the city council for final action.
- (e) The city council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a conditional planned use overlay district. Proper notice shall mean the same notice established for any other zoning amendment.
- (f) An ordinance adopting a conditional planned use district shall require a favorable simple majority of the city council for approval.
- (g) Upon approval by the city council, the development plan contained within the application shall become a part of the ordinance creating or amending the conditional planned use district. All approved plans shall be filed with the city clerk.
- (h) Compliance with the minimum standards set forth in this section shall in no way obligate the Commission and city council to approve the conditional planned use district. Moreover, the city council may establish the district for a finite period of time as part of its ordinance approving the creation of such a district.

*(Ord. 1332 § 1, May 20, 2019)*

**17.20.050 - Amendments.**

Any change to the terms of the conditional planned use overlay district shall require the approval of the city council following review and recommendation of the Commission.

*(Ord. 1332 § 1, May 20, 2019)*

**17.20.060 - Termination of conditional planned use overlay district.**

- (a) The zoning administrator, Commission, city council, or a petition signed by at least fifty percent of the property owners within three hundred feet of the conditional planned use overlay district following one or more incidents of a violation or alleged violation of the terms of the conditional planned use overlay district shall initiate a review of the district by the Commission.
- (b) At the review, the commission may recommend termination of the conditional planned use overlay district and the rights that pertain to it. Such a recommendation shall require a finding of fact that documents the violation of the terms of the conditional planned use overlay district.
- (c) Following such a recommendation, the city council may, at its discretion, terminate the conditional planned use overlay district. This termination may require the immediate cessation of any operations or uses authorized by the creation of the district. Following termination, permitted use types shall include only those uses otherwise permitted in the base zoning district.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.21.010 - Purpose.

17.21.020 - Application.

17.21.030 - Permitted uses.

17.21.040 - Development standards.

17.21.050 - Project evaluation.

**17.21.010 - Purpose.**

The park overlay district recognizes the importance of the development of park areas in and around the city. The city has developed a plan for the enhancement of the park areas. The park overlay district provides a process to assure that subsequent development complements these enhancement efforts.

*(Ord. 1332 § 1, May 20, 2019)*

**17.21.020 - Application.**

The park overlay district applies to areas within the city park and the city reservoir. The exact boundaries of this overlay district are indicated on the city's official zoning map.

*(Ord. 1332 § 1, May 20, 2019)*

**17.21.030 - Permitted uses.**

Uses permitted in the park overlay district are those permitted in the base districts of properties within its boundaries and expanded to include campground, commercial recreation (outdoor), lodging, and restaurants (general) uses.

*(Ord. 1332 § 1, May 20, 2019)*

**17.21.040 - Development standards.**

Each use within the park overlay district shall comply with the development standards of its respective base district unless otherwise provided for by this section.

*(Ord. 1332 § 1, May 20, 2019)*

**17.21.050 - Project evaluation.**

- (a) The zoning administrator, Commission and city council shall review and evaluate each planned development or construction of improvements within the park overlay district pursuant to the site plan procedure set forth in Section 17.34.020 notwithstanding any provisions to the contrary in said section (e.g., the development in single-family residential improvements within the park overlay district must go through the site plan procedure set forth in Section 17.34.020 even though single-family residential improvements are not subject to the site plan approval in other areas within the city).

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.22.010 - Purpose.

17.22.020 - Supplemental use regulations-Agricultural uses.

17.22.030 - Supplemental use regulations-Residential uses.

17.22.040 - Supplemental use regulations-Civic uses.

17.22.050 - Supplemental use regulations-Commercial uses.

17.22.060 - Supplemental use regulations-Industrial uses.

17.22.070 - Performance standards for industrial uses.

17.22.080 - Supplemental use regulations-Miscellaneous uses.

17.22.090 - Supplemental use regulations-Accessory uses.

17.22.100 - Supplemental use regulations-Outdoor storage outside of the LI zoning district.

17.22.110 - Supplemental use regulations-Temporary uses.

**17.22.010 - Purpose.**

The supplemental use regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Chapter 17.08. The regulations contained in this chapter pertain both to uses allowed by right within various zoning districts; and to uses that require approval as conditional uses by the Commission. Nothing contained in this chapter shall limit the right of the Commission to impose additional conditions on developments seeking conditional use approval.

*(Ord. 1332 § 1, May 20, 2019)*

**17.22.020 - Supplemental use regulations-Agricultural uses.**

Nothing in this section shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, state, or federal ordinance or statute.

- (a) Horticulture and Crop Production-Retail Sales. Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG district, or within commercial districts, subject to the following requirements:
- (1) Garden Centers.
    - (A) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
    - (B) Garden centers must conform to all site development regulations for the zoning district.
    - (C) Any garden center adjacent to a residential district must maintain a twenty-foot landscaped buffer yard, consistent with the standards established in Section 17.26.040.
  - (2) Roadside Stands.
    - (A) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
    - (B) A roadside stand may be located within a required front yard but no closer than forty feet to the edge of a traveled roadway.

(C) A roadside stand may operate for a maximum of one hundred eighty days in any one year.

(b) Animal Production.

- (1) No commercial poultry or livestock operation shall be located within one thousand feet of any residential or commercial zoning district.
- (2) Within the RR district, any lot of two acres and over may maintain one horse, llama, or other equine and/or hooved animal and its immature offspring. Such a lot may have one additional animal for each additional two acres of lot area, up to a maximum total of three animals. No stable shall be located closer than fifty feet to any single family dwelling unit on the site.

(c) Commercial Feedlots. Commercial feedlots are not permitted within the zoning jurisdiction of the city.

(d) No manure spreading shall be allowed within one thousand feet of any residential or commercial zoning district.

*(Ord. 1332 § 1, May 20, 2019)*

**17.22.030 - Supplemental use regulations-Residential uses.**

(a) Zero-Lot Line Single-Family Detached Residential. Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

- (1) The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must, taken by itself, comply with all side yard requirements for the zoning district.
- (2) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
- (3) An easement for maintenance of the zero lot line facade is filed with the county recorder and the city clerk at the time of application for a building permit.

(b) Single-Family Attached. Where permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.

(c) Townhouse Residential. Where permitted, townhouse residential is subject to the following regulations:

- (1) The minimum width for any townhouse lot sold individually shall be twenty feet, except within a creative subdivision.
- (2) Coverage percentages are computed for the site of the entire townhouse common development.
- (3) Within an R-2 district, no more than six townhouse units may be attached in a single townhouse structure.

(d) Two-Family Residential.

- (1) The second single family dwelling unit shall be located to the rear of the site and shall be separated from the front single family dwelling unit by a minimum of twenty-five feet.
- (2) The second single family dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.

(e) Downtown Residential and Group Residential Uses in the downtown commercial district. Downtown

residential and group residential uses are permitted in the DC district subject to the following conditions:

- (1) Downtown and group residential uses are permitted in the DC district only on levels above street level for buildings that have facades facing the courthouse square except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
  - (2) All upper level apartments must have two separate means of egress.
- (f) Group Residential. Where permitted, group residential use must comply with the following requirements:
- (1) Within the AG district, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non-owner-occupied dwelling unit.
  - (2) Within the R-3 district, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non-owner-occupied dwelling unit.
  - (3) A minimum of two hundred fifty square feet must be provided in the dwelling unit for each resident.
- (g) Mobile Home Parks and Mobile Home Subdivisions, Generally. In the R-4 mobile home residential district, which permits factory-built home use, such use may be configured in a mobile home park or mobile home subdivision. Except in the AG district as to a manufactured home, no mobile home or manufactured home shall be located outside of a mobile home park or mobile home subdivision.
- (h) Mobile Home Park. A mobile home park is subject to approval as a conditional use by the Commission and compliance with the following regulations:
- (1) Certification. A certification of compliance with all ordinances and regulations regarding mobile homes, manufactured homes, modular homes or a combination of any of these homes licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be issued by the zoning administrator prior to the occupancy of any new mobile home park or any expansion of an existing mobile home park.
  - (2) Minimum and Maximum Area. A mobile home park shall be considered to be one zoned lot. The contiguous area of a mobile home park shall have a minimum of three acres and a maximum of fifteen acres.
  - (3) Density Requirements.
    - (A) The minimum lot size of a mobile home park shall be no less than the product of five thousand square feet multiplied by the number of factory-built homes in such mobile home park.
    - (B) The minimum size of an individual factory-built home plot shall be four thousand square feet for single-wide mobile home or manufactured home and six thousand square feet for double-wide mobile home or manufactured home, and six thousand square feet for modular home.
    - (C) Each factory-built home plot shall have a width of at least fifty feet wide and a length of at least eighty feet.
  - (4) Site Development Standards.
    - (A) Setbacks. Each mobile home park shall have a minimum perimeter setback of thirty feet from adjacent nonresidential uses and fifty feet from adjacent residential uses or public rights-of-way. No plot for a dwelling unit or any other structure shall be permitted in the required setback.

- (B) Setback Landscaping. All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Chapter 17.26. Screening shall be provided in conformance with Chapter 17.26 for any common property line with another nonresidential use.
  - (C) Impervious Coverage. Impervious coverage for a mobile home park shall not exceed fifty percent of the total site area.
  - (D) Open Space. Each mobile home park shall provide a minimum of four hundred square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
  - (E) Separation between Factory-Built Homes. The minimum separation between a factory-built home and attached accessory structure and any other factory-built home and/or accessory structure shall be twenty feet.
  - (F) Separation and Setbacks for Accessory Structures. An accessory structure on a factory-built home plot shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any factory-built home and an unattached accessory structure.
- (5) Street Access and Circulation Requirements.
- (A) Access to Public Street. Each mobile home park must abut and have access to a dedicated public street with a right-of-way of at least sixty feet. Direct access to a factory-built home plot from a public street is prohibited.
  - (B) Vehicular Circulation. The mobile home park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be twenty-seven feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of ninety feet. No such cul-de-sacs may exceed three hundred feet in length.
  - (C) Separation between Units and Circulation Areas. The minimum distance between a factory-built home and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
  - (D) Sidewalks. Each mobile home park shall provide a sidewalk system to connect each factory-built home plot to common buildings or community facilities constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk width shall be at least four feet.
  - (E) Street and Sidewalk Standards. All internal streets and sidewalks shall be paved. Electric street lighting is required along all internal streets.
  - (F) Parking Requirements. Each mobile home park must provide at least two off-street parking stalls for each factory-built home plot.
- (6) Tornado Shelters. Tornado shelters shall be provided in the mobile home park. Such shelter or shelters shall be built according to the recommendations of the civil defense authority and be large enough to meet the specific needs of the park and its residents.
- (7) Utilities.
- (A) All mobile home parks shall provide individual units and common facilities with an adequate, piped supply of water for both drinking and domestic purposes; and standard electrical service,

providing at least one, one hundred-twenty-volt and one, two hundred-forty-volt electrical service outlet to each factory-built home plot.

- (B) Complete sanitary and sewer service shall be provided within each mobile home park in accordance with city standards.
- (C) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each mobile home park in accordance with applicable city codes and public improvement design standards.
- (D) All electric, telephone, gas, and other utility lines shall be installed underground.
- (8) Financial Responsibility. Each application for a mobile home park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
- (9) Completion Schedule. Construction must begin on any approved mobile home park within one year of the date of approval by the Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the commission.
- (i) Mobile Home Subdivisions.
  - (1) Mobile home subdivisions shall be developed in accordance with all standards and requirements set forth in the subdivision chapter of the land development ordinance of Centerville. Site development regulations shall be the same as those required in the R-2 zoning district. Each factory-built home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
  - (2) Factory-built homes within mobile home subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.
  - (3) Mobile home subdivisions shall provide tornado shelter facilities as required by Section 17.22.040(h)(6).

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.22.040 - Supplemental use regulations-Civic uses.**

- (a) Clubs. Clubs located adjacent to residential uses shall maintain a buffer yard of not less than fifteen feet along the common boundary with such residential use.
- (b) Day Care.
  - (1) Day care services (limited) uses are permitted on residential lots and may be operated by the occupant of a dwelling unit on the site.
  - (2) Day care facilities are permitted by conditional use permit in the GI general industrial zoning district only if incidental to a permitted primary use.
- (c) Educational Facilities. Primary and secondary educational facilities shall maintain a forty-foot property line setback in all zoning districts in which they are authorized.
- (d) Group Care Facilities and Group Homes.
  - (3) Each group care facility or group home must be validly licensed by either the state or the appropriate governmental subdivision.

- (4) Group homes are permitted in the DC district only on levels above street level for buildings that have facades facing the courthouse square except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
- (e) Religious Assembly. Facilities developed for religious assembly in AG, RR, R-1, and R-2 districts shall maintain a forty-foot setback from all property lines.

*(Ord. 1332 § 1, May 20, 2019)*

**17.22.050 - Supplemental use regulations-Commercial uses.**

- (a) Auto Services, Equipment Repair Services, and Body Repair.
  - (1) Where permitted in commercial districts, all repair activities in auto services, equipment repair services, and body repair must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to such uses, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to provisions of 0.
  - (2) Any spray painting must take place within structures designed for that purpose and approved by the building official.
- (b) Auto Washing Facilities.
  - (1) Each conveyor-operated auto washing facility shall provide eighty feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
  - (2) Each auto washing facility shall provide stacking space for two automobiles per bay on the approach side and one space per bay on the exit side of the building.
- (c) Automobile and Equipment Rental and Sales.
  - (1) All outdoor display areas for rental and sales facilities shall be hard-surfaced.
  - (2) Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed twenty-five percent of the gross floor area of the building.
- (d) Bed and Breakfasts. Bed and breakfasts permitted in the DC district must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
- (e) Campgrounds.
  - (1) Minimum Size. Each campground shall have a minimum size of one acre.
  - (2) Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty-five-foot buffer yard from all other property lines.
  - (3) Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all city ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.
- (f) Cocktail Lounges. No cocktail lounge shall be permitted in the DC downtown commercial district that is within two hundred feet of another cocktail lounge.

- (g) Convenience Storage. When authorized, convenience storage facilities shall be subject to the following additional requirements:
  - (1) Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
  - (2) All driveways within the facility shall provide a paved surface with a minimum width of twenty-five feet.
  - (3) All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
  - (4) No storage buildings may open into required front yards.
  - (5) Facilities must maintain landscaped buffer yards of thirty-five feet adjacent to any public right-of-way and twenty feet adjacent to other property lines, unless greater setbacks are required by Chapter 17.26.
- (h) Restaurants. Restaurants in the LC or CC districts that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Chapter 17.34.

*(Ord. 1332 § 1, May 20, 2019)*

**17.22.060 - Supplemental use regulations-Industrial uses.**

- (a) Resource Extraction. Resource extraction, where permitted, is subject to the following additional requirements:
  - (1) Erosion Control. A resource extraction use may not increase the amount of storm runoff onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
  - (2) Surface Drainage. The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the city council.
  - (3) Storage of Topsoil. Topsoil shall be collected and stored for redistribution following the operation.
  - (4) Elimination of Hazards. Excavation shall not result in a hazard to any person or property. The following measures are required:
    - (A) Restoration of slopes to a gradient not exceeding thirty-three percent as soon as possible.
    - (B) Installation of perimeter safety screening.
    - (C) Installation of visual screening adjacent to any property within a residential or public use district.
  - (5) Restoration of Landscape. The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the city council with the recommendation of the Commission and the Department of Natural Resources.
- (b) Salvage Services.
  - (1) Screening.
    - (A) The perimeter of each facility shall be fully enclosed by opaque, freestanding fencing or screen

walls. Materials used for fencing or screen walls shall be reviewed and approved by the zoning administrator. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped buffer yards and shall be kept in a state of reasonable maintenance. A single, consistent material shall be used for all faces of the enclosure, unless a change of materials is part of a specific design that is reviewed and approved by the zoning administrator.

- (B) Each existing salvage services facility shall be screened as provided above within one year of the effective date of the ordinance codified in this title.
- (2) Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
- (3) No salvage services use may be established within three hundred feet of the nearest property line of a residential zoning district or educational facility.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.22.070 - Performance standards for limited industrial uses.**

- (a) Limited Industrial Use Standards. The following performance standards apply to all industrial uses permitted within a limited industrial zoning district:
  - (1) Physical Appearance. All operations shall be carried on within an enclosed building except as provided in Section 17.22.100.
  - (2) Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of the county and the city.
  - (3) Sewage and Wastes. No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
  - (4) Air Contaminants. No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
  - (5) Odor. The emission of odors determined by the Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
  - (6) Gases. No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed five parts per million taken at the property line of the operation.
  - (7) Vibration. All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of 0.003 inch.
  - (8) Glare and Heat. All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.

- (9) Storage of Chemical Products. If allowed by conditional use permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed forty thousand gallons when stored on one lot less than one acre. Such storage shall not exceed twenty-five thousand gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of twenty-five thousand gallons shall be located at least fifty feet from any structure intended for human habitation and at least two hundred feet from any residential, office, or commercial zoning district.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.22.080 - Supplemental use regulations-Miscellaneous uses.**

- (a) Communications Towers. Communications towers, where permitted, are subject to the following additional requirements:
  - (1) Colocation. It is the policy of the city to encourage the colocation of new communications towers with existing towers or as part of suitable existing structures. All applications for approval of a communications tower location shall include evidence that all potential alternatives for location on existing towers or suitable buildings have been explored and exhausted. Applicants may not be denied space on an existing tower within the city unless mechanical, structural, or regulatory factors prevent colocation.
  - (2) Towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of another separate tower is a minimum of one hundred percent of the tower height.
  - (3) The tower facility shall be designed to be aesthetically and architecturally compatible with the built environment of the city. Associated support buildings shall be designed with materials that are consistent with those in the surrounding neighborhood. Metal exteriors shall not be permitted for support accessory structures.
  - (4) All tower facilities shall provide landscaped peripheral yards with a minimum depth of thirty-five feet. One tree consistent with the provisions of Chapter 17.26 shall be planted for every five hundred square feet of required peripheral yard area.
- (b) Landfills.
  - (1) Prevention of Hazards. No facility shall present a hazard to surrounding residents or properties.
  - (2) Drainage and Water Supply. No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the city. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
  - (3) Minimum Separation from Residential Uses. No non-putrescible landfill may be established within three hundred feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any state or federal highway.
  - (4) Restoration of Site. The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the state's Department of Natural Resources.
  - (5) Toxic Waste. The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the city and its extraterritorial jurisdiction.

(c) Wind Energy Conservation Systems (WECS).

- (1) The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a conditional use permit approval if the Commission finds that the reduction is consistent with public health, safety, and welfare.
- (2) The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a conditional use permit approval if the Commission finds that the reduction does not impede the operation of either WECS.
- (3) The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
- (4) A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
- (5) The WECS is exempt from the height restrictions of the base district.

*(Ord. 1332 § 1, May 20, 2019)*

**17.22.090 - Supplemental use regulations-Accessory uses.**

- (a) Home-Based Businesses/Home Occupations. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:
  - (1) External Effects.
    - (A) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
    - (B) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
    - (C) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory structure approved by the city in accordance with this title. All "external effects" criteria in Sections 17.22.090(a)(1)(A), (B), (C), (D) and (E) are applicable for the detached accessory structure. Signage is not allowed upon the detached accessory structure.
    - (D) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
    - (E) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
    - (F) No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
  - (2) Employees. The home occupation shall employ no more than one full time or part time employee on premise other than the residents of the dwelling unit, provided that one off-street parking space is

made available and used by that nonresident employee.

- (3) Extent of Use. For all residential and agricultural zoning districts, the lesser of twenty-five percent of the floor area of the dwelling or four hundred square feet may be devoted to the home occupation, inclusive of any detached accessory structures used for the home occupation.
  - (4) Signage. Each home-based business shall be permitted to have one non-illuminated wall sign not to exceed four square feet in area.
  - (5) Traffic Generation and Parking.
    - (A) Home-based businesses may generate no more than ten vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.
    - (B) Deliveries or service by commercial vehicles or trucks rated at ten tons gross empty weight is prohibited for any home-based business located on a local street.
    - (C) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.
  - (6) Prohibited Home-Based Businesses/Home Occupations. The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
    - (A) Animal hospitals;
    - (B) Beauty and barber shops with over one chair, except with a conditional use permit;
    - (C) General retail sales;
    - (D) Mortuaries;
    - (E) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses;
    - (F) Stables or kennels;
    - (G) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.
- (b) Permitted Accessory Uses-Residential Uses. Residential uses may include the following accessory uses, activities, and structures on the same lot.
- (1) Private garages and parking for the residential use.
  - (2) Recreational activities and uses by residents.
  - (3) Home occupations, subject to Section 17.22.090(a).
  - (4) Residential convenience services for multi-family uses or mobile home parks.
  - (5) Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two-month period or four sales during any twelve-month period.
- (c) Permitted Accessory Uses-Civic Use Types. Guidance services and health care use types are permitted in industrial zoning districts only as accessory uses to a primary industrial use.

- (d) Permitted Accessory Uses-Other Use Types. Other use types may include the following accessory uses, activities, and structures on the same lot:
  - (1) Parking for the principal use.
  - (2) Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
  - (3) Services operated for the sole benefit of employees of the principal use.
- (e) Permitted Accessory Uses-Agricultural Use Types.
  - (1) Garden centers and roadside stands, subject to the regulations set forth in Section 17.22.020(a)(1) and (2).
  - (2) Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

*(Ord. 1332 § 1, May 20, 2019)*

**17.22.100 - Supplemental use regulations-Outdoor storage.**

Outdoor storage is prohibited in all zoning districts, except as provided in this section.

- (a) Agricultural Use Types. Outdoor storage is permitted only where incidental to agricultural uses.
- (b) Civic Use Types. Outdoor storage is permitted only where incidental to maintenance facilities.
- (c) Commercial Use Types.
  - (1) Outdoor storage is permitted where incidental to agricultural sales and service; automotive rentals and sales; construction sales and services; equipment rental and sales; stables; and surplus sales.
  - (2) Outdoor storage is permitted where incidental to auto services, equipment repair services, and body repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 17.26.050.
- (d) Industrial and Miscellaneous Use Types.
  - (1) Outdoor storage of new materials or equipment in operable condition is permitted. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
  - (2) Outdoor storage is permitted where it is incidental to industrial uses within the general industrial zoning districts. Any such outdoor storage is subject to screening requirements set forth in Chapter 17.26.
  - (3) Outdoor storage is permitted where incidental to landfills.

*(Ord. 1332 § 1, May 20, 2019)*

**17.22.110 - Supplemental use regulations-Temporary uses.**

- (a) Purpose. These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of this title and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

- (b) Temporary Use Types. The following temporary uses are permitted, subject to the regulations contained within this chapter:
- (1) Model homes or apartments, if contained within the development to which they pertain.
  - (2) Development Sales Offices. Such offices may remain in place until ninety percent of the lots or units within the development are sold and may not be located within a factory-built home.
  - (3) Public assemblies, displays, and exhibits.
  - (4) Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring nonprofit organization, or are located within the downtown commercial district or more intensive zoning district.
  - (5) Outdoor art shows and exhibits.
  - (6) Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
  - (7) Construction offices, if located on the construction site itself.
  - (8) Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in community commercial general commercial, highway commercial, light industrial, or general industrial zoning districts.
  - (9) Sales within temporary structures, provided that such sales operate no more than three days in the same week and twelve days in the same month; and are located in community commercial general commercial, highway commercial, light industrial, or general industrial zoning districts.
  - (10) Construction batch plants in the limited industrial district, provided that:
    - (A) No plant may be located within six hundred feet of a developed residential use, park, or school.
    - (B) The facility is located no more than one mile from its job site. The zoning administrator may extend this distance, if such extension avoids use of local streets by plant-related vehicles.
    - (C) Hours of operation do not exceed twelve hours per day.
    - (D) Unless otherwise approved by the zoning administrator, the duration of the plant's operation does not exceed one hundred eighty days.
  - (11) Additional temporary uses that the zoning administrator determines to be similar to the previously described uses in this section.
- (c) Required Conditions of All Temporary Uses.
- (1) Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
  - (2) The zoning administrator may establish other conditions which the zoning administrator deems necessary to ensure compatibility with surrounding land uses.
- (d) Permit Application and Issuance.
- (1) An application to conduct a temporary use shall be made to the zoning administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.

- (2) The zoning administrator may authorize a temporary use only if the zoning administrator determines that:
  - (a) The use will not impair the normal operation of a present or future permanent use on the site.
  - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
- (3) The duration of the permit shall be explicitly stated on the permit.
- (4) Decisions of the zoning administrator may be appealed to the zoning board of adjustment.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.24.010 - Purpose.

17.24.020 - Use of existing lots of record.

17.24.030 - Setback adjustments.

17.24.040 - Height exceptions.

17.24.050 - Exceptions to site development regulations for creative subdivisions.

17.24.060 - Appeals.

**17.24.010 - Purpose.**

The supplemental site development regulations establish basic requirements for developable lots, including frontage requirements, recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

*(Ord. 1332 § 1, May 20, 2019)*

**17.24.020 - Use of existing lots of record.**

In any district where they are otherwise permitted, a single-family or two-family dwelling may be located on any lot or plot of official record as of the effective date of the ordinance codified in this title irrespective of the area or width of the lot or plat; provided, however, the interior side yard width of any such lot or plot shall not be less than five feet.

*(Ord. 1332 § 1, May 20, 2019)*

**17.24.030 - Setback adjustments.**

- (a) Lots Adjoining Alleys. In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than five feet to the near side of the alley.
- (b) Encroachments on Required Yards. Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
  - (1) Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project two feet into a required yard. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of two feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
  - (2) Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.
  - (3) The structural alteration of an existing porch within the exterior dimensions of said porch shall not be considered a nonconforming structure within the scope of this title, even though the setback requirements of the district in which it is located may not be met. This shall be interpreted to mean that the replacement, reconstruction, or enclosing of an existing porch with a porch of the same or lesser dimension shall be considered a conforming structure even though the front, side, or rear yard dimensions required in the district in which it is located may not be met. The requirements of this

section shall apply only to residential uses. For the purposes of this section a "porch" is defined as an open or enclosed covered entrance, entryway, or deck attached to and projecting from an exterior wall of an existing building.

- (4) For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of three feet or five percent of the right-of-way width.
- (5) In commercial districts, a canopy may project into public right-of-way. Maximum projection is fifty percent of the right-of-way width and minimum vertical clearance is eight feet six inches.
- (6) Accessory structures are subject to all site development regulations of its zoning district, except as provided below:
  - (A) Side Yards. An accessory structure may be located a minimum of four feet from the interior side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
  - (B) Front Yards. No accessory structure may be located between the front building line of the principal building and the front property line.
  - (C) Rear Yard. The minimum rear yard setback for accessory structures shall be five feet. This minimum rear yard setback shall be increased to fifteen feet if the accessory structure requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 17.08C. Easements may be incorporated into these required setbacks. No accessory structure shall be located within any easement or right-of-way along the rear property line.
  - (D) Street Yards. No accessory structure shall be located within twenty feet from any street right-of-way line.
  - (E) Height. In residential districts, the maximum height shall be twelve feet for any accessory structure. Maximum height for a detached garage and/or other accessory structure in a rural residential district shall be twenty feet.
  - (F) Separation from Other Buildings. No accessory structure shall be placed within ten feet of any other building on its own property or any adjacent properties.
  - (G) Maximum Size. An accessory structure which is not a part of the main building shall not occupy more than thirty percent of the rear; however, this regulation shall not be interpreted to prohibit the construction of a five hundred fifty square foot garage on a minimum rear yard.
  - (H) Attached Accessory structures. Any accessory structure physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
  - (I) Effect on Adjacent Properties. If an adjacent lot is built upon, the accessory structure must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory structure shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
  - (J) No accessory structure shall be built upon a lot until the commencement of construction of the principal building on such lot has occurred.
- (7) Lamp posts with a maximum height of ten feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five feet from property lines.

- (8) **Garage Setbacks.** Any garage that fronts on a public street must be set back at least twenty feet from such street, regardless of the setback requirement within the zoning district.
- (c) **Corner Lots.**
- (1) For corner lots platted or of record after August 14, 1961, the street side yard regulation shall apply to each street side of the corner lot.
- (2) On corner lots platted or of record prior to August 14, 1961, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty percent of the front yard required on the lots to the rear of such corner lot, and no accessory structure on said corner lot shall project beyond the setback line of the lots in the rear; provided further, that this regulation shall not be interpreted to reduce the buildable width of the corner lot facing an intersecting street and of record prior to August 14, 1961, to less than twenty-eight feet nor to prohibit the erection of an accessory structure.
- (3) Required setbacks shall not reduce the buildable width of any corner lot to less than twenty-four feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.
- (d) **Mixed Use Yard Requirements.** In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.
- (e) **Rear Yard Exceptions-Residential Uses.** When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent of the rear yard required by the zoning district.
- (f) **Double Frontage Lots.** Residentially zoned double frontage lots on a major street, and with no access to that street may have a twenty-five-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.
- (g) **Satellite Antennas.**
- (1) Each lot shall have no more than one satellite antenna.
- (2) Antennas with a surface area over a two-foot diameter that are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
- (3) Antennas with a surface area of over a two-foot diameter are subject to the following additional regulations:
- (A) Such antennas shall be located no less than ten feet from the property line of an adjacent property line.
- (B) The maximum height shall be fifteen feet and the maximum diameter shall be eleven feet.
- (C) Each antenna shall be screened by a six-foot-high wood or masonry fence, or by natural plants or trees of equal minimum height.
- (h) **Visibility Triangles.** No structure, including a fence, shall be built to a height of more than thirty inches above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines forty feet from their point of intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.24.040 - Height exceptions.**

These provisions allow exceptions to the height limit of any zoning district in certain situations.

- (a) Vertical Projections. Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding twenty-five percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances.
- (b) Amateur Radio Towers and Federal Communication Commission Pronouncements.
  - (1) Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed seventy-five feet in height. This height has been determined by the city to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
  - (2) Special instances may require that amateur radio tower heights exceed seventy-five feet to achieve effective and reliable communications. In such cases, the Commission may grant a conditional use permit to a licensed amateur radio operator for a specific tower height that exceeds seventy-five feet. In determining whether to grant such permission, the city council shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).
  - (3) Such radio towers shall not be located within any front yard of the primary use.
- (c) Civic Buildings. Buildings housing civic use types may be built to a maximum height of sixty feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.
- (d) Communications Towers. Communications towers, when operated by a federally licensed commercial or nonprofit organization, may be built to any height in accordance with existing and future ordinances. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators. Such towers are subject to the requirements of Section 17.22.080(a).
- (e) Wind Energy Conservation Systems (WECS). Wind energy conservation systems are exempt from the height restrictions of the base district but is subject to the regulations of Section 17.22.080(c).
- (f) Conditional Use Approvals. The Commission may grant an exception from the height limit for a zoning district for a conditional use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the conditional use permit.
- (g) Federal Aviation Administration Rules. No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration or the Centerville, Iowa Airport Land Use and Height Overlay Zoning Ordinance for the Centerville Municipal Airport. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the city.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.24.050 - Exceptions to site development regulations for creative subdivisions.**

- (a) Purpose. In the instance that a planned unit development provides for creative or conservation subdivisions, the city may authorize such subdivisions to allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, to provide for more efficient use of land, to protect topography and to encourage the preservation of common area and open space. These special regulations and design exceptions apply only to creative subdivisions.

- (b) Site Area Per Unit. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.
- (c) Perimeter Yards.
  - (1) Structures must maintain normal street yard setbacks from any public streets that form the perimeter of the development.
  - (2) Structures must maintain a twenty-foot minimum side yard setback from any property line that forms the boundary of the development.
- (d) Area and Yards for Individual Lots.
  - (1) Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this title, unless provided for by the regulations for a specific zoning district. A creative subdivision must be planned and developed as a common development. A minimum separation of twenty feet shall be established for all residential structures not attached to one another, unless the city council grants a specific exception for developments proposing unique circumstances, only in as much as said development can be demonstrated to avoid detriment to Centerville's efforts to protect public health, safety, welfare, community character, property values and aesthetics.
  - (2) Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of twenty-five feet from that public street or private way.
- (e) Coverage and Landscaping Requirements. Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.24.060 - Appeals.**

Denial, revocations, or cancellations of a building permit based on the provisions of this chapter may be appealed to the zoning board of adjustment, as set forth in Chapter 17.34.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.26.010 - Purpose.

17.26.020 - Applicability.

17.26.030 - Landscaping requirements.

17.26.040 - Landscaping materials and installation standards.

17.26.050 - Buffer yard provisions.

17.26.060 - Screening standards.

17.26.070 - Tree plantings.

17.26.080 - General provisions.

17.26.090 - Fences and walls.

**17.26.010 - Purpose.**

The landscaping and screening regulations provide additional guidance on the development of sites within Centerville by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the city.

*(Ord. 1332 § 1, May 20, 2019)*

**17.26.020 - Applicability.**

The provisions of this chapter shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- (a) Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- (b) Remodeling, rehabilitation, or improvements to existing uses or structures that do not substantially change the location of structures, parking, or other site improvements.
- (c) Additions or enlargements of existing uses or structures that increase floor area or impervious coverage area by less than twenty percent. Where such additions or enlargements are twenty percent or greater, these provisions shall apply only to that portion where the new development occurs.

*(Ord. 1332 § 1, May 20, 2019)*

**17.26.030 - Landscaping requirements.**

Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 17.26A.

*(Ord. 1332 § 1, May 20, 2019)*

**17.26.040 - Landscaping materials and installation standards.**

- (a) Official List of Prohibited Plant Materials. No plant material listed on a list of restricted or prohibited plant materials provided through the office of the zoning administrator shall be installed in required landscaped areas or buffer yards. All plant materials shall conform in size, species and spacing with this chapter.
- (b) Use of Inorganic Landscaping Materials. No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than thirty-five percent of the minimum required

landscaped area. Other hard-surfaces may not be used within the minimum required landscaped area, except for driveways and walkways.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.26A

Required Landscape Depth

Zoning District	Depth of Landscaping from right-of-way line for Lot Adjacent to Street
AG	35 feet
RR	25 feet
R-1	20 feet
R-2	20 feet
R-3	15 feet
R-4	15 feet
UC	10 feet
LC	15 feet
DC	10 feet
CC	10 feet
GC	10 feet
HC	15 feet
BP	25 feet
LI	10 feet
GI	10 feet

(Ord. 1332 § 1, May 20, 2019)

### **17.26.050 - Buffer yard provisions.**

These provisions apply when use is established in a more intensive zoning district (district A) which is adjacent to a less intensive zoning district (district B). The owner, developer, or operator of the use within district A shall install and maintain a landscaped buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 17.26B. Buffer yards are not required of single-family, two-family, duplex, or townhouse use types in the more intensive zoning district.

- (a) The buffer yard dimensions set forth in Table 17.26B apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- (b) When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 17.26B.
- (c) Each required buffer yard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

*(Ord. 1332 § 1, May 20, 2019)*

### **17.26.060 - Screening standards.**

- (a) Application. Screening is required between adjacent zoning districts indicated in Table 17.26B when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district:
  - (1) The rear elevation of buildings.
  - (2) Outdoor storage areas or storage tanks, unless otherwise screened.
  - (3) Loading docks, refuse collection points, and other service areas.
  - (4) Major machinery or areas housing a manufacturing process.
  - (5) Major on-site traffic circulation areas or truck and/or trailer parking.
  - (6) Sources of glare, noise, or other environmental effects.
- (b) Opaque Barrier. A six-foot opaque barrier shall be provided that visually screens the conditions listed in Section 17.26.090(a) from less intensive uses as follows:
  - (1) A solid wood and/or masonry fence or wall at least six feet in height.
  - (2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
  - (3) A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
  - (4) Any combination of these methods that achieves a cumulative height of six feet.
- (c) Location of Screening Wall.
  - (1) A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.
- (d) Screening. Effect on Drainage. Screening shall not adversely affect surface water drainage.

- (e) Permitted Interruptions of Screening. Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed twenty percent of the length of the required screened area.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.26B

Buffer Yard Requirements (in feet)

	District B (Less Intensive Adjacent District)		
District A (More Intensive District) Note 3	AG, RR (Note 1)	R-1, R-2, R-4 (Note 1)	R-3 (Note 1)
R-4	20	20	—
UC	Note 2	Note 2	Note 2
DC	—	—	—
LC	20	20	20
CC, GC	25	25	30
LI	40	40	40
GI	100	100	100

Notes to Table 17.26B:

Note 1: Applies only to residential uses previously established in the zoning district.

Note 2: Vertical screening only is required as set forth in Section 17.26.060.

Note 3: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in district A.

(Ord. 1332 § 1, May 20, 2019)

### **17.26.070 - Tree plantings.**

In any landscaped area for commercial uses only required by the minimum depth requirements, the buffer yard requirements, or the parking lot interior landscaping requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each five hundred square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

*(Ord. 1332 § 1, May 20, 2019)*

### **17.26.080 - General provisions.**

- (a) **Time of Application.** The provisions contained in this chapter shall be applied for each individual lot or site when an application for a building permit on such lot is made. When required, a landscape plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the zoning administrator for compliance with the provisions of this section.
- (b) **Maintenance of Required Landscaping.** Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this chapter.
- (c) **Obstruction of View.** Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.
- (d) **Earth Berm Locations.** All earth berm locations shall be reviewed by the zoning administrator, or his/her designee to determine how the berms shall relate to drainage and public utilities.
- (e) **Exceptions.** A development may continue to comply with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions.

*(Ord. 1332 § 1, May 20, 2019)*

### **17.26.090 - Fences and walls.**

- (a) **Visibility at Alleys Intersecting Streets and Other Alleys.** At an alley in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting street in the area bounded by the right-of-way lines of such lots and a line joining points on the right-of-way lines ten feet from their point of intersection.
- (b) **Height Restrictions.** In any district, fences and walls not exceeding six feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to the part of the wall above the ground surface of the retained embankment.
  - (1) In any district where a fence or wall is required by a section of this title or any ordinance, to serve as a screening wall, buffer wall, or other separating or protective wall, the restrictions of this section shall yield to the requirements of the specific ordinance.
  - (2) **Grade for determining the maximum height above grade for fences and walls:**
    - (A) For a fence or wall along a street right-of-way, grade shall be the highest point of the pavement lying between the intersection of the centerline and a projection of the side lot lines.
    - (B) For a fence or wall between the front lot line and the front building line, grade shall be prorated

between the grade at the front lot line and the grades at the building.

- (C) For a fence or wall along the rear lot line or between the front building line and the rear lot line, grade shall be the grade at the building.
- (c) Barbed and Other Wire and Electric Fences. Fences constructed using barbed wire, woven wire, welded wire or any other similar wire, and electric fences will not be allowed except in areas within the city that are used for agricultural purposes, as set forth in Section 17.22.020(b).

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.28.010 - Purpose.

17.28.020 - General applications.

17.28.030 - Schedule of off-street parking requirements.

17.28.040 - Parking facility location.

17.28.050 - Parking for people with disabilities.

17.28.060 - Off-street parking design standards.

17.28.070 - Off-street loading.

17.28.080 - Parking for personal vehicles and recreational vehicles.

17.28.090 - Supplementary regulations - Storage and parking of unlicensed or other vehicles.

**17.28.010 - Purpose.**

The off-street parking regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

*(Ord. 1332 § 1, May 20, 2019)*

**17.28.020 - General applications.**

- (a) Applicability. Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.
- (b) Exemptions.
  - (1) Any use within the downtown commercial district other than downtown residential is exempt from the off-street parking requirements provided by Section 17.28.030. Any off-street parking facility constructed in the downtown commercial district after the effective date of the ordinance codified in this title must comply with the design standards set forth in this chapter.

*(Ord. 1332 § 1, May 20, 2019)*

**17.28.030 - Schedule of off-street parking requirements.**

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 17.28A.

- (a) Computation.
  - (1) When a computation of required parking results in a fraction of 0.5 or greater, the requirement shall be rounded up to the next whole number.
  - (2) Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
  - (3) When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code or other official determinations of occupancy in effect for the city at the time the use is established.

*(Ord. 1332 § 1, May 20, 2019).*

Table 17.28A

Minimum Off-Street Parking Requirements

<b><i>Agricultural Uses</i></b>	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
<b><i>Residential Uses</i></b>	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Townhouse Residential	2 spaces per dwelling unit
Multi-Family Residential	1.5 spaces per efficiency or 1-BR unit; 2 spaces per 2-BR unit; 2.5 spaces for 3 or more BR unit
Downtown Residential	No requirement
Group Residential	1 space for each resident.
Manufactured Home Residential	2 spaces per dwelling unit.
Mobile Home Park	2 spaces per dwelling unit
Mobile Home Subdivision	2 spaces per dwelling unit
Retirement Residential	1 space per independent living unit; 0.5 spaces per assisted living unit.
<b><i>Civic Uses</i></b>	
Administration	1 space for 300 square feet of gross floor area.
Cemetery	No requirement.
Clubs	1 space per 4 person capacity.
College and university facilities	1 space per three students.
Convalescent Services	1 space for 4 beds.
Cultural Services	1 space per 500 square feet of gross floor area.

Table 17.28A

Minimum Off-Street Parking Requirements (Continued)

Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Detention Facilities	1 space per 4 person capacity + 1 space per employee of largest shift..
Elder Group Home	1 space per 3 person capacity + 1 space per employee of largest shift.
Emergency Residential Services	1 space per 4 person capacity + 1 space per employee of largest shift.
Family Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Care Facilities	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Hospital	1 space per 2 beds + 1 space per employee of the largest shift.
Maintenance Facilities	See <u>Schedule A</u> .
Park and Recreation Services	No requirement.
Postal Facilities	See <u>Schedule A</u> .
Primary Educational Facilities	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 sq. ft.
Secondary Educational Facilities	1 space per employee of max shift + 1 space for each 3 11th and 12th grade students.
Utilities	1 space per employee of maximum shift
<b>Office Uses</b>	
Corporate Offices	1 space per 300 square feet.
General Offices	1 space per 300 square feet.
Financial Services	1 space per 300 square feet.

Table 17.28A

Minimum Off-Street Parking Requirements (Continued)

Medical Offices	3 spaces per staff doctor or dentist. 4
<b>Commercial Uses</b>	
Agricultural Sales and Services	See <u>Schedule A</u> .
Auto Services*	4 times service capacity.
Body Repair*	5 spaces per repair stall.
Automotive and Equipment Services (other)	See <u>Schedule A</u> .
Bed and Breakfast	1 space per unit
Business Support Services	1 space per 500 square feet.
Business and Trade Schools	1 space per 3 students
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity. For bowling alleys, 4 spaces per lane.
Communications Services	1 space per 500 square feet.
Construction Sales and Services	See <u>Schedule A</u> .
Consumer Services	1 space per 200 square feet.
Convenience Storage	1 space per 20 storage units.**
Crematorium	1 space per 500 square feet.
Food Sales (All Types)	1 space per 200 square feet.
Funeral Services	1 space per 4 person capacity in largest assembly area
Kennels	1 space per employee + 1 stall per 5,000 sq. ft. of site area.
Laundry Services	1 space per 300 square feet.
Liquor Sales	1 space per 200 square feet.
Lodging	1 space per unit.

*Table 17.28A*  
*Minimum Off-Street Parking Requirements (Continued)*

Personal Improvement Services	1 space per 200 square feet.
Personal Services	1 space per 300 square feet.
Pet Services	1 space per 500 square feet.
Research Services	1 space per 300 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	1 space per 3 person capacity in dining area.
Retail Services	1 space per 200 square feet.
Stables	1 space per employee + 1 stall per 5,000 sq. ft. of site area.
Surplus Sales	See <u>Schedule A</u> .
Trade Services	1 space per 500 square feet.
Vehicle Storage (short term)*	1 space per maximum number of vehicles stored (See Schedule A for additional requirements)
Veterinary Services	1 space per 500 square feet.
<b><i>Industrial Uses</i></b>	
Construction Yards	See <u>Schedule A</u> .
Custom Manufacturing	See <u>Schedule A</u> .
Light Industry	See <u>Schedule A</u> .
General Industry	See <u>Schedule A</u> .
Heavy Industry	See <u>Schedule A</u> .
Recycling Collection	See <u>Schedule A</u> .
Recycling Processing	See <u>Schedule A</u> .
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See <u>Schedule A</u> .
Vehicle Storage (long term)*	1 space per maximum number of vehicles stored (See <u>Schedule A</u> for additional

Table 17.28A

Minimum Off-Street Parking Requirements (Continued)

	requirements)
Warehousing	See <u>Schedule A</u> .
<b>Transportation Uses</b>	
Aviation facilities	See <u>Schedule A</u> .
Railroad facilities	See <u>Schedule A</u> .
Transportation Terminal	See <u>Schedule A</u> .
Truck Terminal	See <u>Schedule A</u> .
<b>Miscellaneous Uses</b>	
Communications Tower	See <u>Schedule A</u> .
Construction Batch Plant	See <u>Schedule A</u> .
Landfill, All	See <u>Schedule A</u> .

\* Auto service and body repair subject to other restrictions applicable under this title: See Section 17.06.090: Use types, vehicle storage; also, Section 17.22.100: Supplemental use regulations, outdoor storage.

\*\* This standard may be reduced by up to twenty percent at the discretion of the building official, if site plan review demonstrates that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during the peak hours of operation.

(Ord. 1332 § 1, May 20, 2019)

*Schedule A*  
*Additional Minimum Off-Street Parking Requirements (Continued)*

This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics

<b><i>Function of Element</i></b>	<b><i>Requirement</i></b>
Office or Administration	1 space per 300 square feet.
Indoor Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

*(Ord. 1332 § 1, May 20, 2019)*

**17.28.040 - Parking facility location.**

- (a) Residential Parking.
  - (1) Off-street parking for residential uses shall be located on the same lot or site as the use.
  - (2) Off-street parking areas for any multi-family residential uses shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.
  - (3) Off-street parking or loading areas shall not be located in the required front yard of a residential zoning district; however, this provision shall not prohibit parking on a driveway leading to a required off-street parking space.
  - (4) For multi-family residential uses, separately leased, detached garages may not be used to satisfy parking requirements for such uses, parking incorporated into the design of multi-family buildings, or within parking structures, shall be counted toward fulfillment of parking requirements.
- (b) Nonresidential Parking. Off-street parking for nonresidential uses shall be located on the same lot or site as the use, or within three hundred feet of that use if the parking site is within a zoning district that permits the off-street parking use type. Control of ownership or use rights to the remote off-street parking must be demonstrated as a condition of permission.

*(Ord. 1332 § 1, May 20, 2019)*

**17.28.050 - Parking for people with disabilities.**

Each off-street parking facility shall provide the number of parking spaces set forth in Table 17.28B designed and designated for use by people with disabilities. Every sixth parking space shall be van-accessible. Design criteria and dimensions are set forth in the off-street parking design standards.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.28B

*Accessible Parking Requirements  
(2010 ADA Standards for Accessible Design)*

<i>Total Number of Stalls</i>	<i>Number of Required Accessible Spaces (Column A)</i>	<i>Number of Required Van-Accessible Stalls</i>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	2
301-400	8	2
401-500	9	2
501-1,000	2% of total stalls provided	1/6 of Column A*
1,001 and over	20, plus 1 for each 100 over 1,000 stalls provided	1/6 of Column A*

\* one out of every 6 accessible spaces

*(Ord. 1332 § 1, May 20, 2019)*

### 17.28.060 - Off-street parking design standards.

- (a) Dimensions.
  - (1) Standard parking stalls shall be nine feet wide and eighteen feet long.
  - (2) Where parking stalls are located adjacent to landscaped areas, the paved depth of such stalls may be decreased by two feet to provide for a vehicle overhang area. The vehicle overhang area may not encroach into a required landscaped area or public sidewalk.
  - (3) Spaces designated for the handicapped shall have a minimum width of twelve feet. Each handicapped space shall provide a barrier-free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act and the 2010 ADA Standards for Accessible Design.
  
- (b) Pavement and Drainage.
  - (1) Off-street parking facilities, including driveways, shall be paved, and shall be maintained with materials sufficient to prevent mud, dust, or loose material except as provided below:
    - (A) For residential uses in agricultural or rural residential zoning districts, all off-street parking facilities, including driveways, shall be hard-surfaced; however, this requirement does not extend to driveways not used under any conditions for parking.
    - (B) In general, industrial districts, the paving requirement for certain parking and loading areas more than one hundred feet back from any public right-of-way may be waived, following review and approval of a specific site plan by the zoning administrator.
  - (2) Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties.
  
- (c) Landscape and Screening Requirements. Unless otherwise noted, each unenclosed parking facility of over six thousand square feet shall comply with the following regulations:
  - (1) Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
  - (2) Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
  - (3) Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the building official.
  - (4) Each unenclosed parking facility of over six thousand square feet within any street yard shall provide interior landscaped area equal to no less than five percent of the total paved area of the parking facility. Parking facilities within the limited industrial and general industrial Districts shall be exempt from this requirement.
  - (5) Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Chapter 17.26.
  - (6) Landscaping or screening installed in any required landscaped area shall not obstruct the view from

the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

(d) Entrances and Exits.

- (1) Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
- (2) Parking facilities other than driveways for single-family, duplex, two-family, or manufactured home uses must permit vehicles to enter streets in a forward position.

(e) Safety Features.

- (1) Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
- (2) Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

(f) Maintenance. All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

(g) Adjustment. For uses subject to a conditional use permit approval, the Commission may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this chapter.

*(Ord. 1332 § 1, May 20, 2019)*

**17.28.070 - Off-street loading.**

(a) Loading Requirement. In any district with every building or part thereof hereafter erected, having a gross floor area of ten thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each twenty thousand square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand square feet.

(b) Design Standards.

- (1) Each loading space shall be at least twelve feet wide by forty feet long, with a vertical clearance of at least fourteen feet.
- (2) Paving of loading facilities, including driveways, shall be surfaced with concrete, asphalt, asphaltic concrete, bricks or sealcoat, and shall be maintained with materials sufficient to prevent mud, dust, or loose material.
- (3) Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this chapter.

*(Ord. 1332 § 1, May 20, 2019)*

### 17.28.080 - Parking for personal vehicles and recreational vehicles.

- (a) Applicability. This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. The term "personal vehicles" shall mean passenger cars; vans; pickup trucks; camper shells, toppers, trailers, and other similar appurtenances intended for attachment to a personal vehicle; and recreational vehicles. The maximum height of any personal vehicle shall be thirteen feet six inches from grade.
- (b) Location of Parking.
  - (1) Parking for personal vehicles is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
  - (2) Parking facilities, including driveways, for personal vehicles within the front-yard setback are permitted on a driveway (outside of an enclosed structure) complying with the off-street parking design standards provisions of Section 17.28.060(b)(1), but shall in no case encroach upon the public right-of-way.
  - (3) Parking facilities, including driveways, for personal vehicles may be located in the rear-yard setback (outside of an enclosed structure and not on the front yard paved driveway) if the zoning administrator determines that such parking facility conforms to the provisions of this title and meets the following conditions:
    - (A) The parking facility is connected by a driveway to a dedicated public street or alley.
    - (B) The parking facility must comply with the off-street parking design standards provisions of Section 17.28.060(b)(1).
    - (C) The parking facility does not exceed the maximum impervious coverage limit for the lot.
  - (4) Heavy commercial vehicles, including tractor cab units rated at more than ten tons gross vehicle weight shall not be parked on any lot within a residential zoning district.
- (c) Special Provisions for Recreational Vehicles. Parking and storage of recreational vehicles within residential districts is subject to the following additional conditions. These conditions are in addition to those requirements for the parking of personal vehicles.
  - (a) Recreational vehicles must be maintained in a clean, well-kept state at all times. Spider webs, debris, excessive dirt, weed accumulation on or under a recreational vehicle are prohibited at all times as are broken windows and flat tires.
  - (b) All parking facilities for recreational vehicles shall be properly maintained and kept free of weeds, mud, and other debris.
  - (c) Recreational vehicles equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
  - (d) Recreational vehicles may be used as temporary parking by guests for a maximum of three consecutive days or fourteen days total during any calendar year. Cooking in a recreational vehicle or boat is prohibited at all times. Recreational vehicles or boats shall not be occupied for living purposes.
  - (e) Recreational vehicles may not be permanently connected to utility lines. Sewer hookups are prohibited at all times.

- (f) Recreational vehicles may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.
- (g) If feasible on a lot, recreational vehicles shall be parked outside of required front-yard and street-side-yard setbacks.
- (h) All covers and tarps or any other material utilized to protect recreational vehicles from the elements must be secured and weatherproof. Rocks, bricks, or other weighted items cannot be used to secure the weatherproofing cover. The use of ropes, bungee cords, adjustable straps, or other similar methods are required to secure the cover to the vehicle.
- (i) Recreational vehicles shall be parked or stored outside of the public right of way and at least ten feet from the back of the curb or edge of pavement, if no curb exists. The city administrator or designee shall maintain discretion, to declare the parking or storage of recreational vehicles to be a traffic hazard and require immediate removal of the recreational vehicle at any time.

*(Ord. 1332 § 1, May 20, 2019)*

**17.28.090 - Supplementary regulations - Storage and parking of unlicensed or other vehicles.**

The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the city, except for motor vehicles held for sale by a licensed motor vehicle dealer at such dealer's place of business in a zoning district which permits such use.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.30.010 - Purpose.

17.30.020 - Definitions.

17.30.030 - General sign and street graphics regulations.

17.30.040 - General regulations-Basic design elements for on-premise signs.

17.30.050 - General permit procedures.

17.30.060 - Method of measurement for regulators.

17.30.070 - Permitted sign types of zoning districts.

17.30.080 - Auxiliary design elements.

17.30.090 - Maximum permitted sign area.

17.30.100 - Permitted signs by numbers, dimensions, and location.

**17.30.010 - Purpose.**

The sign regulations provide standards for communicating information in the environment of the city and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the city's attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.

*(Ord. 1332 § 1, May 20, 2019)*

**17.30.020 - Definitions.**

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in code or in this title.

"Abandoned sign" means a sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.

"Attached sign" means a sign which is structurally connected to a building or depends upon that building for support.

"Auxiliary design elements" are terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.

"Awning and awning sign" means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.

"Banner" means material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.

"Building marker" means an historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.

"Business center identification sign" means a sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.

"Canopy sign" means a sign which is attached or made an integral part of a canopy.

"Clearance" means the distance from the bottom of a sign face elevated above grade and the grade below.

"Detached sign" means a sign which is self-supporting and structurally independent from any building.

"Directional sign" means a sign which serves only to designate the location or direction of any area or place.

"Double-faced sign" means a sign consisting of no more than two parallel faces supported by a single structure.

"Electronic display sign" means any portion of a sign upon which alphabetic, pictographic or symbolic informational content can be changed or altered on a display screen composed of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices, including but not limited to programmable microprocessor controlled electronic displays; and, the projection of images or messages with these characteristics by any other means onto the sign face.

"Flag Sign" means a sign built on a freestanding frame, mast, or pole(s), not permanently anchored or secured to either a structure or the ground, utilizing a banner or flag as a surface to display copy or graphics.

"Ground sign" means a detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three feet.

"Illumination" means lighting sources installed for the primary purpose of lighting a specific sign or group of signs.

"Marquee" means a permanent roofed structure attached to and supported by a building and extending over a public right-of-way.

"Maximum permitted sign area" means the maximum permitted combined area of all signs allowed on a specific property.

"Monument sign" means an on-premise freestanding sign with the appearance of a solid base.

"Multi-panel display sign" means any portion of a sign where the display surface is comprised of rotating elements that permit the display of different messages by the rotation of the elements.

"Pole sign" means an on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three feet.

"Portable sign" means any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.

"Premise identification sign" means a sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.

"Projecting signs" means a sign other than a wall sign that is attached to and projects from a building face.

"Residential sign" means a small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.

"Roof sign" means any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.

1. "Integral roof sign" means a roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
2. "Above-peak roof sign" means a roof sign positioned above the peak of a roof or above a parapet or cornice.

"Sandwich board sign" means a sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured.

"Sign type" means a functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.

"Street facade" means any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within forty-five degrees of one another are considered part of the same street facade.

"Temporary sign" means a sign, flag, banner, pennant, or valance constructed of lightweight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.

"Video sign" means an electronic display sign upon which multiple-color pictures or graphics are displayed in a series of frames which give the illusion of motion. This definition includes, but is not limited to, television screens, plasma screens, LED screens and holographic displays used to display video images.

"Wall sign" means a sign attached to and parallel with the side of a building.

"Window sign" means a sign painted on or installed inside a window for the purpose of viewing from outside the premises.

"Zone lot" means a parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

*(Ord. 1332 § 1, May 20, 2019)*

### **17.30.030 - General sign and street graphics regulations.**

- (a) Compliance. Each sign or part of a sign erected within the zoning jurisdiction of the city must comply with the provisions of this chapter, other relevant provisions of this code, and applicable building codes.
- (b) Resolution of Conflicting Regulations. This chapter is not meant to repeal or interfere with enforcement of other sections of this code. In cases of conflicts between code sections, state or federal regulations, the more restrictive regulations shall apply.
- (c) Prohibited Signs. The following signs are prohibited in all zoning districts.
  - (1) Obsolete Signs. Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
  - (2) Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
  - (3) Banners, Balloons, Posters. Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided in this section. These devices when not part of any sign shall also be prohibited.
  - (4) Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
  - (5) Portable Signs. Signs that are not permanently anchored or secured to either a building or the ground.
  - (6) Off-premise Signs on Public Property. Off premise signs located on public property not being used for public purposes.

- (7) Flashing Signs. No flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs.
  - (8) Painted Wall Signs. Off-premise signs painted on building walls, except painted wall signs approved by the city council.
  - (9) Video Signs.
- (d) Exempt Signs. The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.
- (1) Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One temporary non-illuminated sign shall be permitted on each premises. Such signs shall not exceed a size of nine square feet and shall not extend higher than four feet above grade level in residential developments and commercial developments with less than two acres in parcel size. Such signs shall not exceed eight feet in horizontal dimension and four feet in vertical dimension, and shall not extend higher than ten feet above grade level in commercial developments with more than two acres in parcel size. Such signs shall not extend closer than twenty-five feet to the curblin or edge of pavement unless located on the wall of a building. Such signs shall be removed within one week after the disposition of the premises.
  - (2) Construction Signs. Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One non-illuminated sign not to exceed fifty square feet shall be permitted per street frontage. Such sign shall not extend higher than ten feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.
  - (3) Political Campaign Signs. Temporary signs announcing candidates seeking public political office or pertinent political issues that are to be voted upon in a general or special election. Such signs shall be confined to private property and shall be removed within one week following the election to which they pertain; provided, that signs promoting successful candidates in a primary election may remain displayed until one week following the immediately subsequent general election. It shall be the responsibility of the candidate to have the signs removed.
  - (4) Street Banners. Signs advertising a public event, providing that specific approval is granted under regulations established by the city council. Street banners may not be installed earlier than 30 days prior to the applicable public event and shall be removed within one week following completion of the applicable public event.
  - (5) Seasonal Decoration Sign. Signs pertaining to recognized national holidays and national observances. Seasonal decoration signs shall not be installed earlier than 40 days prior to the applicable event and shall be removed within three weeks following completion of the applicable event.
  - (6) Public Signs. Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.
  - (7) Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

- (8) Window Signs. Such signs which are displayed inside of a window or within a building, provided, however, that neon window signs shall be permitted only in those districts where neon signs are permitted.
  - (9) Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
  - (10) Residential signs under two square feet in size.
  - (11) Neighborhood or subdivision identification signs under fifty square feet.
  - (12) Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
  - (13) Sandwich Board Signs. Sandwich board signs in commercial and industrial zoning districts, subject to the following requirements:
    - (A) The size of such signs does not exceed 9 square feet on each of the two sides and does not exceed four feet in height and three feet in width.
    - (B) No more than one such sign is permitted at any single premises.
    - (C) Such signs are allowed only during the hours of operation of the business or for the duration of special events and must be taken indoors each day.
  - (14) Flag Signs. Flag signs in commercial and industrial zoning districts, subject to the following requirements:
    - (A) The size of such signs does not exceed 15 feet in height and three feet in width.
    - (B) No more than one such sign is permitted at any single premises.
    - (C) Such signs are allowed only during the hours of operation of the business or for the duration of special events and must be taken indoors each day.
- (e) Temporary and Civic Signs.
- (1) Temporary or portable signs for grand openings, sales, and special events are permitted in commercial and industrial zoning districts, subject to the following requirements:
    - (A) Such signs are subject to the permit procedures set forth in this chapter.
    - (B) The size of such signs does not exceed the limitations set forth in Table 17.30C.
    - (C) No more than one such sign is permitted at any single premises.
    - (D) Temporary or portable signs may be present at any single premises for a maximum of thirty days per year.
  - (2) Temporary signs for nonprofit civic campaigns or events, political campaigns, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this chapter, subject to the following requirements:
    - (A) Such signs are installed no earlier than thirty days before the date of the event or election and removed no later than one week after the date of the event or election.
    - (B) The maximum size of such signs is thirty-two square feet when located in any residential and

LC limited commercial zoning district; and one hundred square feet in any other zoning district.

- (f) Vision-Clearance Area. No sign may project into or be placed within a visibility triangle area defined by a triangle with legs of forty feet from the point at which the curbs or edges of two intersecting streets, private ways, or alleys, or an intersecting street, private way, alley, or driveway, meet.
- (g) Electronic Display Sign and Multi-Panel Display Sign Requirements.
  - (1) Any electronic display or multi-panel display signs more than 24 square feet in area must meet the following operational standards:
    - (A) Duration. The display area and each portion thereof must be static for at least eight seconds between any change in the message displayed.
    - (B) Transition. The change between static messages must be instantaneous.
    - (C) Brightness. No lighting shall be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of any street, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle. In no event may such a sign exceed a maximum illumination of 5,000 candelas per square meter during daylight hours and a maximum illumination of 500 candelas per square meter between dusk to dawn as measured from the sign's face at maximum brightness.
    - (D) Dimmer control. Electronic display signs must have an automatic dimmer control to automatically reduce the illumination at night and during times of reduced ambient light.
    - (E) Separation from residential. No such sign shall be permitted within 100 feet of any lot in a residential district.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.30.040 - General regulations-Basic design elements for on-premise signs.**

General sign regulations shall be as set forth in this chapter.

- (a) Conformance Required. Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all of the regulations established by this title.
- (b) Maintenance. All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
- (c) Nonconformance and Amortization. Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - (1) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
  - (2) Should such a sign be destroyed by any means to an extent of sixty percent or more of its replacement cost at time of destruction, exclusive of the foundations, it shall not be reconstructed except in

conformity with the provisions of this title.

- (3) Within any zoning district, all signage shall comply fully with the provisions of this title, unless otherwise provided, within ten years after the effective date of the ordinance codified in this title.

*(Ord. 1332 § 1, May 20, 2019)*

**17.30.050 - General permit procedures.**

- (a) Applicability.
  - (1) A sign permit, approved by the zoning administrator, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming to this title.
  - (2) A permit shall not be required for repainting without changing permanent wording, composition, or colors; or nonstructural repairs.
- (b) Plans Submittal. A copy of plans and specifications shall be submitted to the zoning administrator for each sign regulated by this title. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the zoning administrator to determine compliance with this title.
- (c) Appeals. Any person or persons aggrieved by the decision of the zoning administrator to approve or disapprove a sign permit, as provided by this title, may appeal such decision to the zoning board of adjustment as provided by Section 17.34.060.
- (d) Application Fees. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the city council from time to time by resolution.

*(Ord. 1332 § 1, May 20, 2019)*

**17.30.060 - Method of measurement for regulators.**

- (a) Maximum Permitted Sign Area. Maximum permitted sign area for a premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.
- (b) Sign Area.
  - (1) Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
  - (2) The area of double-faced signs is calculated on the largest face only.
  - (3) The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
  - (4) In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.
- (c) Height. The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
- (d) Setback. The setback of a sign is measured from the property line to the line projected to the ground plane of

the nearest portion of the sign.

*(Ord. 1332 § 1, May 20, 2019)*

**17.30.070 - Permitted sign types of zoning districts.**

Table 17.30A sets forth the sign types permitted within each zoning district of the city.

*(Ord. 1332 § 1, May 20, 2019)*

**17.30.080 - Auxiliary design elements.**

Table 17.30B sets forth auxiliary design elements permitted within each zoning district of the city.

*(Ord. 1332 § 1, May 20, 2019)*

**17.30.090 - Maximum permitted sign area.**

Table 17.30C sets forth the maximum sign area permitted within each zoning district of the city.

*(Ord. 1332 § 1, May 20, 2019)*

**17.30.100 - Permitted signs by numbers, dimensions, and location.**

Table 17.30D sets forth the maximum permitted numbers of signs per premise; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.30A

Permitted Signs by Type and Zoning Districts

<b>Sign Types</b>	<b>AG</b>	<b>RR</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>UC</b>	<b>LC</b>	<b>CC</b>	<b>DC</b>	<b>GC</b>	<b>HC</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>
<i>Detached Signs</i>															
Residential	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N
Premise identification	P	CIV	CIV	CIV	CIV	P	P	P	P	P	P	P	P	P	P
Ground	P	CIV	CIV	CIV	P	P	P	P	P	P	P	P	P	P	P
Monument	P	CIV	CIV	CIV	P	P	P	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	P	N	P	N	P	P	N	P	P
<i>Attached Signs</i>															
Awning	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Building marker	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Premise identification	P	CIV	CIV	CIV	CIV	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Projecting	N	N	N	N	N	N	P	N	P	P	P	P	P	P	P
Roof, integral	N	N	N	N	N	N	P	N	P	P	P	P	P	P	P
Roof, above peak	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

<i>Sign Types</i>	<i>AG</i>	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>UC</i>	<i>LC</i>	<i>CC</i>	<i>DC</i>	<i>GC</i>	<i>HC</i>	<i>BP</i>	<i>LI</i>	<i>GI</i>
<i>Attached Signs (Cont.)</i>															
Window	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
<i>Miscellaneous</i>															
Flag	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	N		N	N	N	N	P	N	N	N

P: Permitted for all uses	CIV: Permitted for civic uses	N = Not permitted
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*(Ord. 1332 § 1, May 20, 2019)*

Table 17.30B

Permitted Signs by Type and Zoning Districts

<b>Sign Types</b>	<b>AG</b>	<b>RR</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>UC</b>	<b>LC</b>	<b>CC</b>	<b>DC</b>	<b>GC</b>	<b>HC</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>
<i>Designed Element</i>															
<i>Illumination</i>															
Indirect	CIV	CIV	CIV	CIV	CIV	P	P	P	P	P	P		P	P	P
Direct	N	N	N	N	N	N	N	N	N	N	N		N	N	N
Internal	CIV	CIV	CIV	CIV	CIV	P	P	P	P	P	P		P	P	P
Neon	N	N	N	N	N	N	P	N	P	P	P		N	P	P
Flashing	N	N	N	N	N	N	N	N	N	N	N		N	N	N
Flame	N	N	N	N	N	N	N	N	N	N	N		N	N	N
Bare bulb	N	N	N	N	N	N	N	N	N	N	N		N	N	N
<i>Other</i>															
Electronic Display Sign or Multi-Panel Display Sign	N	N	N	N	N	N	P	P	P	P	P		P	P	P
Rotating	N	N	N	N	N	N	N	N	N	N	N		N	N	N

P: Permitted for all uses	CIV: Permitted for civic uses	N = Not permitted
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(Ord. 1332 § 1, May 20, 2019)

Table 17.30C

Permitted Signs by Maximum Permitted Area and District

This maximum permitted area for all signs on a premises excluding building marker signs, and flags shall not exceed the lesser of the following:

<i>Zoning District</i>	<i>AG</i>	<i>RR R-1 R-2</i>	<i>R-3 R-4</i>	<i>LC</i>	<i>UC, CC, M18</i>	<i>DC</i>	<i>GC HC</i>	<i>BP</i>	<i>LI GI</i>
Square feet of signage per linear foot of frontage	NA	NA	NA	0.75	1.50	1.5	2.0	1.5	2.0
Maximum total square feet	100 Note 1	Note 2	Note 3	300 Note 4	500 Note 5	200	600	500	600

Notes to Table 17.30C:

1. Two hundred square feet for civic or commercial uses, two square feet for residential uses, including home occupations.
2. Thirty-two square feet for civic uses, two square feet for residential uses, including home occupations.
3. Thirty-two square feet for civic uses, fifty square feet for premise identification, ground or monuments signs for multi-family or mobile home park or mobile home subdivision developments and for nonresidential uses when permitted, two square feet for residential uses, including home occupations.
4. Maximum limits apply to nonresidential premises only. On premises with primary residential use, fifty square feet for premise identification, ground or monument signs for multi-family developments, two square feet for residential uses, including home occupations.
5. One additional business center identification sign with a maximum area of one hundred square feet is permitted subject to the regulations set forth by Table 17.30C.

(Ord. 1332 § 1, May 20, 2019)

Table 17.30D

Permitted Signs by Numbers, Dimensions, and Location

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table.

<b>Zoning District</b>	<b>AG</b>	<b>RR R-1</b>	<b>R-2 R-3</b>	<b>LC</b>	<b>UC CC</b>	<b>DC</b>	<b>GC HC</b>	<b>BP</b>	<b>LI GI</b>
<i>Detached Signs</i>									
Number permitted per premise	1	1	1	1	NA	1 (C)	NA	NA	NA
Per feet of frontage	NA	NA	NA	NA	1 per 300	NA	1 per 300	1 per 300	1 per 300
Maximum size* (sq. ft.)	100	*	*	50	200	100	200	200	200
Maximum height (feet) of structure above ground	25	10	10	10	25	25	35	20	35
Front yard setback (feet)	25	5	10	10	10	0	5	5	0
Side yard setback (feet)	10	10	10	10	5	0	5	5	0
<i>Attached Signs</i>									
Maximum size* (sq. ft.)	100	*	*	50	NA	NA	300	300	300
% of street facade	NA			20%	20%	20%	20%	20%	20%

\*See Table Table 17.30C for maximum sign sizes.

C = Conditional Use

Notes to Table 17.30D:

1. In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:
  - a. The maximum area for a center identification sign shall be one hundred square feet.
  - b. No center identification sign shall be within three hundred feet of any other center identification sign or within one hundred fifty feet of any other detached sign on the same or adjacent premises.
  - c. The sign shall display no more than the name and location of the business center.
  - d. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this chapter.

(Ord. 1332 § 1, May 20, 2019)

Sections:

17.32.010 - Purpose.

17.32.020 - Regulations additive.

17.32.030 - Residential districts.

17.32.040 - Nonresidential districts.

17.32.050 - Repair of nonconforming structures.

17.32.060 - Recognition of non-conformances.

**17.32.010 - Purpose.**

Within the various districts established by this title or amendments that may later be adopted, there exist a nonconforming use of land or structures. It is the intent of this title to permit such nonconforming use to continue until they are removed, but not to encourage their survival. Such uses are declared by this title to be incompatible with permitted uses in the districts involved.

*(Ord. 1332 § 1, May 20, 2019)*

**17.32.020 - Regulations additive.**

Regulations for nonconforming use of land are in addition to regulations for nonconforming use of structures. In the event of a conflict, the most restrictive regulation shall apply.

*(Ord. 1332 § 1, May 20, 2019)*

**17.32.030 - Residential districts.**

- (a) Nonconforming Use of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of this title as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
  - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
  - (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.
- (b) Nonconforming Use of Structures. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of the ordinance codified in this title, that would not be allowed in the district under the terms of this title, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted entirely or in part to a use not permitted by this title in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.

- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance codified in this title. No such use shall be extended to occupy any land outside such building.
  - (3) If no structural alterations are made, a nonconforming use of a similar nature within the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
  - (4) In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of two years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
  - (5) Any structure devoted to a use made nonconforming by this title that is destroyed by any means to an extent of fifty percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than fifty percent destroyed above the foundation, it may be reconstructed and used as before, provided it be done within six months of such happening, and be built of like or similar materials.
- (c) Nonconforming Structures. Where a structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
  - (2) Should such structure be destroyed by any means to an extent of sixty percent or more of its replacement cost at time of destruction, exclusive of the foundations, it shall not be reconstructed except in conformity with the provisions of this title.

*(Ord. 1332 § 1, May 20, 2019)*

**17.32.040 - Nonresidential districts.**

- (a) Nonconforming Use of Land. The regulations described in Section 17.32.030 shall also apply to this section with the following exception:
- (1) A structure devoted to a nonconforming use in a non-residential zoning district may be structurally altered or enlarged if the addition satisfies the following conditions:
    - (A) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
    - (B) The building, after the addition, conforms to height, off-street parking, and building and impervious surface coverages applicable to its zoning district.
  - (2) The construction is limited to buildings on land owned of record by the owner of the nonconforming use prior to the effective date of the ordinance codified in this title.
  - (3) A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.

*(Ord. 1332 § 1, May 20, 2019)*

**17.32.050 - Repair of nonconforming structures.**

- (a) Nothing in this title shall be deemed to prevent the restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (b) Except as provided in Section 17.32.030 (b)(5), a lawful nonconforming structure damaged by fire, explosion, storm or other calamity, except as may be restricted in the Floodplain Management Chapter (Chapter 15.36) of this code may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

*(Ord. 1332 § 1, May 20, 2019)*

**17.32.060 - Recognition of non-conformances.**

- (a) **Unauthorized Non-conformances.** Any use of land or structure which was not an authorized nonconformity under any previous zoning ordinance or similar regulations shall not be authorized to continue its nonconforming status pursuant to this title.
- (b) **Nonconforming Uses and Conditional Use Permits.** A lawful pre-existing use which would require a conditional use permit in its zoning district shall be presumed to have the appropriate permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of permits, set forth in Chapter 17.34.

*(Ord. 1332 § 1, May 20, 2019)*

Sections:

17.34.010 - Purpose.

17.34.020 - Site plan review procedure.

17.34.030 - Conditional use permits.

17.34.040 - Amendment procedure.

17.34.050 - Extension of the extra-territorial jurisdiction.

17.34.060 - Building permits and certificates of zoning compliance.

17.34.070 - Schedule of fees, charges and expenses.

17.34.080 - Zoning board of adjustment.

17.34.090 - Powers and duties of the zoning board of adjustment.

17.34.100 - Appeals from the zoning board of adjustment.

17.34.110 - Complaints regarding violations.

17.34.120 - Penalties for violation.

**17.34.010 - Purpose.**

This chapter establishes the methods for implementation of this title. These provisions include procedures for reviewing specific uses within certain zoning districts; amending this title; and granting variances.

*(Ord. 1332 § 1, May 20, 2019)*

**17.34.020 - Site plan review procedure.**

- (a) Purpose. The site plan review procedure is designed to assure that the design and location of commercial and industrial areas will be in conformance with the zoning standards of this title and are properly related to and in harmony with the existing and future business and industrial development of the city, including generally accepted principles of commercial, industrial and urban design. A detailed site plan shall be submitted showing the proposed use and development of all commercial and industrial sites for approval by the city council after review and recommendation by the Commission.
- (b) Procedure.
- (1) Whenever any person, firm, corporation or other group wishes to develop any tract, lot or parcel of land within the city or extra-territorial jurisdiction located in the multiple-family residential, urban corridor, limited commercial, downtown commercial, community commercial, general commercial, highway commercial, business park, limited industrial, or general industrial zoning districts, except for residential development of four units or less, the person, firm, corporation or other group shall cause to be prepared a site plan of such development and shall submit fifteen copies of said site plan to the zoning administrator. The provisions of this section shall also be applicable to the redevelopment, enlargement or extension of more than twenty-five percent of any commercial or industrial uses and structures existing at the time of adoption of the ordinance codified in this title. The site plan shall contain such information and data as outlined herein.
  - (2) The zoning administrator shall review the site plan for compliance with this title and shall refer a copy of the site plan to the city engineer, or such other person as shall be designated from time to time by the city council, who shall review said site plan as to its compliance with other ordinances of the city, its effect upon public utilities and the public street system, and submit his findings as soon as possible to the Commission.
  - (3) The zoning administrator shall also forward a copy of the site plan to each member of the Commission. The Commission shall, after receiving the report of the engineer and the zoning administrator, review the site plan for conformity with the regulations and standards contained herein, and may confer with

the developer on changes deemed advisable in such site plan.

- (4) The Commission shall forward its recommendation either for approval or disapproval of the site plan to the city council within forty-five days of the date of the submission of the site plan. If the commission does not act within forty-five days, the site plan shall be deemed to be approved by the commission unless the developer agrees to an extension of time.
  - (5) The Commission may, at its discretion, hold a public hearing on the site plan of the proposed development and prescribe the notice thereof and to whom such notice shall be given.
  - (6) The city council shall, upon receipt of the recommendation of the Commission, either approve or disapprove the site plan of the proposed development.
  - (7) No building permit or certificate of zoning compliance for any structure within any district within which a site plan is required shall be issued until the site plan has been approved as provided herein.
  - (8) Upon final action by the Commission on any site plan, a copy of the site plan with the action of the Commission noted thereon and signed by the chairperson of the commission shall be filed with the city clerk.
  - (9) If the zoning administrator finds that any construction or proposed construction or occupancy of a development on a tract of land for which a site plan has been approved will not substantially comply with the site plan as approved, or if the zoning administrator finds that the construction and development of the tract is not being carried out in accordance with the development schedule filed with the site plan, the zoning administrator shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project, or the owner's successors in interest, shall have provided the zoning administrator with proof satisfactory to the zoning administrator that the site plan will be complied with. The zoning administrator shall not issue a certificate of zoning compliance for any structure within the development while the building permit for the development has been suspended pursuant to this subsection. Any person aggrieved by any decision or action of the zoning administrator under this subsection may appeal such action or decision to the zoning board of adjustment.
  - (10) If the owner or developer of a tract of land for which a site plan has been approved determines that an extension of time is necessary or that a modification of the site plan would provide for a more appropriate or more practicable development of the site, he may apply for an amendment of the site plan. The Commission may grant an extension of time or a modification of a previously approved site plan if it determines that such modification of the site plan would provide for a more appropriate development of the site.
- (c) Review. In reviewing a proposed site plan, the city council and the Commission shall consider the location of the buildings on the site with respect to vehicular and pedestrian traffic to and from the buildings, traffic between the site and abutting streets, suitable layout and adequate provisions for off-street parking and loading, with due consideration given to the provision of traffic islands, pedestrian ways and landscaping within the parking area, provision for necessary screening between adjacent properties and the site, location and display of traffic signs to promote traffic patterns, location and display of business signs so as not to distract or confuse motorists and location and display of outdoor advertising so as to provide adequate visibility within the site during hours of night operation but not to have adverse effects on surrounding properties.
- (d) General Requirements. All site plans shall be drawn at a scale not less than one inch equals fifty feet. Ten copies of the site plan shall be submitted to the zoning administrator. The purpose of the site plan is to show all information needed to enable the zoning administrator, city engineer, Commission and the city council to determine if the proposed development meets the requirements of this title.
- (e) Required Information. The site plan required shall include the following information concerning the proposed

development:

- (1) Names of all persons having an interest in the property, legal description of property, point of compass, scale and date.
  - (2) Applicant's name, planned land use and present zoning.
  - (3) If the applicant is other than the legal owner, the applicant's interest shall be stated.
  - (4) Name and address of a person who prepared the site plan along with certification by a licensed engineer or architect responsible for preparation of the plan.
- (f) Required Illustrations. The site plan shall clearly set forth the following information concerning the proposed development:
- (1) Property boundary lines, dimensions and total area of the proposed development.
  - (2) Contour lines of the proposed development at intervals of not more than two feet. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the site plan.
  - (3) The availability, location, size and capacity of existing utilities, and of proposed utilities.
  - (4) The proposed location, size, height, shape, use and architectural theme of all buildings or structures, including signs, in the proposed development.
  - (5) The total square footage of building floor area, both individually and collectively in the proposed development.
  - (6) Existing buildings, rights-of-way, street improvements, railroads, easements, drainage courses, streams and wooded areas.
  - (7) Location, number, dimensions and design of off-street parking in the proposed development, including driveways, islands, and planters; striping and safety curbs; loading facilities; type and location of lighting; and surface treatment.
  - (8) Open spaces, yards, recreational areas, walkways, driveways, outside lighting, walls, fences, monuments, statues, signs and other manmade features to be used in the landscape of the proposed development.
  - (9) Facilities for the collection and disposal of garbage and trash.
  - (10) Location and type of all plants, grass and trees to be used in the landscape of the proposed development. Landscaping to be used for screening purposes shall be illustrated in elevation as well as plan, with the approximate size and name of plants, shrubs or trees to be planted clearly indicated.
  - (11) Location of entrances and exits from the proposed development onto public streets, and interior drives and proposed sidewalks in the development.
  - (12) Proposed drainage facilities and provisions for flood control, if applicable.
  - (13) The location, height and area of all signs (directional signs, identification signs, or temporary signs) in the proposed development.
- (g) Approval and Expiration. All site plan approvals shall expire and terminate one hundred eighty days after the

date of council approval unless a building permit has been issued for the construction provided for in the site plan. The city council may, upon written request by the developer, extend the time for the issuance of a building permit for sixty days. In the event the building permit for the construction provided for in a site plan expires or is canceled, then such site plan approval shall thereupon terminate.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.34.030 - Conditional use permits.**

- (a) Purpose. The conditional use permit procedure provides for zoning board of adjustment review and approval of uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.
- (b) Administration. The zoning board of adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure. The zoning board of adjustment, following proper notice, shall hold a public hearing, on each conditional use permit application and, following such public hearing, shall act on the application. Before approval of any conditional use permit, the board shall review the conformity of the proposal with the criteria set forth in Table 17.34A. The board may approve or disapprove the conditional permit as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the board deems necessary to the end that it preserve the intent and purpose of this title to promote public health, safety and the general welfare.
- (c) Application Requirements. An application for a conditional use permit may be filed with the zoning administrator by the owners(s) of a property or the agent of owner. Applications for a conditional use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a detailed site plan containing all requirements for site plan review set forth under Section 17.34.020(e) and (f).
- (d) Criteria for Review. The board shall review and act upon the request based on the criteria established in Table 17.34A and conformance with applicable regulations in this title.
- (e) Scope of Approval.
  - (1) The zoning board of adjustment may, at its discretion, apply a conditional use permit to a specific owner or applicant. The board may establish special site development or operational regulations as a condition of approval of a conditional use permit.
  - (2) The zoning board of adjustment shall not grant a conditional use permit for any home occupation/home-based business, which is otherwise prohibited under Section 17.22.110.
- (f) Change in Approved Special Permits. In the event a conditional permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.
- (g) Lapse and Revocation of Permit.
  - (1) A conditional use permit shall become void two years after its effective date if the commencement of construction of the improvements covered by such conditional use permit has not occurred during that period, or sooner if so conditioned by the zoning board of adjustment.
  - (2) The zoning board of adjustment may revoke a conditional use permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
- (h) Previously Approved Permits. Any conditional use approved under regulations in effect before the effective date of the ordinance codified in this section shall be considered to have a valid conditional use permit, subject to requirements imposed at the time of its approval.

- (i) Appeals. Actions taken by the zoning board of adjustment subject to this section may be appealed as provided for in Section 17.34.100.

*(Ord. 1332 § 1, May 20, 2019)*

**17.34.040 - Amendment procedure.**

- (a) Purpose. The amendment procedures found in this section describe the methods by which changes may be made in the text of the zoning ordinance codified in this title (text amendment) and/or the official boundaries of zoning districts (rezoning).
- (b) Initiation of Amendments.
  - (1) Text amendments may be initiated by the Commission or city council.
  - (2) Rezoning may be initiated by a property owner or agent of owner, the Commission, or the city council.
- (c) Rezoning Application Requirements. An application for a rezoning may be filed with the zoning administrator or a designee. The application shall include the following information:
  - (1) Name and address of the applicant.
  - (2) Owner, address and legal description of the property.
  - (3) A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
  - (4) Any graphic information, including site plans, elevations, other drawings, or other materials determined by the zoning administrator to be necessary to describe the proposed use to the Commission and/or the city council.
- (d) Amendment Process.
  - (1) If the amendment was initiated by the city council or by a property owner (or the agent of owner), the Commission shall consider the request and return its recommendation in writing to the council within sixty days. Upon request of the commission to the council, the commission shall have an additional thirty days to return its recommendation.
  - (2) The Commission, following a minimum of ten days' notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the city council.
  - (3) The city council, after publication and public hearing, shall act on the proposed amendment. A simple majority vote of those members either elected or appointed to the city council is required for approval.
- (e) Required Notice and Publication. Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided by:
  - (1) Notice by Posted Sign. A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It is unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

- (2) In addition, notice of public hearing shall also be provided by at least one of the following methods:
  - (A) Publication. At least ten days before the date of hearing, the city clerk shall have published in a newspaper having a general circulation in the city a notice of the time, place and subject matter of such hearing.
  - (B) Notification by Mail. At least ten days prior to the date of hearing, the party initiating the rezoning request shall present the city clerk an address list of those persons who own property within two hundred feet of the subject site. The city clerk shall mail notice of the time, place and subject matter of the hearing to such property owners at least ten days prior to the date of the hearing.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.34.050 - Extension of the extra-territorial jurisdiction.**

Upon the automatic extension of the zoning jurisdiction upon annexation, the city council, with the recommendation of the Commission, shall zone properties within the newly annexed areas concurrent with adoption of the annexation ordinance. The zoning shall consider the comprehensive development plan of the city and the present use of the land.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.34.060 - Building permits and certificates of zoning compliance.**

- (a) Administration and Enforcement.
  - (1) The zoning administrator shall administer and enforce this title. The city council may direct other persons to assist the zoning administrator.
  - (2) If the zoning administrator or designee shall find that any of the provisions of this title are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The zoning administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance or to ensure compliance with or to prevent violation of its provisions.
- (b) Building Permits Required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the zoning administrator. No building permit shall be issued by the zoning administrator except in conformity with the provisions of this title, unless he/she receives a written order from the zoning board of adjustment in the form of an administrative review, special exception, or variance as provided by this title.
- (c) Application for Building Permit.
  - (1) All applications for building permits shall include plans if applicable in duplicate drawn to an appropriate scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.
  - (2) The application shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this title.

- (3) One copy of the plans shall be returned to the applicant by the zoning administrator, after he/she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the zoning administrator.
- (d) Posting of Building Permits. A building permit shall be posted by the applicant on the property in question at least five days prior to the start of construction. It shall be placed so that it is readable from the public street, and shall remain in place during the construction period. If a building permit is not obtained and properly posted prior to construction, construction must cease until such permit is granted. The usual permit fee will be doubled and other penalties may be levied. Construction may resume following a required ten-day posting of the building permit.
- (e) Certificates of Occupancy for New, Altered or Nonconforming Uses. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the zoning administrator stating that the proposed use of the building or land conforms to the requirements of this title.
- (f) Expiration of Building Permit.
  - (1) If the commencement of construction of the work described in any building permit has not begun within one hundred eighty days from the date of issuance thereof, said permit shall expire; it shall be canceled by the zoning administrator; and written notice thereof shall be given to the persons affected.
  - (2) If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the zoning administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
  - (3) The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the city. The zoning administrator, or his/her designee may, at his/her discretion extend the expiration period of the building permit.
- (g) Construction and Use to be as provided in Applications, Plans, Permits, and Certificates of Occupancy. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the zoning administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this title, and punishable as provided by Section 0.

*(Ord. 1332 § 1, May 20, 2019)*

**17.34.070 - Schedule of fees, charges and expenses.**

- (a) The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this title.
- (b) The schedule of fees shall be posted in the office of the city administrator, and may be altered or amended only by the city council.
- (c) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

*(Ord. 1332 § 1, May 20, 2019)*

**17.34.080 - Zoning board of adjustment.**

- (a) Establishment.
  - (1) A zoning board of adjustment is established. The board shall consist of five regular members.
  - (2) Each member shall be appointed by the city council for terms as provided by [Chapter 414](#), Code of Iowa and is removable for cause by the city council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
  - (3) The zoning board of adjustment shall adopt rules and regulations as authorized or required by this title and the Code of Iowa. Meetings shall be held at the call of the Chairman and at such other times as the board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The presence of three members of the board shall constitute a quorum for the transaction of business.
- (b) Procedure for Appeals.
  - (1) Appeals shall be made to the zoning board of adjustment through the office of the zoning administrator in written form as determined by the zoning administrator. The board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the zoning administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.
  - (2) The board shall provide a minimum of ten days' notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the city; and by written notice to the appealing party.
  - (3) Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of three out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.
  - (4) An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board that a stay would, in his/her opinion, cause imminent danger to life, property, or the public safety. In such a case, the proceedings shall be stayed only by a restraining order granted by the board or by a court of record on application, on notice to the zoning administrator.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.34.090 - Powers and duties of the zoning board of adjustment.**

The zoning board of adjustment shall have only the following powers and duties:

- (a) Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the zoning administrator, or his/her designee in the enforcement of this title or any regulation relating to the location or sound-ness of structures.
- (b) Interpretation of Zoning Map. To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.

- (c) Variances to Relieve Hardships Relating to Property. To authorize, upon appeal, variances from the strict application of this title where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
- (1) Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:
    - (A) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
    - (B) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
    - (C) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
    - (D) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;
    - (E) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this title;
    - (F) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.
  - (2) Findings by Board. The zoning board of adjustment shall make findings that the requirements of this subsection have been met by the applicant for a variance.
  - (3) Conditions for Grant of Variance.
    - (A) In granting any variance, the zoning board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Section 17.34.120.
    - (B) Under no circumstances shall the zoning board of adjustment grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.
    - (C) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (d) Board has Powers of Zoning Administrator on Appeals-Reversing Decisions of Zoning Administrator.
- (1) In exercising the above-mentioned powers, the zoning board of adjustment may, so long as such action is in conformity with the terms of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the zoning administrator from whom the appeal is taken.
  - (2) The concurring vote of three members of the board shall be necessary to reverse any order,

requirements, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in the application of this title.

- (e) Conditional Use Permits. To hear and decide the approval of applications for conditional use permits, as provided by this title. Procedures for conditional use permits are established in Section 17.34.030.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.34.100 - Appeals from the zoning board of adjustment.**

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the zoning board of adjustment may seek review of such decision by a court of record in the manner provided by the laws of the state and particularly by Chapter 414, Code of Iowa.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.34.110 - Complaints regarding violations.**

Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the zoning administrator. He/she shall record properly such complaint, and investigate and take action thereon within two weeks as provided by this title.

*(Ord. 1332 § 1, May 20, 2019)*

#### **17.34.120 - Penalties for violation.**

- (a) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title, shall be guilty of a misdemeanor. Each day that a violation is permitted to exist constitutes a separate offense. Refer to Chapter 1.24 for general penalties.
- (b) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- (c) All departments, officials, and employees of the city, who are vested with the duty or authority to issue permits or licenses, shall issue no such permit or license for any use, structure, or purpose that does not conform to the provisions of this title.

*(Ord. 1332 § 1, May 20, 2019)*

Table 17.34A

Criteria for Site Plan Review and Conditional Use Permits

Land Use Compatibility	Criteria	Applications to	
		Site Plan Review	Conditional Use Permit
Development density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
<b>Height and Scale</b>			
Height and bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variation should be justified by site or operating characteristics.	X	X
Building coverage	Building coverage should be similar to that surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
<b>Site Development</b>			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and internal circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	X	X

Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
<b><i>Operating Characteristics</i></b>			
Traffic capacity	Project should not reduce the existing level of traffic service an adjacent street. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External traffic effects	Project design should direct nonresidential traffic away from residential areas.	X	X
Operating hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Industrial access	Projects must provide direct access from major arterials without requiring travel through residential areas or along local, residential streets.	X	X
Hazardous effects	Projects must minimize external hazards to surrounding properties or, if hazardous materials are handles or stored, take measures to provide appropriate separations between the site and neighboring inhabited properties.	X	X
Outside storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary waste disposal	Developments within 100 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm water management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities	X	X

	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
Comprehensive Plan	Projects should be consistent with city's comprehensive development plan.		X

*(Ord. 1332 § 1, May 20, 2019)*

Chapters:

- Chapter 18.01 - In General.
- Chapter 18.02 - Procedure.
- Chapter 18.03 - Subdivision Design Standards.
- Chapter 18.04 - Preliminary Plat Requirements.
- Chapter 18.05 - Final Plat Requirements.
- Chapter 18.06 - Miscellaneous.

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Chapter 18.01 - In General

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Sections:

- 18.01.010 - Preamble.
- 18.01.020 - General purpose.
- 18.01.030 - Jurisdiction.
- 18.01.040 - Definitions.

**18.01.010 - Preamble.**

This chapter provides the following (a) rules and regulations for the approval of plats, subdivisions and re-subdivisions in the City and within a two-mile radius of the corporate limits of the City pursuant to Section 354.9 of the Iowa Code, (b) minimum standards for the design, layout and development thereof, (c) a procedure for the preliminary and final approval or disapproval thereof, and (d) enforcement provisions and penalties for the violation thereof. This chapter repeals all other ordinances or resolutions in conflict herewith.

*(Ord. 1301, May 6, 2013)*

**18.01.020 - General purpose.**

It is deemed essential to establish minimum standards for the design and development of all subdivisions so that adequate provisions are made:

- (a) To protect and provide for public health, safety and general welfare of the City;
- (b) To promote preservation of the natural beauty and topography of the City and to insure appropriate development with regard to these natural features;
- (c) To secure the rights of the public with respect to public lands and waters;
- (d) To guide future growth and development of the City in accordance with the Comprehensive Plan of the City;
- (e) To promote an orderly sequence of subdivisions throughout the City and extending from the City limits;
- (f) To control the scattering and premature platting of lots beyond the effective operating range of existing public utilities and improvements;
- (g) To establish procedures for subdivision development and minimum standards for design and construction, in order to further the orderly layout and use of land;

- (h) To cause the cost of design and installation of improvements in subdivisions to be borne by the subdivider rather than by the direct or indirect burden upon property owners beyond the limits of the subdivision; and
- (i) To provide a common ground for understanding and a sound working relationship between the City and the subdivider.

*(Ord. 1301, May 6, 2013)*

#### **18.01.030 - Jurisdiction.**

In accordance with the provisions of Chapters 354 and 355 of the Iowa Code and amendatory acts thereto, this chapter is adopted by the City of Centerville, Iowa governing the subdivisions of lands within the corporate limits of the City and within a two-mile radius of the corporate limits of the City.

*(Ord. 1301, May 6, 2013)*

#### **18.01.040 - Definitions.**

For the purpose of this chapter, the following terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular, and the word shall is mandatory, the word may is permissive.

"Alley" means a street affording secondary means of access to abutting properties and designated primarily for vehicular access to the rear or side of such properties.

"Block" means an area of land within a subdivision that is entirely bounded by streets, highways, railroad rights of way, rivers, tracts of public land, the boundaries of the subdivision, or a combination thereof.

"Building line" means a line on a plat between which line and the public right-of-way line no structures may be erected.

"City Council" means the City Council of Centerville, Iowa.

"City Engineer" means the City Engineer under this Code, if one exists, or if not, an engineer selected by the City Administrator.

"Commission" means the Centerville Planning and Zoning Commission.

"Collector Streets" means those streets that carry traffic from minor streets to the major streets and highways including the principal entrance streets of a residential development and streets for circulation within such development.

"Code" means the Centerville Municipal Code, as amended from time to time.

"Cul-de-sac" means a short, minor street having one end open to motor traffic and the other end being permanently terminated by a vehicular turnaround.

"Easement" means a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, a certain person or persons and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove, trees which interfere with the use of such easements.

"Engineer" means an engineer is a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.

"Highway" means a right-of-way dedicated to public motor vehicle use and that primarily affords limited access to the abutting property, currently 18<sup>th</sup> Street and Maple Street are the only highways in the City.

"Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether imminent or future, of transfer of ownership or a building development.

"Major Street" means a street used primarily for larger volume traffic (generally accommodating over nine hundred (900) vehicles per day).

"Minor Street" means a street used primarily for access to the abutting properties that is not a Major Street.

"Performance bond" means a surety bond or cash deposit made out to the City of Centerville in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the City Engineer and, said surety bond or cash deposit being legally sufficient to secure to the City of Centerville that the said improvements will be constructed in accordance with this chapter.

"Plat" means a map, drawing, or chart (including, but not limited to, a plat of survey) on which the subdivider's plan of the subdivision is presented and that the subdivider submits for approval and/or intends in final form to record.

"Plat of survey" means a graphical representation of a survey of one or more parcels of land, including a description of each parcel within the plat which the subdivider submits for approval and/or intends in final form to record.

"Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

"Street" means a right-of-way dedicated to public motor vehicle use and that primarily affords access to the abutting property.

"Subdivision" means a subdivision is the division of land into three (3) or more lots, parcels, sites, units, plots or interests for the purpose, whether immediate or future, of transfer of ownership or building development. The term includes a re-subdivision of land. The term subdivision includes the division of residential and/or non-residential land, whether by deed, metes and bounds description, devise, intestacy, map, plat or other recorded instrument.

"Surveyor" means a registered surveyor authorized to practice surveying as defined by the registration act of the State of Iowa.

*(Ord. 1301, May 6, 2013)*

Sections:

18.02.010 - Platting procedure.

**18.02.010 - Platting Procedure.**

- (a) Whenever the owner of any tract or parcel of land within the City or within a two-mile radius of the corporate limits of the City wishes to subdivide or plat the same, the subdivider shall cause to be prepared a preliminary plat of said subdivision, and shall submit twelve (12) copies and a digital version (in PDF format) of said preliminary plat and other information to the City Clerk of the City of Centerville. The preliminary plat shall contain such information and data as is outlined in Section 18.04 hereof.
- (b) The City Clerk shall immediately refer ten (10) copies of the preliminary plat and a digital version of the preliminary plat to the Commission and one (1) copy to the City Engineer. The City Engineer shall examine said plat as to its compliance with the ordinances of the City, the existing street system and good engineering practices, and shall as soon as possible, submit the City Engineer's findings to the Commission.
- (c) After receiving the City Engineer's report the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him.
- (d) The Commission shall approve or reject such plan within forty-five (45) days after the date of submission thereof to the Commission. If the Commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plan is presented to the Commission within two (2) years after date of preliminary approval.
- (e) Before approving a preliminary plat, the Commission may in its discretion hold a public hearing on the proposed plat, notice of which shall be given by publication a local newspaper of general distribution or by posting notices on the tract, both at least seven (7) days prior to such public hearing.

*(Ord. 1301, May 6, 2013)*

Sections:

18.03.010 - Standards in general.

18.03.020 - Conformance with comprehensive plan.

18.03.030 - Streets.

18.03.040 - Blocks.

18.03.050 - Lots.

**18.03.010 - Standards in general.**

The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions, so as to assure all economical, pleasant, and durable neighborhoods. More restrictive requirements set forth in other portions of this Code shall have priority of the standards set forth in this Chapter 18.03.

*(Ord. 1301, May 6, 2013)*

**18.03.020 - Conformance with comprehensive plan.**

All proposed plats and subdivisions shall conform to the Comprehensive Plan of the City.

*(Ord. 1301, May 6, 2013)*

**18.03.030 - Streets.**

- (a) Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than sixty (60) feet in width, and in similar alignment, unless variations are recommended by the Commission. Major streets must be at least seventy (70) feet in width, unless a waiver of such requirement is provided by the City Engineer.
- (b) Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, highways or subdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround shall be required.
- (c) Street Intersections. Street intersections shall be as nearly at right angles as possible.
- (d) Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred (100) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty (60) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than forty-five (45) feet. A turnaround diameter greater than one hundred (100) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.
- (e) Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

- (f) Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
- (g) Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- (h) Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- (i) Sidewalks and Recreational Trails. Sidewalks must be at least five (5) feet in width and meet the requirements set forth in this Code. Recreational trails, not less than six (6) feet in width, shall be extended where deemed necessary by the City Engineer.
- (j) Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys if needed. Whenever any stream or important surface water course is located in area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City of Centerville an easement along each side of the stream which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening.
- (k) Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located the street system of the subdivision shall conform in general thereto.
- (l) Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion. Private streets shall meet the same requirements as public streets.
- (m) Access to Major Streets and Highways. Where a new subdivision, except where justified by limiting conditions, involves new streets and frontage on a major street or highway, the street layout within the subdivision shall provide motor access to such frontage by one of the following means:
  - (1) A minor street.
  - (2) A cul-de-sac or collector street entered from and planned at right angles to such major street or highway.
  - (3) In a non-residential lot, an access drive to which motor access to the major street or highway from the drive is provided at points approved by the City Engineer.

Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any single family or two family residential driveways from having direct access to the major street or highway.
- (n) Dedications. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.
- (o) Railroads. If a railroad is involved, the subdivision plan should:
  - (1) Be so arranged as to permit, where necessary, future grade separations at streets crossings of the railroad.

- (2) Border the railroad with a parallel street at sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
- (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.
- (p) Street Width. Streets shall have width and cross section as required by this Code.
- (q) Street Grades. Streets and alleys shall be completed as required by this Code.

*(Ord. 1301, May 6, 2013)*

**18.03.040 - Blocks.**

- (a) No block shall be longer than one thousand three hundred twenty (1,320) feet.
- (b) A street intersections, block corners shall be rounded with a radius of not less than required by this Code; where, at any one intersection a curve radius has been previously established, such radius shall be used as standard.

*(Ord. 1301, May 6, 2013)*

**18.03.050 - Lots.**

All lots shall meet or exceed the minimum depth, width and area requirements of the applicable City zoning ordinance requirements applicable to the use of the lot. Side lot lines shall be at approximately right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight. Building lines shall be shown on all lots. Such building lines shall not be less than required by an applicable zoning ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance the needs of each addition as determined by the Commission.

*(Ord. 1301, May 6, 2013)*

**18.03.060 - Improvements.**

The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications required by this Code and under the supervision of the City Engineer and to the City Engineer's satisfaction.

- (a) Grading. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade required by this Code. The subdivider shall grade all portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residential or commercial structures thereon.
- (b) Curb and Gutter. Curb and gutter shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of as required by this Code.
- (c) Surfacing. All roadways being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be installed in accordance with the requirements of this Code and the designs and specifications approved by the City Engineer.
- (d) Sidewalks and Recreational Trails. Sidewalks shall be constructed on both sides of all streets being dedicated for public use and shall be constructed in areas set forth in this Code. Sidewalks and recreational trails shall be constructed in accordance with the requirements of this Code and the designs and specifications approved by the City Engineer.

- (e) Public Utilities. Water mains, sanitary sewer lines and storm sewers and their appurtenances shall be constructed in accordance with the requirements of this Code and the designs and specifications approved by the City Engineer. Water and sewer lines shall be made accessible to each lot.

Before the Commission approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Commission. 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 agreements between the subdivider and the City.

This requirement may be waived if the subdivider will post a performance bond or certified check with the Commission guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

*(Ord. 1301, May 6, 2013)*

Sections:

18.04.010 - Sample preliminary plat.

18.04.020 - General purpose.

18.04.030 - Number of copies and scale.

18.04.040 - Contents of preliminary plat.

18.04.050 - Accompanying materials.

**18.04.010 - Sample preliminary plat.**

(See example of Preliminary Plat attached as Exhibit A to this chapter.)

*(Ord. 1301, May 6, 2013)*

**18.04.020 - General purpose.**

The preliminary plat of a subdivision is not intended to serve as a record plan. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, owner, or the subdivider's representative may call at the office of the Commission in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for the approval of the plan.

*(Ord. 1301, May 6, 2013)*

**18.04.030 - Number of copies and scale.**

Three copies of the preliminary plat shall be submitted to the Commission for its review. The scale shall be one (1) inch equals fifty (50) feet, on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions unless otherwise required by the Commission.

*(Ord. 1301, May 6, 2013)*

**18.04.040 - Contents of preliminary plat.**

- (a) Name of Subdivision, date, point of compass, scale and official description of the property being platted.
- (b) Name and address of recorded owner and of subdivider.
- (c) Name and address of the Engineer or Surveyor.
- (d) Existing buildings, watercourses, railroads, utilities, and other rights of way.
- (e) Location, names and widths of all existing and proposed waterways, utilities, sidewalks, recreational trails, alleys, streets, and highways in or adjoining the area being subdivided.
- (f) Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
- (g) Numbers, lines, dimensions, and square foot area of proposed lots.
- (h) Areas dedicated for public use, such as recreational trails, schools, parks, and playgrounds.
- (i) Contour lines at intervals of not more than two (2) feet.

- (j) Building setback lines, as required by the City zoning ordinance.
- (k) Boundaries of the proposed subdivision shall be indicated by a heavy line.
- (l) Zoning classification of the area to be subdivided and of adjacent tracts.
- (m) Proposed utility service.
  - (1) Source of water supply.
  - (2) Provision for sewage disposal, drainage and flood control.
- (n) A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- (o) Flood zones, if applicable.

*(Ord. 1301, May 6, 2013)*

**18.04.050 - Accompanying materials.**

An attorney's opinion, in duplicate, showing that the fee title to the subdivision is in the owner as shown on the plat and any encumbrances that may exist against said land.

*(Ord. 1301, May 6, 2013)*

Sections:

18.05.010 - Sample final plat.

18.05.020 - Number of copies and scale.

18.05.030 - Contents of final plat.

18.05.040 - Accompanying materials.

18.05.050 - Recording of the final plat.

**18.05.010 - Sample final plat.**

(See example of Final Plat attached as Exhibit B to this chapter.)

*(Ord. 1301, May 6, 2013)*

**18.05.020 - Number of copies and scale.**

When and if the preliminary plat is approved, the subdivider shall submit ten (10) copies of the final plan for review by the Commission. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise required by the Commission.

*(Ord. 1301, May 6, 2013)*

**18.05.030 - Contents of final plat.**

- (a) Name of subdivision
- (b) Scale.
- (c) Compass point.
- (d) Curve data including delta angle, length of arc, degree of curve, tangent.
- (e) Boundary lines of subdivided area with accurate distances, bearings, and boundary angles.
- (f) Name, location, width, and center line of-all streets within the subdivision.
- (g) Easements for public utilities showing width and use intended.
- (h) Building setback lines with dimensions.
- (i) Official legal description of the property being subdivided.
- (j) Numbers, lines, dimensions, and square foot area of lots.
- (k) Certification of engineer and/or surveyor.
- (l) Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.

*(Ord. 1301, May 6, 2013)*

**18.05.040 - Accompanying materials.**

- (a) Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and a five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.
- (b) Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
- (c) A Deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.
- (d) The following certificates:
  - (1) By the owner and the owner's spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of Deeds.
  - (2) From the owner's Engineer that the plat and subdivision is compliant with the requirements of this Code.
  - (3) From the County Treasurer that the subdivision land is free from taxes.
  - (4) From the Clerk of the District Court that the subdivision land is free from all judgments, attachments, mechanic or other liens of record in the Clerk's office.
  - (5) Performance bond, if any.

*(Ord. 1301, May 6, 2013)*

**18.05.050 - Recording of the final plat.**

A final plat approved by the Commission must be recorded at the Office of the Appanoose County Recorder by the subdivider within ninety (90) days of its approval. If a final plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Commission.

*(Ord. 1301, May 6, 2013)*

Sections:

18.06.010 - Fees.

18.06.020 - Variations and exceptions.

18.06.030 - Enforcement.

**18.06.010 - Fees.**

Before a preliminary plat may be considered by the Commission, the subdivider or the subdivider's agent shall deposit with the City Treasurer a fee of two hundred dollars (\$200.00), to be credited to the General Fund of the City.

*(Ord. 1301, May 6, 2013)*

**18.06.020 - Variations and exceptions.**

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape; or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the City Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the subdivider's property in a reasonable manner; but so, at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of these regulations are preserved.

*(Ord. 1301, May 6, 2013)*

**18.06.030 - Enforcement.**

- (a) No plat or any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
- (b) The City Council shall not permit any public improvements over which it has control to be made from city funds, or any city money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein and accepted by the Commission as a public street."

*(Ord. 1301, May 6, 2013)*